



VEHICLES FOR HIRE BYLAW

BYLAW NO. 03-060

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on April 17, 2023 up to Bylaw No. 20-126)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 03-060

VEHICLES FOR HIRE BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 05-101, 07-086, 09-089, 10-074, 12-026, 12-027, 12-091, 13-012, 13-018, 14-047, 15-012, 16-026, 16-042, 16-057, 17-038, 17-040, 18-059, 19-046, 20-010, 20-071 and 20-126)

The purpose of this Bylaw is to consolidate the Vehicles For Hire Bylaw.

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Under its statutory powers, including section 363 and Part 20 of the *Local Government Act*, section 3 of the 1907 *Act relating to the City of Victoria*, section 18 of the *Victoria City Act, 1919*, section 16 of the *Victoria City Act, 1922*, and section 9 of the *Victoria City Act, 1934*, the Council of The Corporation of the City of Victoria enacts the following provisions:

PART 1 - INTRODUCTION

Title

1 This Bylaw may be cited as the "VEHICLES FOR HIRE BYLAW."

Definitions

2 In this Bylaw:

“Bylaw Officer”

means a Bylaw Officer as defined in the Inspection Bylaw;

“bus”

means a vehicle that has a seating capacity of at least 9 passengers, and that is operated

(d) over a defined route,

(e) between fixed termini, or

(f) on a regular time schedule;

“Chief”

means

- (a) the Chief of Police for the City in connection with the exercise of powers related to taxi driver’s permits, and
- (b) the Chief of Police for the City, or another person who
 - (i) is designated in writing by the Chief of Police to act on behalf of the Chief of Police for a purpose
 - (A) that is specified in the designation, and
 - (B) that is not in connection with a power related to taxi driver’s permits, and
 - (ii) is an employee of the City’s Police Department;

“City”

means the City of Victoria;

“hire”

means, with respect to a sightseeing vehicle, a fare, toll, fee, or rate charged or collected from any person for the transportation of a person or persons;

“horsedrawn carriage”

means a horsedrawn vehicle that is

- (a) pulled by one horse, and
- (b) has a maximum seating capacity of 6 passengers;

“horsedrawn wagon”

means a horsedrawn vehicle that is

- (a) pulled by two horses, and
- (b) has seats for a minimum of 7 and a maximum of 20 passengers;

“James Bay”

means the area lying within the following boundaries:

- (a) starting at a point being the intersection of the high water mark with the southerly extension of the east boundary of Douglas Street;
- (b) then along the east boundary of Douglas Street and Blanshard Street to an intersection with the north boundary of Belleville Street;
- (c) then along the north boundary of Belleville Street to the northwest corner of the intersection of Belleville and Government Streets;
- (d) then north to an intersection with the high water mark;
- (e) then continuously following the high water mark, starting in a westerly direction, to the starting point;

“Licence Inspector”

means a person employed as Business Licence Inspector for the City;

“licensed sightseeing vehicle”

means a sightseeing vehicle in respect of which a sightseeing vehicle licence has been issued;

“limousine”

means a motor vehicle

- (a) that does not show a sign or mark indicating that it is a cab or taxi,
- (b) that does not have a dome on its roof, and
- (c) whose owner or operator does not claim or represent that it is a cab or taxi;

“park”, “parking”, or “parked”

has the same meaning as in the Streets and Traffic Bylaw;

“passenger powered vehicle”

means a human-powered cycle designed for all occupants to power the vehicle;

“pedicab”

means a human-powered or electric motor-assisted cycle capable of carrying passengers, in which the passengers do not power the vehicle

“permit holder”

means a person who has been issued a Cruise Ship Tour Permit or a Special Event Permit;

“rickshaw”

means a wheeled passenger vehicle manually pulled or pushed by an operator on foot;

“sightseeing vehicle”

means a cab, carriage, omnibus, cart, wagon, dray, motor vehicle, vessel or other conveyance or vehicle with a driver, used in the operation of a sightseeing or charter business, including horsedrawn vehicles, passenger powered vehicles, pedicabs and rickshaws but excluding taxis;

“sightseeing vehicle licence”

means a valid business licence, issued in accordance with this Bylaw and the Business Licence Bylaw, to load and transport passengers in a sightseeing vehicle;

“sightseeing vehicle licensee”

means a person who has been issued a sightseeing vehicle licence;

“SPCA”

means the British Columbia Society for the Prevention of Cruelty to Animals formed under the *Prevention of Cruelty to Animals Act*;

“taxi”

means a motor vehicle which is used in the conveyance of passengers for hire, but does not include an ambulance, a bus, a hearse, a limousine, a vehicle driven by the person who hires it or a vehicle, the sole commercial use of which is as a sightseeing vehicle;

“taxi driver's permit”

means a chauffeur's permit issued under the provisions of the *Motor Vehicle Act*;

“taxi stand”

means an area designated as a taxi stand by the Streets and Traffic Bylaw.

PART 2 – GENERAL REQUIREMENTS FOR SIGHTSEEING VEHICLES

Business licence required

- 3 (1) A person may load and transport passengers for hire in a sightseeing vehicle only if the vehicle is a licensed sightseeing vehicle.

- (2) Despite subsection (1) a person may load and transport passengers for hire in a sightseeing vehicle that is not a licensed sightseeing vehicle if those passengers were first transported into the City by that person from a place outside the City.
- (3) A person applying for a sightseeing vehicle licence must make application to the Licence Inspector on the form provided for that purpose and must pay to the City the licence fee prescribed by the Business Licence Bylaw.
- (4) The Licence Inspector must not issue a sightseeing vehicle licence if the applicant has not provided
 - (a) a complete description of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for,
 - (b) proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in respect of which the sightseeing vehicle licence is being applied for in an amount of at least
 - (i) \$2,000,000 if the vehicle is a rickshaw, pedicab, or vessel,
 - (ii) \$5,000,000 for any other sightseeing vehicle, and
 - (c) for each sightseeing vehicle that is a vessel, a valid Transport Canada Compliance Notice or Certificate of Inspection.
- (5) Before issuing or renewing a sightseeing vehicle licence, the Licence Inspector may require proof that a licence or permit, for the vehicle or its operation, required under provincial or federal law, has been obtained and is in force.
- (6) Before issuing or renewing a sightseeing vehicle licence in respect of a pedicab, the applicant or sightseeing vehicle licensee must demonstrate to the satisfaction of the Licence Inspector that the applicant or sightseeing vehicle licensee has procedures in place to ensure that persons operating the pedicab will do so in a safe manner.

Vehicle decals

- 4 (1) The Licence Inspector must issue to each sightseeing vehicle licensee a sightseeing vehicle decal for each of the licensee's licensed sightseeing vehicles.
- (2) A person must not transport passengers in a licensed sightseeing vehicle unless a valid and legible sightseeing vehicle decal for that vehicle is displayed as follows:
 - (a) if a motor vehicle, on the right side of the front window;
 - (b) if a vessel, so that it is clearly visible when that vessel is moored;

- (c) if any other type of sightseeing vehicle, so that the decal is clearly visible while the vehicle is in operation.
- (3) If a sightseeing vehicle decal issued pursuant to this section is damaged or lost, the Licence Inspector may issue a replacement decal if the sightseeing vehicle licensee
- (a) surrenders the damaged decal to the Licence Inspector or provides written proof satisfactory to the Licence Inspector confirming such loss, and
 - (b) pays a replacement decal fee of \$10.00 plus applicable taxes.

Transfer of licence or decal

- 5
- (1) Except as allowed under this section, a person must not transfer, lease, rent or lend a sightseeing vehicle licence or a decal issued pursuant to section 4.
 - (2) A sightseeing vehicle licensee may apply to the Licence Inspector for the transfer of a licence and decal from a licensed sightseeing vehicle that is inoperative to a replacement sightseeing vehicle of the same class.
 - (3) The Licence Inspector must issue a sightseeing vehicle licence and decal for a replacement sightseeing vehicle if the sightseeing vehicle licensee
 - (a) surrenders its sightseeing vehicle licence and decal to the Licence Inspector for the purpose of transferring the licence and decal to the replacement sightseeing vehicle,
 - (b) provides the information required under section 3(4) of this Bylaw for the replacement sightseeing vehicle, and
 - (c) pays a transfer fee of \$25.00 plus applicable taxes.
 - (4) Despite subsections (2) and (3), a decal may be transferred without applying to the Licence Inspector if the decal is transferred between a licensee's
 - (a) horsedrawn carriages,
 - (b) horsedrawn wagons,
 - (c) pedicabs
 - (d) rickshaws, or
 - (e) passenger powered vehicles;

Insurance

- 6
- (1) A person may transport passengers in a sightseeing vehicle only if the insurance required under section 3(4) is in effect.
 - (2) The operator of a sightseeing vehicle must produce proof of the insurance required under section 3(4) to the Licence Inspector, a Bylaw Officer or police officer on request.
 - (3) If an operator of a sightseeing vehicle or the sightseeing vehicle licensee is unable to provide proof of insurance when requested by the Licence Inspector, a Bylaw Officer or police officer, the Licence Inspector may suspend the licensee's sightseeing vehicle licence.
 - (4) A suspension under subsection (3) will continue until the licensee provides satisfactory proof to the Licence Inspector of the insurance required under section 3(4).

Driver's licences

- 7
- (1) A person must not transport passengers in a horsedrawn vehicle unless the person holds a valid Class 7 (Novice) British Columbia Driver's Licence issued under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.
 - (2) A person must not transport passengers in a passenger powered vehicle, pedicab or rickshaw unless the person holds a valid Class 5 or 6 British Columbia Driver's Licence issued under the *Motor Vehicle Act* or an equivalent driver's licence issued by another jurisdiction.
 - (3) A person must not transport passengers in a sightseeing vehicle that is a motor vehicle as defined under the *Motor Vehicle Act* unless the person holds a valid driver's licence of the class required under that Act or its regulations to operate the sightseeing vehicle.
 - (4) A person must not transport passengers in a sightseeing vehicle that is a vessel unless the person holds a valid licence or certificate as required under the *Canada Shipping Act* or its regulations to operate the vessel.

Vehicle maintenance

- 8
- A person must not transport passengers in a sightseeing vehicle unless the vehicle is maintained
- (a) in a safe condition,
 - (b) in a clean condition, and
 - (c) in good repair.

Vehicle inspection

- 9
- (1) A Bylaw Officer or police officer may require the operator of a sightseeing vehicle to stop and the operator of a sightseeing vehicle, when signaled or requested to stop by a Bylaw Officer or police officer who is readily identifiable as a Bylaw Officer or police officer, must immediately come to a safe stop.
 - (2) When requested by a Bylaw Officer or police officer, the operator of a sightseeing vehicle must state correctly his or her name and address and the name and address of the sightseeing vehicle licensee.
 - (3) Where a sightseeing vehicle has been stopped under subsection (1), a Bylaw Officer or police officer may inspect the sightseeing vehicle and any records associated with the operation of the sightseeing vehicle to determine compliance with this or any other Bylaw.

Advertising and offering to transport passengers

- 10
- (1) Except as permitted in this section, when in or on a street, a person must not advertise a sightseeing tour or offer to transport passengers in a sightseeing vehicle.
 - (2) Without limiting the generality of subsection (1), and except as permitted in this section or by any other Bylaw, a person must not deposit or leave or keep a placard, portable sign, ticket booth, or other object on a street or sidewalk for the apparent purpose of advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
 - (3) A person must not be pressing or persistent when advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle.
 - (4) An operator of a pedicab or rickshaw may verbally offer to transport passengers in that vehicle while lawfully stopped or standing on a street.
 - (5) A sightseeing vehicle licensee that has been allocated a parking stand in accordance with Schedule C may allow one person to advertise a sightseeing tour or offer to transport passengers in the licensee's licensed sightseeing vehicles at the sales location described in Column C of the table in Schedule C for that parking stand location.
 - (6) A person advertising a sightseeing tour or offering to transport passengers in a sightseeing vehicle in accordance with subsection (5) may do so from a movable podium that occupies no more than 0.4 m² of the sidewalk.
 - (7) On the sidewalk within 3 m of a parking stand, a sightseeing vehicle licensee who is allocated a parking stand in accordance with Schedule D may allow up to 3 people to advertise a sightseeing tour or offer to transport passengers in the

licensee's licensed sightseeing vehicles from the parking stand allocated to that sightseeing vehicle licensee in Schedule D.

Amplified music

- 11 (1) An operator of a passenger powered vehicle, pedicab, rickshaw or horsedrawn vehicle must not allow amplified music to emanate from the vehicle between the hours of 7:00 p.m. and 7:00 a.m. except within the area bounded
- (a) on the south by Belleville Street,
 - (b) on the east by Cook Street,
 - (c) on the north by Bay Street, and
 - (d) on the west by the Johnson Street Bridge.
- (2) Nothing in subsection (1) relieves a person from complying with the requirements of the Noise Bylaw.

PART 3 – PEDICABS, RICKSHAWS AND PASSENGER POWERED VEHICLES

Number of pedicab licences

- 12 (1) The Licence Inspector must not issue more than 46 sightseeing vehicle licences in respect of pedicabs.
- (2) If the number of licences issued in respect of pedicabs falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3) Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 13 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

Restriction on the number of licences held

- 12A (1) Subject to subsection (2), a person may manage a maximum of 15 sightseeing vehicle licences issued in respect of pedicabs.
- (2) A person may manage more sightseeing vehicle licences than permitted under subsection (1) if
- (a) the person managed those sightseeing vehicle licences on January 1, 2016, and

- (b) the person has not suspended or discontinued management of those sightseeing vehicle licences.
- (3) For the purposes of this section, a person is deemed to manage a sightseeing vehicle licence if the person, directly or indirectly,
- (a) holds the licence,
 - (b) has a financial interest in the entity that holds the licence, or
 - (c) manages the operation of a pedicab in respect of which the sightseeing vehicle licence is issued under an agreement with the person or entity that holds the licence.
- (4) For certainty, the person who qualifies under subsection (2) may not increase the number of sightseeing vehicle licences he or she manages above the number of sightseeing vehicle licences managed when this section came into force.

Selection process for pedicab licences

- 13 (1) If the number of licences issued in respect of pedicabs falls below the limit described in section 12(1), the Licence Inspector must
- (a) advertise the availability of licences in respect of pedicabs, including the number of available licences,
 - (b) invite persons to submit their name for a business licence to transport passengers in a pedicab and the number of licences being requested, and
 - (c) select, in accordance with the procedure in section 13A, from the persons who have submitted their names pursuant to paragraph (b), persons who may apply for a business licence to transport passengers in a pedicab.
- (2) If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 12(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a pedicab until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

Selection procedure

- 13A (1) Subject to subsection (4), the Licence Inspector will randomly select one person from the persons who have submitted their names pursuant to section 13.

- (2) Subject to sections 12(1) and 12A, the person selected under subsection (1) will be entitled to apply for up to six business licences to transport passengers in a pedicab every time his or her name is selected and will, at the time of the selection, inform the Licence Inspector as to the number of licences he or she wishes to apply for.
- (3) The Licence Inspector will deduct the number of licences that a person selected indicated he or she wishes to apply for from the number of available licences and will continue selecting persons in accordance with subsections (1) and (2) until all available licences have been allocated.
- (4) The Licence Inspector will remove from the selection pool, the name of any person who is already entitled to apply for the maximum number of licences allowed under section 12A.

Construction of pedicabs and rickshaws

- 14 (1) A person must not transport passengers in a pedicab or a passenger powered vehicle unless the pedicab or passenger powered vehicle is equipped with
 - (a) pedals that are operable at all times to propel the pedicab,
 - (b) hydraulic rear disc brakes and front disc or caliper brakes,
 - (c) metal hydraulic brake lines,
 - (d) an operable front headlight and rear tail lights,
 - (e) heavy duty steel or aluminium rims,
 - (f) extra-strength spokes on all wheels,
 - (g) operable turn signal lights and four-way flashers,
 - (h) two side reflectors on each side of the pedicab, and
 - (i) rear bumper protection.
- (2) A person must not transport passengers in an electric motor-assisted pedicab unless
 - (a) the pedicab complies with the requirements of the *Motor Vehicle Act*, and
 - (b) the motor is designed to switch off or disengage once the pedicab reaches a speed of 10 km/hr.
- (3) A person must not transport passengers in a rickshaw between 1/2 hour after sunset and 1/2 hour before sunrise unless the rickshaw is equipped with
 - (a) an operable front headlight and rear tail light, and

- (b) side reflectors on each side of the rickshaw.

Restrictions on area and hours of operation

- 15 A person must not operate a pedicab or rickshaw outside of the area that is shown outlined on the map in Schedule A except
- (a) between 6:00 p.m. and midnight on a week day or a Saturday, or
 - (b) on a Sunday or holiday.

Stopping, standing and parking

- 16 (1) A person who is operating a passenger powered vehicle, pedicab or rickshaw must comply with the stopping, standing and parking provisions of the Streets and Traffic Bylaw and the *Motor Vehicle Act*.
- (2) Despite subsection (1), a person operating a pedicab or a rickshaw that is a licensed sightseeing vehicle may park the vehicle
- (a) on a yellow curb within 6 m of a legal parking or loading space, for a maximum time of one hour, unless otherwise restricted by a traffic order under the Streets and Traffic Bylaw,
 - (b) in the Tourist Parking and Passenger Loading Zones on the west side of the 700 block of Government Street,
 - (c) on Government Street between Humboldt and Yates Streets, on the sidewalk between the curb and the drainage grates,
 - (d) on the east side of the 700 block of Government Street
 - (i) between the midblock crosswalk and the main entrance to the building located at 721 Government Street, and
 - (ii) in the 8 m distance measured southerly from a point 6 m south of the southern end of Parking Stand 2 described in Schedule D,
 - (e) in a metered zone or pay station zone if
 - (i) that does not result in more than 2 pedicabs or rickshaws being parked there simultaneously, and
 - (ii) the person operating the pedicab or rickshaw pays for the parking.
- (3) Each person issued a sightseeing vehicle licence in respect of a pedicab or a rickshaw must pay an annual parking fee of \$180 plus applicable taxes per licence.

Number of passengers

- 17 (1) A person must not transport more than
- (a) 3 persons simultaneously in the cab of a pedicab, and
 - (b) 2 persons simultaneously in the trailer of a pedicab.
- (2) A person must not transport more than 4 passengers in a rickshaw simultaneously and there may be no more than either 3 adults and 1 child or 2 adults and 2 children.

U-turn

- 18 An operator of a pedicab or rickshaw may make a U-turn only
- (a) in a safe manner,
 - (b) at a slow rate of speed,
 - (c) without obstructing traffic, and
 - (d) within the area shown outlined on the map in Schedule A.

Displaying name on pedicab

- 18A A person must not transport passengers in a pedicab unless the trade name of the sightseeing vehicle licensee or the trade name of the entity that manages the operation of the pedicab under a third party operator agreement is visibly and legibly displayed on the pedicab.

PART 4 – HORSEDRAWN VEHICLES**Number of horsedrawn vehicle licences**

- 19 (1) The Licence Inspector must not issue more than 18 sightseeing vehicle licences in respect of horsedrawn vehicles.
- (2) If the number of licences issued in respect of horsedrawn vehicles falls below the limit described in subsection (1), the Licence Inspector may issue new licences in a number sufficient to bring the total to the limit described in subsection (1).
- (3) Any new licences to be issued pursuant to subsection (2) may only be issued to persons who have been selected in accordance with section 20 and who otherwise satisfy the requirements of this Bylaw and the Business Licence Bylaw.

Selection process for horsedrawn vehicle licences

- 20 (1) If the number of sightseeing vehicle licences issued in respect of horsedrawn vehicles falls below the limit described in section 19(1), the Licence Inspector must
- (a) advertise the availability of licences in respect of horsedrawn vehicles, including the number of available licences;
 - (b) invite persons to submit their name for a business licence to transport passengers in a horsedrawn vehicle and the number of licences being requested; and
 - (c) randomly select from the persons who have submitted their names pursuant to subsection (1)(b), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated.
- (2) If within 30 days following the selection of persons pursuant to subsection (1)(c) the number of licences issued falls below the limit described in section 19(1), the Licence Inspector may randomly select from the persons remaining following the selection of persons pursuant to subsection (1), persons to apply for a business licence to transport passengers in a horsedrawn vehicle until all available licences have been allocated, notwithstanding any provision in this Bylaw to the contrary.

Removing excrement of horses

- 21 Each sightseeing vehicle licensee must cause any excrement dropped by a horse used in the operation of that licensee's horsedrawn vehicle to be immediately removed from the street and lawfully disposed of.

Care and stabling of horses

- 22 (1) A sightseeing vehicle licensee may use a horse in the operation of a horsedrawn vehicle only if that horse is stabled outside of the City.
- (2) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of March of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used,
 - (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle,
 - (c) request the SPCA to conduct an evaluation of the living conditions of the horse, and to confirm in writing and in the form prescribed from time to

time by the SPCA that such conditions are not likely to cause the horse to be in distress, and

- (d) provide to the Licence Inspector's satisfaction a copy of the written confirmation from the SPCA that the horse's living conditions are not likely to cause the horse to be in distress.
- (3) For each horse used in the operation of a horsedrawn vehicle, a sightseeing vehicle licensee must, at its cost and by the first Monday of the month of August of each year for which a sightseeing vehicle licence is issued
- (a) cause the horse to be thoroughly examined by a qualified registered veterinarian, to determine whether the horse is fit to be so used, and
 - (b) provide to the Licence Inspector's satisfaction a copy of the registered veterinarian's certification that the horse is fit to be used for the operation of a horsedrawn vehicle.

Restricted areas and times for operation of horsedrawn vehicles

- 23 (1) A horsedrawn vehicle may be operated only within the area outlined on the map in Schedule B.
- (2) A person must not operate a horsedrawn vehicle between 4:00 p.m. and 5:00 p.m. on any day from Monday to Friday in the following areas:
- (a) Superior Street between Menzies and Douglas Streets;
 - (b) Southgate Street between Douglas and Quadra Streets;
 - (c) Douglas Street between Michigan and Belleville Streets.
- (3) A person must not operate a horsedrawn vehicle on any day from Monday to Friday that is not a holiday within the shaded area shown on the map in Schedule B between the hours of
- (a) 7:00 a.m. and 9:00 a.m., or
 - (b) 3:30 p.m. and 5:30 p.m.
- (4) A person must not operate a horsedrawn vehicle between 1/2 hour after sunset and 1/2 hour before sunrise.
- (5) Despite subsection (4), if the horsedrawn vehicle is equipped with headlamps and turn signal devices that meet the requirements for motor vehicles established under the *Motor Vehicle Act* a person may operate
- (a) a horsedrawn carriage between 1/2 hour after sunset and midnight, or
 - (b) a horsedrawn wagon between 1/2 hour after sunset and 10:30 p.m.

- (6) A sightseeing vehicle licensee must not load or unload horses into a vehicle in James Bay except at the location commonly known as Ogden Point.

Parking horsedrawn vehicles

- 24 (1) A person must not park a horsedrawn vehicle on a street except
- (a) at a parking stand described in and allocated in accordance with this Bylaw, or
 - (b) as may be permitted under the Streets and Traffic Bylaw.
- (2) Council may by resolution, allocate the Parking Stands identified in Schedule C of this Bylaw, and establish the annual fee payable for the stand allocation.
- (3) A person may park a vehicle in a parking stand described in Schedule C only if the vehicle is a licensed sightseeing vehicle of a sightseeing vehicle licensee allocated a stand in accordance with subsection 2.
- The sightseeing vehicle licensees allocated a stand in accordance with subsection 2 must rotate their use of the parking stands described in column 1 of the table in Schedule C on a daily basis.
- (4) A person allocated a parking stand in accordance with this Bylaw must enter into an agreement with the City in the form attached as Schedule E to this Bylaw and pay to the City the rental fee for the stand set out by resolution of the Council.
- (5) A person allocated a parking stand in accordance with Schedule C must not operate more than 4 horsedrawn wagons at any time from that stand. 18-059

Displaying name on horsedrawn vehicles

- 25 1) A person must not transport passengers in a horsedrawn vehicle unless the name of the sightseeing vehicle licensee or permit holder is visibly and legibly displayed on the vehicle.
- 2) Each operator of a horsedrawn carriage must ensure that the horse while transporting passengers has displayed on it an identification number which is visible and legible.
- 3) This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the season.

PART 5 – HORSEDRAWN VEHICLE CRUISE SHIP TOUR PERMITS

Cruise Ship Permit applications

- 26
- (1) Despite section 3(1), a sightseeing vehicle licensee may operate a horsedrawn vehicle that is not a licensed sightseeing vehicle if the person holds a valid Cruise Ship Tour Permit issued by the Director of Engineering.
 - (2) A person must apply for a Cruise Ship Tour Permit to the Director of Engineering at least 24 hours in advance of the tour for which the permit is to be used.
 - (3) The Director of Engineering may issue a Cruise Ship Tour Permit if the applicant for the permit provides the following information:
 - (a) a description of the horsedrawn vehicle to be used;
 - (b) the time and date of the tour;
 - (c) the name of the cruise ship from which the vehicle will load passengers;
 - (d) the name of the booking agent for the use of the vehicle;
 - (e) the number of passengers to be loaded onto the vehicle;
 - (f) the vehicle's proposed route.
 - (4) An applicant must pay a \$15 application fee for each Cruise Ship Tour Permit.
 - (5) If the operation of a horsedrawn vehicle under a Cruise Ship Tour Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
 - (a) request that an alternative route be used, or
 - (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Cruise Ship Tour Permit at the time and date proposed.
 - (6) A sightseeing vehicle licensee may not obtain more than 6 Cruise Ship Tour Permits for any one cruise ship arrival.

Cruise Ship Permit conditions

- 27
- A person operating a horsedrawn vehicle under a Cruise Ship Tour Permit must
- (a) only transport passengers who have reserved in advance for the tour,
 - (b) use the route approved by the Director of Engineering,

- (c) only load passengers disembarking from a cruise ship at the location commonly known as Ogden Point, and
- (d) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

PART 6 – HORSEDRAWN VEHICLE SPECIAL EVENT PERMITS

Special Event Permit applications

- 28
- (1) Despite sections 3(1) and 23(1), a person may use a horsedrawn vehicle to transport passengers for a special event if the person holds a valid Special Event Permit issued by the Director of Engineering for that horsedrawn vehicle and that event.
 - (2) A person must apply for a Special Event Permit to the Director of Engineering at least 24 hours in advance of the event for which the permit is to be used.
 - (3) The Director of Engineering may issue a Special Event Permit if the applicant for the permit provides the following information:
 - (a) if the applicant is not a sightseeing vehicle licensee, proof of valid liability insurance against any claims arising from the ownership or operation of the sightseeing vehicle in the amount of at least \$5,000,000,
 - (b) the time and date of the event,
 - (c) the nature of the event,
 - (d) the type of horsedrawn vehicle to be used, and
 - (e) the vehicle's proposed route.
 - (4) An applicant must pay a \$15 application fee for each Special Event Permit.
 - (5) If the operation of a horsedrawn vehicle under a Special Event Permit could reasonably be expected to result in traffic congestion, to interfere with access to or from a street, or to interfere with public safety, the Director of Engineering may
 - (a) request that an alternative route be used, or
 - (b) if an alternative route is unavailable because of similar concerns with traffic congestion, street access, or public safety, refuse to issue the Special Event Permit at the time and date proposed.

Special Event Permit conditions

- 29 A person operating a horsedrawn vehicle under a Special Event Permit must

- (a) only transport passengers who have reserved in advance for the event,
- (b) use the route approved by the Director of Engineering,
- (c) not load, unload or transport passengers within James Bay
- (d) cause any excrement dropped by a horse used in the operation of that horsedrawn vehicle to be immediately removed from the street and lawfully disposed of, and
- (e) immediately produce the permit for inspection by a Bylaw Officer or police officer upon request.

PART 7 – PARKING MOTOR VEHICLES AND PASSENGER POWERED VEHICLES

Parking motor vehicles and passenger powered vehicles

- 30 (1) A person must not park a sightseeing vehicle that is a motor vehicle or a passenger powered vehicle in the area lying within the boundaries formed on the
- (a) north by Johnson Street,
 - (b) east by the east side of Cook Street,
 - (c) south by the south and southwest sides of Dallas Road, and
 - (d) west by that part of Victoria Inner Harbour which extends from the Johnson Street Bridge to the northerly extension of Dallas Road from its intersection with Erie Street.
- (2) Subsection (1) does not apply to the parking of a sightseeing vehicle that is a motor vehicle or a passenger powered vehicle
- (a) in a parking stand described in and allocated in accordance with Schedule D,
 - (b) in a Hotel Zone in accordance with a permit issued under the Streets and Traffic Bylaw, or
 - (c) within a parking stand that is designated as a parking stand for sightseeing vehicles that are motor vehicles.
- (3) A person may park a sightseeing vehicle in a parking stand described in Schedule D only if the vehicle is a licensed sightseeing vehicle of the sightseeing vehicle licensee to whom the parking stand is allocated and only in the parking stand allocated to that licensee.

Sightseeing Vehicle Parking Stand and rental fees

- 31 Council may by resolution, allocate the Parking Stands identified in Schedule D of this Bylaw, and establish the annual fee payable for the stand allocation”.

Repealed

- 32 Repealed

Repealed

- 33 Repealed

PART 8 - TAXIS

Division 1 – Taxi Drivers’ Permits

Permit requirements

- 34 A person must not be employed as, and must not act or engage to act as a taxi driver unless that person
- (a) is at least 19 years of age;
 - (b) holds a valid class 1, 2 or 4 driver’s licence issued under the *Motor Vehicle Act*; and
 - (c) holds a taxi driver’s permit issued to that person by the Chief.

Disqualification

- 35 (1) The Chief must issue a taxi driver’s permit to a person who qualifies under section 34, unless the applicant for the permit
- (a) has been convicted
 - (i) within the previous 5 years of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*,
 - (ii) within the previous 5 years of an offence under the *Controlled Drugs and Substance Act*, or under any other federal or provincial legislation, involving the possession of or trafficking in a controlled substance,
 - (iii) within the previous 2 years of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the applicant’s blood, or

- (iv) within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada;
 - (b) has been convicted at any time of any of the offences referred to in paragraph (a), and has served a term of imprisonment as a result of that conviction, any part of which term of imprisonment was served within 5 years of the date of the application;
 - (c) has received within the previous 2 years more than one temporary driver's licence suspension under the provisions of the *Motor Vehicle Act*, or the equivalent legislation of another Province or Territory of Canada, on grounds related to the amount of alcohol in the applicant's blood, which suspension has not been cancelled or set aside by judicial process or under a provision of a statute; or
 - (d) does not have adequate oral, reading, or writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, or the contents of this Bylaw.
- (2) In order to determine if an applicant meets the requirements of subsection (1)(d), the Chief may
- (a) require the applicant to undertake a test of oral, reading, and writing proficiency related to occupational functions, the geography of the City and its surrounding municipalities, and the contents of this Bylaw;
 - (b) from time to time establish the form and content of the test to be administered under this subsection.
- (3) An applicant who has previously held a taxi driver's permit is not required to undertake the examination required by subsection (2) if the application is made within 6 months of the expiry of the previously held permit.
- (4) In order to determine whether an applicant meets the requirements of subsection (1)(a) the Chief may require the applicant to provide a copy of a record of criminal convictions, with respect to the applicant, that has been obtained within the previous 60 days.

Suspension or cancellation

- 36 The Chief may suspend or cancel a taxi driver's permit where for the Chief, being satisfied by proof, believes that the holder of the permit is unfit to act as a taxi driver because of that holder's
- (a) use of or other dealing in intoxicants or narcotic drugs; or
 - (b) actions involving dishonesty, violence or indecency.

Appeal

- 37 (1) Within 24 hours after a decision to refuse, suspend or cancel a taxi driver's permit, the Chief must give written reasons for the decision to the applicant or holder of the permit.
- (2) The applicant or holder may appeal the Chief's decision to the Council.
- (3) The Council may suspend or cancel a taxi driver's permit where the holder of the permit
- (a) is convicted of an offence under the *Criminal Code* involving dishonesty or violence, or of a sexual offence under Part V of the *Criminal Code*;
 - (b) is convicted of an offence under the *Controlled Drugs and Substance Act* or any other federal or provincial legislation, involving the possession of or trafficking in a controlled substance;
 - (c) is convicted of a *Criminal Code* offence involving a motor vehicle, including without limitation the offence of operating a motor vehicle while impaired or operating a motor vehicle with more than 80 mg. of alcohol in the permit holder's blood;
 - (d) is convicted within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*, its regulations, or the equivalent legislation of another Province or Territory of Canada; or
 - (e) ceases to hold a valid class 1, 2 or 4 driver's licence, issued under the *Motor Vehicle Act*, by reason of the revocation or suspension of that licence under that *Act*.
- (4) The Council's decision concerning an appeal is final.

Fee

- 38 There is no fee for the issue of a taxi driver's permit.

Permit

- 39 (1) The Chief may
- (a) prescribe the form of the taxi driver's permit that is issued under this Bylaw;
 - (b) require that a photograph of the holder of taxi driver's permit be attached to that permit.
- (2) A permit issued by the Chief is valid for one year.

- (3) The Chief may renew a taxi driver's permit if its holder requests that before the permit expires.
- (4) The holder of a taxi driver's permit must
 - (a) possess the permit when driving or operating a taxi on a street;
 - (b) display the permit in a prominent place within the taxi that the holder is operating, so that the permit is visible to an occupant of the taxi; and
 - (c) produce the permit for inspection when it is demanded by a Peace Officer or Constable.

Division 2 – Licences

Repealed

Sections 40 to 50 inclusive repealed

Division 3 – Licence Holders' Duties

Repealed

Sections 51 to 57 inclusive repealed

Division 4 – Taxi Meters

Repealed

Sections 58 to 63 inclusive repealed

Division 5 – Operation of Taxi

Repealed

Sections 64 to 70 inclusive repealed

Taxi stand

- 71 (1) Taxi drivers in a taxi stand must
- (a) arrange their taxis and load passengers into the taxis in the successive chronological order in which the taxis arrived in the taxi stand, with the taxis that arrive earliest placed nearest the front of the taxi stand; and
 - (b) drive forward in succession to occupy areas vacated by taxis that leave the taxi stand.

- (2) If a taxi from one company enters a taxi stand after 2 or more taxis from another company, the drivers of the taxis from that other company, except the driver that was earliest in the taxi stand, must leave it.
- (3) When a taxi is stopped in a taxi stand and the taxi's driver is not loading, unloading or assisting passengers, the driver must
 - (a) remain with the taxi; and
 - (b) keep the taxi's doors closed.

Repealed

Sections 72 to 74 inclusive repealed

PART 9 - GENERAL PROVISIONS

Severability

75 Each provision of this Bylaw is intended to be independent of and severable from its other provisions so that the invalidity of any portion of the Bylaw does not affect the validity or enforceability of any other portion.

Offences and penalties

- 76 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- (3) The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$100.

Repeal

77 Bylaw No. 96-27, the Vehicles For Hire Bylaw, is repealed.

READ A FIRST TIME the **10th** day of **July** 2003

READ A SECOND TIME the	10th	day of	July	2003
READ A THIRD TIME the	10th	day of	July	2003
ADOPTED on the	24th	day of	July	2003

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

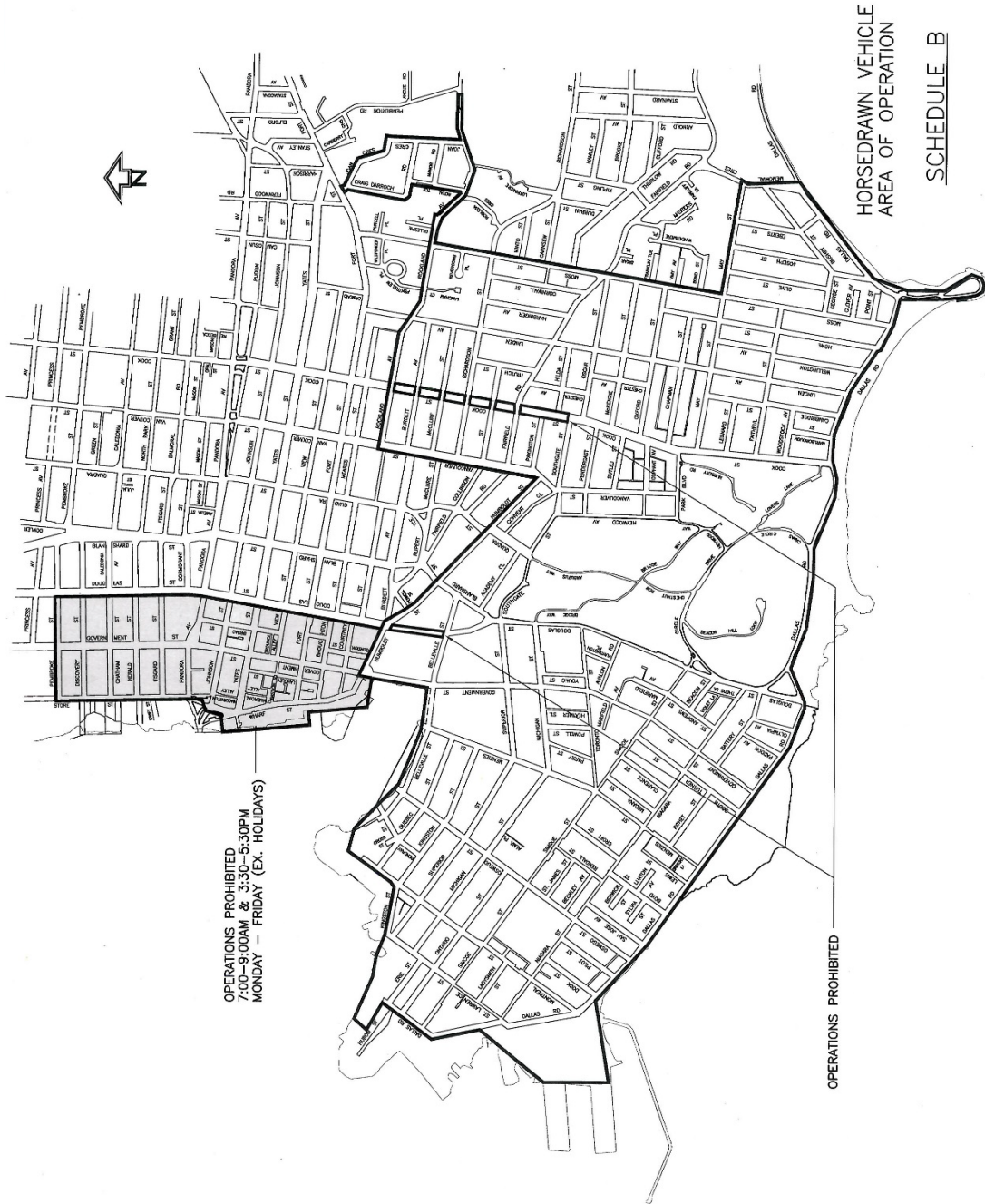
Schedule A

Map for Pedicab Area of Operation (Section 15)



Schedule B

Map for Horsedrawn Vehicle Area of Operation (Section 23(1))



Schedule C

Horsedrawn Sightseeing Vehicle Parking Stands

<u>Column 1 - Parking Stand Locations</u>	<u>Column 2 - Sales Locations</u>
<p>Parking Stand 1</p> <p>the west side of Menzies Street, a distance of 25 m measured southerly from a point 4.9 m south of the south property line of Belleville Street</p>	<p>Parking Stand 1 Sales Location</p> <p>the sidewalk on the north side of Belleville Street a distance of 21.7 m measured westerly from the northerly lateral extension of the east property line of Menzies Street.</p>
<p>Parking Stand 2</p> <p>the east side of Menzies Street, a distance of 25 m measured southerly from a point 18.3 m south of the south property line of Belleville Street</p>	<p>Parking Stand 2 Sales Location</p> <p>the sidewalk on the southwest corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.</p>
<p>Parking Stand 3</p> <p>the west side of Menzies Street, a distance of 25 m measured southerly from a point 29.9 m south of the south property line of Belleville Street</p>	<p>Parking Stand 3 Sales Location</p> <p>the sidewalk on the southeast corner of the intersection of Belleville and Menzies Streets at least 1.5 m from that part of the street that is used for vehicles.</p>

Schedule D**Motor Sightseeing Vehicle Parking Stands**

<u>Parking Stands</u>
Parking Stand 1 The east side of Government Street, a distance of 21.4 m measured northerly from a point 68.4 m north of the north property line of Belleville Street
Parking Stand 2 The east side of Government Street, a distance of 21.4 m measured northerly from a point 39.5 m north of the north property line of Belleville Street
Parking Stand 3 The north side of Belleville Street, a distance of 14 m measured westerly from a point 45.3 m west of the northerly lateral extension of the west property line of Menzies Street
Parking Stand 4 The north side of Belleville Street, a distance of 14 m measured westerly from a point 63.5 m west of the northerly lateral extension of the west property line of Menzies Street

Schedule E

Parking Stand Agreement

THIS AGREEMENT MADE AS OF _____,

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

#1 Centennial Square
Victoria, B.C. V8W 1P6

(the "**City**")

AND:

[NAME OF SIGHTSEEING VEHICLE LICENSEE]

(the "**Licensee**")

- A. The City is the owner of a parking stand identified as Parking Stand ___ (the "Parking Stand") in Column ___ of Schedule D to the Vehicles for Hire Bylaw No. 03-60 (the "**Vehicles for Hire Bylaw**") [*or the City is the owner of the parking stands (the "Parking Stands") identified in Schedule C to the Vehicles for Hire Bylaw No. 03-60 (the "Vehicles for Hire Bylaw")*];
- B. The Licensee has been issued a sightseeing vehicle licence (as defined in the Vehicles for Hire Bylaw) to load and transport passengers in a [*horsedrawn*] sightseeing vehicle;
- C. The City has allocated the Parking Stand to the Licensee for the Licensee's use [*or The City has granted to the Licensee permission to use the Parking Stands*];
- D. The Vehicles for Hire Bylaw requires the Licensee to enter into this Agreement with the City as a condition of the Licensee using the Parking Stand[s].

THEREFORE in consideration of the fee paid by the Licensee to the City and the mutual promises contained in this Agreement, the City and the Licensee covenant and agree with each other as follows:

- 1.0 Right to Occupy** - The City, subject to the performance and observance by the Licensee of the terms, conditions, covenants and agreements contained in this Agreement, grants to the Licensee, for the Licensee and its employees, the right to occupy the Parking Stand[s] during the Licensee's hours of operation for the purposes of loading or unloading passengers from a licensed sightseeing vehicle and for parking a licensed sightseeing vehicle between daily sightseeing tours, and for no other purpose. For certainty, but without limiting the foregoing, the Licensee shall not park a sightseeing vehicle in a Parking Stand overnight.
- 2.0 Special Events** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s]

if, in the opinion of the Director of Parks, Recreation and Facilities for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City for a special event or the Licensee's use of the Parking Stand[s] is incompatible with a special event occurring in the City. The Director of Parks, Recreation and Facilities will notify the Licensee, in writing, of the date and times the Parking Stand is required for a special event and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.

- 3.0 Displacement for Capital Improvements** - Notwithstanding section 1 or any other provision in this Agreement to the contrary, the Licensee agrees it will not be permitted to occupy the Parking Stand[s] if, in the opinion of the Director of Engineering and Public Works for the City in his or her sole and absolute discretion, use of the Parking Stand[s] is required by the City in order to undertake capital improvements or the Licensee's use of the Parking Stand[s] is incompatible with capital improvements occurring in the vicinity of the Parking Stand[s]. The Director of Engineering and Public Works will notify the Licensee, in writing, of the date and times the Parking Stand[s] is required for capital improvements and the Licensee will not occupy the Parking Stand[s] on such days and during the times indicated.
- 4.0 Participation in Emissions Study** [*Schedule D parking stands only*] – If requested to do so by the City, the Licensee agrees to have data-logging devices supplied by the City installed on one or more of the licensed sightseeing vehicles approved in writing by the City to occupy the Parking Stand.
- 5.0 Reservation of Rights** - The City hereby reserves to itself from the grant and covenants made by it to the Licensee under section 1 above the right for the City, its agents, employees, contractors and subcontractors to have full and complete access to the Parking Stand[s] for any and all purposes.
- 6.0 Fee** - In consideration of the right to occupy the Parking Stand[s], the Licensee shall pay to the City the rental fee set out in the Vehicles for Hire Bylaw, such fee payable in advance on the 1st day of every month.
- 7.0 Maintenance** - The Licensee will keep the Parking Stand[s] free of any garbage or other refuse and otherwise in a state of cleanliness.
- 8.0 Insurance** - The Licensee will maintain insurance as follows:
- (a) The Licensee will take out and maintain during the term of this Agreement a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Parking Stand[s] in the amount of not less than five million (\$5,000,000) dollars per single occurrence or such greater amount as the City may from time to time designate, naming the City as an additional insured party thereto and will provide the City with a certificate of insurance prior to commencement of use of the Parking Stand[s].
 - (b) All policies of insurance shall contain a clause requiring the insurer not to cancel or change the insurance without giving the City thirty (30) days prior written notice.

- (c) If both the City and the Licensee claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Licensee.

9.0 Indemnification - The Licensee releases and will indemnify and save harmless the City, its elected and appointed officials, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liability that the City, the Licensee or anyone else may incur, suffer or allege by reason of this Agreement or the use of the Parking Stand[s] by the Licensee or its agents, employees, tenants and invitees.

10.0 Termination - If the Licensee is no longer allocated the Parking Stand[s] under the Vehicles for Hire Bylaw, then without further notice this Agreement shall lapse and be absolutely forfeited.

11.0 Suspension - If the Licensee:

- (a) fails to pay the rental fee prescribed by the Vehicles for Hire Bylaw,
- (b) fails to comply with the provisions of the Vehicle for Hire Bylaw or any covenant, condition or agreement in this Agreement, or
- (c) ceases to be a sightseeing vehicle licensee as defined by the Vehicles for Hire Bylaw,

then the Licensee will, immediately upon written notice from the City, cease using the Parking Stand[s] until such breach or non-compliance has been remedied by the Licensee to the satisfaction of the City or until the Licensee obtains a sightseeing vehicle licence (as the case may be).

12.0 Regulations - The Licensee will comply promptly at its own expense with all provincial, federal and local government statutes, regulations and bylaws applicable to the use of the Parking Stand[s] by the Licensee, including without limitation the Vehicles for Hire Bylaw.

13.0 No Compensation - The Licensee will not be entitled to compensation for any loss or injurious affection or disturbance resulting in any way from the termination of this Agreement or the application of sections 2 or 3 of this Agreement.

14.0 Miscellaneous:

- (a) This Agreement will not be interpreted as granting any interest in the Parking Stand[s] to the Licensee.
- (b) The Licensee expressly agrees that his or her vehicles and their contents while parked in a Parking Stand[s] shall be at the risk of the Licensee.
- (c) The Licensee agrees the Parking Stand[s] may be occupied only by those licensed sightseeing vehicles approved by the City in writing to occupy the Parking Stand[s].

- (d) Waiver of any default by a party will not be interpreted or deemed to be a waiver of any subsequent default.
- (e) This Agreement will be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- (f) Nothing in this Agreement will be construed to create a relationship of partners, joint venturers, fiduciaries or any other similar relationship between the Licensee on the one hand and the City on the other.
- (g) Nothing contained or implied in this Agreement will derogate from the obligations of the Licensee under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions under all public and private statutes, bylaws, orders and regulations, which may be as fully and effectively exercised in relation to the Parking Stand[s] and the Licensee as if this Agreement had not been executed and delivered by the Licensee and the City. For certainty, the City may amend or repeal the Vehicles for Hire Bylaw and the allocation of the Parking Stand[s] and otherwise terminate this Agreement notwithstanding anything contained or implied in this Agreement.

IN WITNESS of its terms, the parties hereto have executed this Agreement.

Signed by **THE CORPORATION OF THE CITY OF VICTORIA** on the ____ day of _____, _____ by its authorized signatories:)

Mayor

Corporate Administrator

Signed by the **[NAME OF SIGHTSEEING VEHICLE LICENSEE]** on the ____ day of _____, _____ by its authorized signatories:)

Authorized Signatory:

Authorized Signatory: