



Governance and Priorities Committee Report

For the Meeting of January 21, 2016

To: Governance and Priorities Committee **Date:** January 14, 2016
From: Chris Coates, City Clerk
Subject: Parking Stand Allocations under the Vehicles for Hire Bylaw

RECOMMENDATION

That Council direct staff to:

1. Bring forward amendments to the Vehicles for Hire Bylaw for Council consideration that would:
 - a) extend the current motorized sightseeing vehicle parking stand allocations for Parking Stands 1, 2 and 4 to March 31, 2017
 - b) allow the City to displace stand users if required for capital improvements, and
 - c) require stand users to participate, upon request, in a possible City-led bus study, which could include the installation of GPS/data logging equipment on buses.
2. Conduct a competitive process for the allocation of Parking Stand 3 for a period starting April 1, 2016 and the allocation of Parking Stands 1, 2 and 4 for a period starting April 1, 2017 and bring forward recommended allocations for Council approval.
3. Continue to explore opportunities to reduce community sightseeing vehicle emissions through discussions with sightseeing business operators and other partners, including the Greater Victoria Harbour Authority.

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council direction regarding the allocation of motorized sightseeing vehicle parking stands past April 1, 2016. The Vehicles for Hire Bylaw designates four motorized sightseeing vehicle parking stands on Belleville and Government Streets and names the motorized sightseeing vehicle companies that are exclusively allowed to use each stand. Since 2012, a competitive process has been used to determine the operators that are entitled to use each parking stand.

Council granted a one-year extension to the current stand users on February 12, 2015. At that time, Council directed staff "to report no later than September 30, 2015 about encouraging more fuel efficient vehicles on parking stands on City streets." This report has been delayed until this meeting in an attempt to align the City's work in this regard with similar work being undertaken by the Greater Victoria Harbour Authority (GVHA). Because of this delay, it is recommended that current stand allocations be extended for an additional year to March 31, 2017. A competitive

process would commence in February 2016 for allocation of Parking Stand 3 for a period starting April 1, 2016 and the allocation of Parking Stands 1, 2 and 4 for a period starting April 1, 2017.

The approach used in the last competitive process does encourage operators to use low emission vehicles but is limited in its effectiveness because the type and quality of vehicles used at stands is entirely dependent upon the nature of the proposals received. Operators who propose using low emission vehicles are rewarded with additional points during the evaluation process. Stand users indicate that this approach to allocation of parking stands has prompted actual and planned investments in lower emission vehicles

Although existing stand users are gradually making improvements in their fleets, if Council wishes to see a significant change in the types of vehicles operated from parking stands, a new approach to the competitive process would be required. Staff have reviewed possible changes to the competitive process, including the introduction of a minimum model year requirement or minimum emission standard. Either of these approaches could have significant operational and/or financial impact on current and prospective stand users, depending upon the composition of their fleets. For example, Wilson's Transportation has indicated that a minimum 1998 model year standard would have a significant impact on their ability to operate from a parking stand, as the majority of the buses used at their stands are the iconic red vintage double deckers. They have plans to convert some of these buses to electric motors over the next several years but at present none of these vehicles would meet emission standards applicable to 1998 vehicles.

Because of these potentially significant impacts on sightseeing operators, it is recommended that the approach used in the last competitive process be continued for the next process. Improvements in emissions can be expected in the coming years through various operator initiatives, which have been prompted by the City's approach to parking stand allocations. Staff will continue to work with operators and other partners to explore opportunities for reducing emissions associated with sightseeing vehicles operating in the city.

PURPOSE

The purpose of this report is to obtain Council direction regarding the allocation of motorized sightseeing vehicle parking stands past April 1, 2016.

BACKGROUND

The Vehicles for Hire Bylaw designates four motorized sightseeing vehicle parking stands on Belleville and Government Streets and names the motorized sightseeing vehicle companies that are exclusively allowed to use each stand. An exclusive stand allows an operator to park their vehicles and load and unload passengers. It also gives an operator the ability to advertise and sell tickets for sightseeing tours on the sidewalk adjacent to the stand. Otherwise, the Vehicles for Hire Bylaw prohibits advertising or offering to sell tickets for sightseeing tours on streets and sidewalks. Sightseeing tour operators without an exclusive stand are able to load and unload passengers on private property or at general passenger loading zones.

Since 2012, a competitive process has been used to determine the operators that are entitled to use each parking stand. The competitive process provides businesses with fair and equal opportunities to access these spaces and also allows the City to select stand users based on criteria that reflect the Council-approved Guiding Principles for the Use of Public Space.

For reference purposes, the notice used to advertise the most recent competitive process (from 2013) is attached as Appendix A to this report. The notice:

- describes the criteria used in evaluating proposals
- includes a map of parking stand locations, and
- includes a copy of the agreement that the City enters into with parking stand users (“the parking stand agreement”). The form of the parking stand agreement is included in the Vehicles for Hire Bylaw as Appendix E.

The current stand allocations expire on April 1, 2016. Stands are currently allocated to the following companies:

- Stand 1 – CVS Cruise Victoria
- Stand 2 – Wilson’s Transportation
- Stand 3 – Vacant (allocated to Hippo Tours, but currently unused)
- Stand 4 – Wilson’s Transportation

Council adopted an amendment to the Vehicles for Hire Bylaw on February 12, 2015 that granted a one-year extension to the current stand users. When that bylaw amendment was given third reading on January 29, 2015, Council directed staff “to report no later than September 30, 2015 about encouraging more fuel efficient vehicles on parking stands on City streets”. The relevant excerpt from the minutes of the January 29, 2015 Council meeting is attached as Appendix B. This report responds to that motion. This report has been delayed until this meeting in an attempt to align the City’s work in this regard with similar work being undertaken by the Greater Victoria Harbour Authority (GVHA).

The GVHA is in the process of developing a 10-year Ground Transportation Strategy to mitigate bus traffic, noise and emissions issues for vehicles servicing Ogden Point. GVHA has been collaborating with bus operators, the local community and City staff from within the Engineering and Public Works Department in the strategy’s development. Although the GVHA’s 10-year strategy will not directly apply to parking stand operations, the strategy will outline a set of minimum standards for buses accessing Ogden Point that reflect best practices in Victoria’s sightseeing vehicle industry. The development of this 10-year strategy presents an opportunity for the City and the GVHA to align their efforts to mitigate the community impacts associated with sightseeing bus traffic. It was hoped that the 10-year strategy would have been completed and approved prior to Committee consideration of this report but development of the strategy is still underway.

ISSUES & ANALYSIS

Timing for Next Competitive Process

Conducting a competitive process for use of all four stands starting April 1, 2016 will impact stand users’ ability to properly and effectively plan and market their services, as stand allocations would not be finalized until shortly before the start of the 2016 summer season. Sightseeing operators have indicated that they should know about stand allocations months in advance of their operating season for proper marketing and advertising. Current stand users indicate that they have already committed to marketing and advertising for the 2016 summer season, in the expectation that they would be operating from their current locations.

In response to these concerns, it is recommended that the current users of Stands 1, 2, and 4 be granted one-year extensions to March 31, 2017. A competitive process would be initiated in February 2016 to allocate Parking Stand 3 for a period starting April 1, 2016 and the other three stands for a period starting on April 1, 2017.

Using the Competitive Process to Encourage Lower Emission Vehicles

To evaluate parking stand proposals, the approach used during the last competitive process was to assign points based upon a series of evaluation criteria. Those criteria included:

- whether the proponent was able to demonstrate that their proposed operations will contribute to City efforts to reduce community greenhouse gas emissions, particularly through the use of low emission vehicles or fuels, and
- efforts to minimize noise, nuisance and other impacts on businesses, residents and visitors, both at the stands and along travel routes.

The evaluation approach used in the last competitive process does encourage operators to use low emission vehicles. Operators who propose using low emission vehicles are rewarded with additional points during the evaluation process. The limitation with this type of evaluation approach is that the type and quality of vehicles used at stands is entirely dependent upon the nature of the proposals received.

Staff are not aware of any new entrants in the city's sightseeing tour market who are using "greener" vehicles than current stand users. This means that it is unlikely that a competitive process conducted at this time using the same criteria described above will result in any significant changes in the types of vehicles operated from parking stands. Although existing stand users are gradually making improvements in their fleets, if Council wishes to see a significant change in the types of vehicles operated from parking stands, a new approach to the competitive process is required.

A best practices review showed that some jurisdictions procuring vehicles or vehicle-based services set a minimum standard for greenhouse gas and noise emissions, and award additional points to respondents who exceed these standards. Another option would be to set a minimum model year standard for vehicles used at parking stands. Model year is not an exact predictor of emissions; however, a minimum model year standard would be relatively simple to implement and monitor. Older vehicles would be allowed if the stand user provided documentation indicating that the vehicle had been retrofitted to meet the newer emission standard. Additional points could be awarded during the competitive process for any vehicles meeting more stringent emission standards applicable to later model years.

Based on a review of:

- federally-established heavy duty vehicle emission standards
- model years of sightseeing buses currently operating within the city, and
- actual emission test results

it was determined that a 1998 minimum model year standard may provide some improvement in emissions associated with vehicles used at parking stands. Although emissions associated with vehicles used at stands could be reduced even further by using a later model year as a minimum standard, it is likely that most sightseeing businesses currently operating in the city would be unable to meet a later model year standard without significant capital investment in newer vehicles. Of a total 138 licensed sightseeing buses in Victoria in 2015, only 59 (approximately 42%) were from model year 1998 or newer.

To determine possible impacts on existing and prospective stand users from a 1998 minimum model year requirement, existing stand users were asked for feedback. CVS Cruise Victoria indicated that this type of prohibition would have little impact on their operations, as they currently use only one vehicle at their parking stand that is older than 1998. Many of the vehicles they currently use from their parking stand are from model year 2010 or newer. They plan to partner with the GVHA to lease an all-electric double decker bus for use during the upcoming cruise season.

and have indicated they will use that bus from their parking stand when it is not in use at the cruise ship terminal.

Wilson's Transportation has indicated that a 1998 minimum model year standard will have a significant impact on their ability to operate from a parking stand, as the majority of the buses used at their stands are the iconic red vintage double deckers. The oldest of these vehicles is from 1959. They have plans to convert some of these buses to electric motors over the next several years but at present none of these vehicles would meet emission standards applicable to 1998 vehicles.

While a new approach to the parking stand competitive process may lead to a reduction in emissions from vehicles used at parking stands, the impacts on established sightseeing businesses currently operating from parking stands could be significant. For this reason, it is recommended that the evaluation approach used in the last competitive process continue to be used for the next process. Staff will also continue to explore opportunities to reduce community sightseeing vehicle emissions through discussions with sightseeing business operators and other partners, including the Greater Victoria Harbour Authority.

There are opportunities for emission reductions with the current evaluation approach. Stand users indicate that the City's current approach to allocation of parking stands has prompted actual and planned investments in lower emission vehicles. The evaluation criteria used for the competitive process will continue to give additional points to any operators who propose using low emission vehicles.

Other Enhancements to the Competitive Process and Parking Stand Agreement

Staff have identified several other opportunities for improvement in the competitive process and subsequent stand agreements. To assist with the evaluation of proposals, a clause will be included in the notice indicating that, if requested, proponents must provide documentation indicating that their proposed vehicles are either licensed or eligible for licensing as commercial passenger vehicles within the Province of BC. During the last competitive process, one proponent proposed using electric vehicles imported from China. Ultimately, that proponent was unable to obtain the necessary regulatory approvals necessary to operate the vehicles on public roadways in Canada.

It is recommended that the parking stand agreement be amended to require participation in a potential City-led bus study as a condition of parking stand use. If a separate budget supplementary request is approved, a study to assess the greenhouse gas impact of the sightseeing and charter buses licensed to operate in the city will occur in 2016. This study would involve the installation of data logging equipment on a sample of buses for a period of up to one year. The data obtained would be used to estimate total tailpipe emissions and measure their relative impact on greenhouse gas emissions, air quality and congestion. The study, using simulation models, would also evaluate the potential emissions reductions and cost/benefit of transitioning buses from diesel to electric or hybrid technologies. Existing stand users have been invited to participate in the bus study and provide consent to having data logging equipment installed on a sample of their vehicles; each has expressed a willingness to participate. An amendment to the parking stand agreement would ensure the participation of future stand users, should the study proceed. The parking stand agreement should also be revised to clarify that a stand user may need to be temporarily relocated in the event that capital improvements are occurring in the vicinity of a parking stand.

OPTIONS & IMPACTS

Option 1 – Do not extend current allocations and proceed with competitive process

Under this option, staff will immediately proceed with a competitive process for allocation of all four motorized parking stands using the same criteria as previous processes. Where interest exceeds the number of available stands, the City will give preference to operators who are able to demonstrate that their proposed operations will contribute to City efforts to reduce community greenhouse gas emissions, particularly through the use of low emission vehicles or fuels.

Impacts:

- some improvement in emissions can be expected through operator initiatives to replace or retrofit vehicles
- provides greatest opportunity for any business to access stands for the period starting April 1, 2016
- will result in significant financial and operational impacts on existing stand users, if they are not successful in obtaining a stand for April 1, 2016. Impacts could extend to other businesses associated with Victoria's tourism economy.

Option 2 – Grant one-year allocation extensions and proceed with competitive process (Recommended)

Under this option, staff will bring forward amendments to the Vehicles for Hire Bylaw that would extend current stand allocations for stands 1, 2 and 4 for one year. A competitive process using the same criteria as the last process would begin in February 2016 for allocation of stand 3 for a period starting April 1, 2016 and for the other three stands for a period starting on April 1, 2017.

Impacts:

- some improvement in emissions can be expected through operator initiatives to replace or retrofit vehicles
- no financial or operational impacts on prospective stand users

Option 3 – Grant one-year allocation extensions, proceed with competitive process and limit vehicles to model year 1998 or newer starting on April 1, 2017

Under this option, staff will bring forward amendments to the Vehicles for Hire Bylaw that would extend current stand allocations for stands 1, 2 and 4 for one year. A competitive process would begin in February 2016 for allocation of stand 3 for a period starting April 1, 2016 and for the other three stands for a period starting on April 1, 2017.

Vehicles used at stands after April 1, 2017 will have to be from the 1998 model year or newer. Older vehicles will also be allowed, if the stand user is able to demonstrate that the vehicle meets the emission standards that would be applicable to a similar 1998 model year vehicle. To assist with compliance monitoring, decals will be used to identify vehicles meeting these standards.

Impacts:

- an improvement in emissions from vehicles used at parking stands could be expected after April 1, 2017. Some improvement in emissions before April 1, 2017 can also be expected through operator initiatives to replace or retrofit vehicles.
- operational and/or financial impacts on prospective stand users could be significant, depending upon composition of their fleets. The implementation date of April 1, 2017 may not provide sufficient time for some prospective stand users to upgrade or retrofit their fleets.

2015 – 2018 Strategic Plan

The recommendation strikes an appropriate balance between several objectives from the 2015 – 2018 Strategic Plan. The recommendation supports Objective 5: Create Prosperity Through Economic Development, by providing fair and equal opportunities for sightseeing businesses to access parking stands.

Impacts to 2015 – 2018 Financial Plan

This recommendation should have no impact on the 2015 – 2018 Financial Plan. The revenue generated from parking stands is expected to remain at current levels of approximately \$6,000 per month or \$70,000 annually.

Official Community Plan Consistency Statement

The recommendation is consistent with some of the broad economic objectives from the Official Community Plan, including 14(b) – That growth of the local and regional economy is sustained, and a greater share of households are lifted out of poverty.

CONCLUSIONS

Council has asked for advice on how to encourage the use of more fuel efficient vehicles at parking stands. The approach used in the last competitive process for allocation of parking stands does encourage operators to use low emission vehicles but is limited in its effectiveness because the type and quality of vehicles used at stands is entirely dependent upon the nature of the proposals received. Although existing stand users are gradually making improvements in their fleets, if Council wishes to see a significant change in the types of vehicles operated from parking stands, a new approach to the competitive process is required.

Several possible approaches have been considered, including the establishment of either a minimum model year or vehicle emission standard for vehicles used at parking stands. Either approach could have significant financial or operational impacts on prospective or current stand users. For this reason, it is recommended that the approach used in the last competitive process continue for the next process.

Some improvement in emissions can be expected with this current approach. Existing stand users have indicated that they are taking steps to reduce emissions from their parking stand operations, through introduction of newer vehicles and retrofitting of older vehicles. Any new operators who propose using low emission vehicles at a parking stand will continue to be rewarded with additional points during the evaluation process.

Respectfully submitted,



Shannon Craig
Policy Analyst
Legislative and Regulatory Services


Chris Coates
City Clerk
Legislative and Regulatory Services


Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: _____


Jan. 14, 2016

List of Attachments

Appendix A – Notice from 2013 Competitive Process

Appendix B – Excerpt from January 29, 2015 Council meeting minutes

Appendix A – Notice from 2013 Competitive Process



NOTICE TO MOTORIZED SIGHTSEEING VEHICLE BUSINESSES

REQUEST FOR EXPRESSIONS OF INTEREST FOR USE OF EXCLUSIVE MOTORIZED SIGHTSEEING VEHICLE PARKING STANDS

The City of Victoria is soliciting expressions of interest from motorized sightseeing vehicle businesses for use of four exclusive motorized sightseeing vehicle parking stands beginning April 1, 2013. The table below describes the location of each stand and the proposed monthly fee to be charged for its use.

	Description	Monthly Fee (includes GST)
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	\$1,755.00
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	\$1,755.00
Parking Stand 3	The north side of Belleville Street, a distance of 14.0 m measured westerly from a point 30.5 m west of the northerly lateral extension of the west property line of Menzies Street	\$1,170.00
Parking Stand 4	The north side of Belleville Street, a distance of 14.0 m measured westerly from a point 59.7 m west of the northerly lateral extension of the west property line of Menzies Street	\$1,170.00

The map in Schedule A to this notice illustrates the locations of the 4 stands. Use of the stands will be governed by an agreement between the operator and the City. The agreement will be substantially in the form attached as Schedule B to this notice.

Submission of responses

If you are interested in responding to this notice, please submit your expression of interest in writing to:

Shannon Craig, Policy Analyst
Legislative and Regulatory Services Department
City of Victoria
1 Centennial Square
Victoria, BC
V8W 1P6

Deadline for responses

Please submit your response by no later than 4:30 pm on February 22, 2013.

Content of responses

The following items should be included, in sequential order, in your response as they will be the basis for the evaluation. If the response is a joint submission from more than one company or business, this information should be provided for each company or business participating in the submission.

1. Registered company or business name and contact person
2. The parking stand(s) you are interested in using
3. The length of time you would like to use the stand.
4. Details of your proposed operation and activities at the parking stand, including tour descriptions, travel routes, schedules and ticket sales
5. A description of each vehicle that you propose to use at the stand, including type of vehicle, exterior noise and air emission measurements and a description of how those measurements were obtained
6. A description of how your proposed operation will contribute to the vibrancy and aesthetic character of the Inner Harbour Area
7. A description of any efforts to reduce or minimize greenhouse gas emissions associated with your proposed operation
8. A description of any efforts to minimize noise, nuisance and other impacts on businesses, residents and visitors, both at the stands and along tour routes
9. Any letters of support from directly adjacent businesses. General letters of support from business or associations are not necessary and will not be considered.

Allocation of stands

The allocation of stands will be dependent upon the volume and nature of responses received. The City may decide not to allocate any or all of the stands.

Where interest exceeds the number of available stands, the City may give preference to operators who are able to demonstrate that their proposed operations will contribute to City efforts to reduce community greenhouse gas emissions, particularly through the use of low emission vehicles or fuels.

The City may also consider the following factors when evaluating proposals and allocating stands:

- whether the proposed operation will contribute to the downtown tourist economy
- whether the proposed operation will contribute to the vibrancy and aesthetic character of the Inner Harbour Area
- efforts to minimize noise, nuisance and other impacts on businesses, residents and visitors, both at the stands and along travel routes, and
- support from directly adjacent businesses.

The City will consider allocations for a period of up to 5 years. However, the City reserves the right to cancel or change allocations at any time.

Timeline

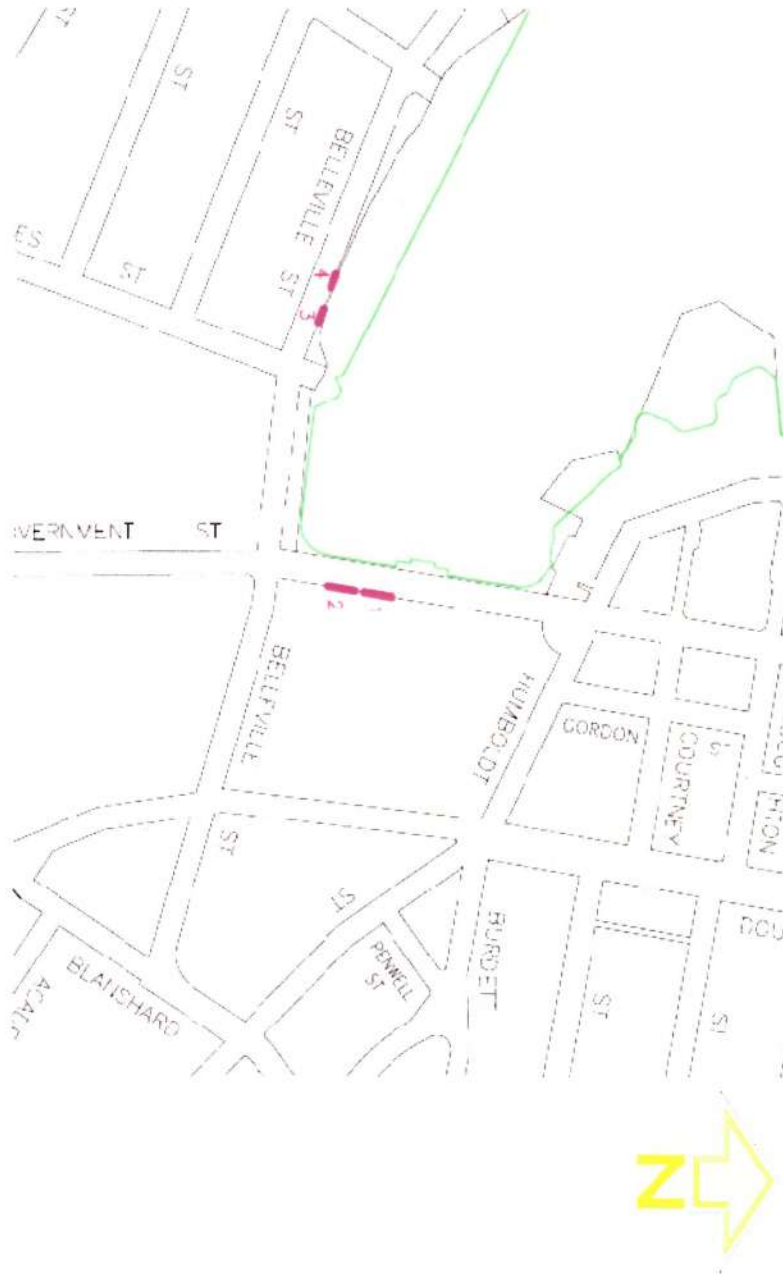
Staff recommendations for allocation of parking stands will be presented to Council for approval in March 2013.

For further information

If you have any questions regarding this notice or the process for submitting a response, please contact Shannon Craig at 250-361-0588 or scraig@victoria.ca.

Schedule A

SIGHTSEEING VEHICLE PARKING STAND LOCATIONS 2012.02.08 N.T.S.



Schedule B
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**");
- 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 sightseeing vehicle;
- C. The City has allocated the Parking Stand to the Licensee for the Licensee's use;
- 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.

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 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 if, in the opinion of the Director of Parks, Recreation and Culture for the City in his or her sole and absolute discretion, use of the Parking Stand is required by the City for a special event or the Licensee's use of the Parking Stand is incompatible with a special event occurring in the City of Victoria. The Director of Parks, Recreation and Culture 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 on such days and during the times indicated.
- 3.0 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 for any and all purposes.
- 4.0 Fee** - In consideration of the right to occupy the Parking Stand, 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.

- 5.0 Maintenance** - The Licensee will keep the Parking Stand free of any garbage or other refuse and otherwise in a state of cleanliness.
- 6.0 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 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.
 - (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.
- 7.0 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 by the Licensee or its agents, employees, tenants and invitees.
- 8.0 Termination** - If the Licensee is no longer allocated the Parking Stand under the Vehicles for Hire Bylaw, then without further notice this Agreement shall lapse and be absolutely forfeited.
- 9.0 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 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).
- 10.0 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 by the Licensee, including without limitation the Vehicles for Hire Bylaw.
- 11.0 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.
- 12.0 Miscellaneous:**
- (a) This Agreement will not be interpreted as granting any interest in the Parking Stand to the Licensee.
 - (b) The Licensee expressly agrees that his or her vehicles and their contents while parked in a Parking Stand shall be at the risk of the Licensee.

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

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

Authorized Signatory: _____

Authorized Signatory: _____

Appendix B – Excerpt from January 29, 2015 Council meeting minutes

3. THIRD READING

It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that the following bylaw **be given third reading:**

Vehicles for Hire Bylaw, Amendment Bylaw (No. 13)

Carried

For:

***Mayor Helps, Councillors Coleman, Loveday,
Lucas, Madoff, Thornton-Joe and Young***

Against:

Councillor Isitt

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council direct staff to report no later than September 30, 2015 about encouraging more fuel efficient vehicles on parking stands on City streets.

Councillor Young asked about the process.

Robert Woodland: The requirement for fuel efficient vehicles is not contained within the bylaw, but the Request for Proposal process for licence stands will encourage innovation to meet the City's environmental objectives.

Carried Unanimously