SUBJECT: Possibility of Licensing Driving Schools (PED07290)(City Wide)

RECOMMENDATION:

(a) That staff correspond with driving schools in the Hamilton area to request that they refrain from using the residential area surrounding the Drive Test Centre in Hamilton for the purpose of practice and training new drivers.

(b) That staff request that the Hamilton Drive Test Centre post signage in their location asking that beginner drivers and driving school instructors refrain from using the residential area surrounding the Drive Test location for practice and training.

(c) That the Item entitled “Possibility of Licensing Driving Schools” be deleted from the Outstanding Business List for the Economic Development and Planning Committee.

EXECUTIVE SUMMARY:

Hamilton has one (1) Drive Test Centre which is located on Kenora Avenue, north of Barton Street. Area residents, through Councillor Chad Collins, have expressed concerns that students and instructors routinely travel through the residential area surrounding this Drive Test Centre for the purpose of practice and training and that this
traffic creates unnecessary hardship on the residents in this area. The Drive Test Centre Manager has confirmed that students and driving instructors routinely use these residential streets.

Hamilton does not license driving schools or driving instructors. Provincial legislation governs the activities of the schools and the driving instructors.

Following Toronto’s model of creating restricted zones would require additional staffing or redeployment of staff to do the work involved in licensing, regulating and enforcing driving schools and driving instructors and their compliance to the restricted zones.

Rather than take a licensing, restricted area, and enforcement approach at this time, it is recommended that a voluntary compliance approach be taken first to address the problem. Letters will be sent out to approximately 50 driving schools in the Hamilton area, asking for voluntary compliance in that they refrain from using the residential streets surrounding the Drive Test Centre for practice and training.

It is also recommended that the Hamilton Drive Test Centre on Kenora Avenue be requested to post signage in their Centre to ask beginner drivers and instructors to not use the residential streets surrounding the Drive Test Centre for practice and training.

Staff, in consultation with the Ward Councillor, will review this situation after a reasonable time has elapsed to determine if voluntary compliance has resolved the concerns, or whether steps should be taken to license driving schools and driving instructors in order to legislatively address the matter.

**BACKGROUND:**

On August 9, 2006, Committee of the Whole (Report 06-018, Information Item (i)), as well as a request from Councillor Chad Collins, directed staff to investigate the possibility of licensing driving schools, and to report back to the City of Hamilton Licensing Committee.

The City of Hamilton Licensing Committee, at its meeting of February 5, 2007 approved Item (h) to require that its Outstanding Business Item respecting the Licensing of Driving Schools be referred to the Economic Development and Planning Committee for a report back from staff.

In accordance with Committee directive, staff reviewed present legislation and existing practices in other municipalities regarding driving school vehicles.

Provincial legislation regulates driving schools and driving instructors by issuing Provincial licences based on qualifying criteria. Drive Test Centres are located throughout the Province and provide, among other approvals, on-road driver examinations. Thus, traffic frequency in residential areas surrounding Drive Test Centres across the Province is a common occurrence – both from practice drivers and from driver education training school vehicles.
Prior to municipal amalgamation, the City of Stoney Creek licensed driving schools and driving instructors. However, there were no regulations or other restrictions or requirements attached to the licensing. With amalgamation, the licensing category for driving schools and instructors was not included in the harmonized Licensing Code By-Law for the new City of Hamilton.

The City of Hamilton has one Drive Test Centre which is located at 370 Kenora Avenue North. Discussion with staff at the Kenora Avenue North Drive Test Centre noted that on average, during the peak period between May to October, they have six (6) examiners operating in the established test route which includes the residential areas surrounding the Test Centre location. Two (2) to three (3) examiners are in the residential areas around the Centre every 20 minutes, and the other three (3) examiners are in the same area approximately every 30 minutes.

The examiners have observed that a great majority of the driving schools “route train” their students. This additional vehicular traffic in the residential areas has been noted and complained about by home owners in the Hamilton Drive Test Centre area.

The driving school practice of “route training” on residential streets in close proximity to the Drive Test Centre is of concern to the staff of the Drive Test Centre, as examinations of driving skills are meant to determine if an individual can navigate the streets and conditions in a safe manner, not just navigate a test route.

The Drive Test Centre staff advise that drive test routes are approved by the Ministry of Transportation in accordance with necessary criteria set out by the Ministry and as such cannot be changed on a frequent basis. Staff at the Drive Test Centre note that even when routes are changed, that it is not long before motorists discover and start to use the new test route for their student practice and training.

A review of the Drive Test location in Simcoe noted that this Centre has posted a sign at their counter to ask beginner drivers and instructors not to use the residential area surrounding the Centre for practice and training. This type of signage is not used in the Hamilton Drive Test Centre. This Simcoe proactive approach can be recommended to the Manager of the Hamilton Drive Test Centre for implementation as an effort to address the concerns.

A review of what other municipalities do with respect to driving schools and driving instructors show that a number of municipalities license the schools and the instructors. The municipalities include, but are not limited to: Toronto, Mississauga, Ottawa, Barrie, Guelph and Kitchener.

The City of Toronto has six (6) Drive Test Centre locations. Staff at the City of Toronto advises that some locations are more of a problem than others and that following Toronto's consultation with the Ministry of Transportation, the City implemented a restricted zone policy to prohibit driving school vehicles from going into the restricted areas for the purpose of “route training”. The restrictions are vested in the Licensing By-Law and regulated and enforced by the City’s Municipal Law Enforcement Officers (MLEOs).
Related enforcement activities in Toronto involve regular patrol of the three (3) problematic areas in Toronto. These areas are patrolled almost daily for a few hours by one (1) Municipal Law Enforcement Officer. It should be noted that MLEOs have no power to stop vehicles, and therefore they must follow the alleged violator at a distance and inspect them when they come to a stop. Also of note is the fact that MLEOs do not have the authority to require vehicle drivers to show their drivers licence. Toronto staff advises that charges are laid for infractions where appropriate, and appeals are heard by the Toronto Licensing Committee. Chronic offenders can be summoned to the Licensing Committee for a Show Cause Hearing and possible revoking of the Driving School and/or Driving Instructor licence.

Toronto staff report that the restricted areas work well, and that there has been gradual improvement in the three (3) problematic restricted areas.

The City of Hamilton does not license driving schools or driving instructors. Implementing a restricted area zone similar to that used in Toronto would require additional staff or the redeployment of staff in order to do the work involved to license, regulate and to enforce the restricted area.

It is recommended, at this time, that a voluntary compliance approach be taken first by sending letters to the approximately fifty (50) driving schools in the Hamilton area asking that they refrain from using the residential area surrounding the Hamilton Drive Test Centre for practice and “route training”.

It is further recommended that staff request the Manager of the Drive Test Centre located on Kenora Avenue to have signs, similar to those used at the Simcoe Drive Test Centre, visibly posted to seek the co-operation of beginner drivers and instructors as a further effort to address the concerns.

**ANALYSIS/RATIONALE:**

Evaluation of data collected confirmed that excess traffic in residential areas surrounding Drive Test locations is a common problem in Ontario municipalities.

Recommending a voluntary compliance, no cost approach as a first step is deemed prudent to give an opportunity for the concerns to be conveyed to the driving schools via correspondence and to the beginning drivers via signage.

Monitoring of changes that may occur by voluntary compliance will provide benchmarking analysis should licensing and enforcement be recommended in the future.

**ALTERNATIVES FOR CONSIDERATION:**

An alternative to the voluntary compliance approach would be to license driving schools and driving instructors. Licensing and enforcement would involve considerable administrative infrastructure staffing and/or a change to enforcement priorities to support such an initiative.
FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Seeking voluntary compliance via correspondence will involve sending letters to approximately fifty (50) driving schools in the Hamilton area. Financial implications are an insignificant cost i.e. postage and staffing implications would require a small amount of staff time.

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

The Hamilton Drive Test Centre staff were consulted and confirmed the concern about the excess traffic in the residential area close to the Centre, as well as the eroding of the integrity of their testing process by drivers and trainers “route training” in the Kenora Avenue Drive Test Centre area. The City of Toronto Municipal Law Enforcement staff were consulted and provided information on their restricted zone policy and procedures. Web research was undertaken to confirm current legislation, and to determine what actions are being taken by other municipalities. Councillor Chad Collins, as the Ward Councillor for the Kenora Avenue Drive Centre, was consulted.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Partnerships are promoted.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

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