



## **Do I need Board approval to change or amend my terms and conditions of licence or to increase my fleet size?**

Yes. If you want to change terms and conditions of licence, other than those required by statute, you must submit an application to amend your licence.

The Passenger Transportation Board makes decisions on amendments to terms and conditions of licence.

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## I. About Licence Amendments

You must apply to amend terms and conditions on your licence relating to passenger directed vehicles, originating areas and services or other requirements. You cannot apply to amend terms and conditions labelled “Legislative Requirements”.

Some types of amendments, such as changes in vehicle types or models, adding return trip authority or a contract clause, may be considered “minor” in that they do not materially alter your service or impact other industry participants. For these amendments, all application requirements must be satisfied, but less detail may be provided. The Board determines if an amendment is minor and it may request more information from applicants. Expanding operating areas, adding sedan limousines and perimeter seating buses are examples of major amendments.

Applicants are advised to delay the purchase, lease or rental of vehicles until approval is obtained.

## II. Exclusions from PDVA Requirements and Exemptions from Licensing

Section 3 of the *Passenger Transportation Regulation* specifies vehicles that are excluded from the definition of passenger directed vehicles. These include some patient transfer vehicles; transportation is arranged or brokered on behalf of all of the passengers by a travel agent or travel wholesaler foreign tourists and vehicles from outside British Columbia that do not pick up or drop off passengers in BC.

Section 5 of the *Passenger Transportation Regulation* lists exemptions from the Act and regulations. In these cases, no application or licence is required to operate.

## III. Application Process

The Passenger Transportation Board (Board) and the Registrar of Passenger Transportation (Registrar) are separate entities with distinct responsibilities under the *Passenger Transportation Act*. The roles of each in the application process are explained below.

### 1. Branch Receipt of Application

Through the Passenger Transportation Branch (Branch) office, the Registrar accepts all applications (including those which require Board approval) and ensures that the applications are complete.

- You pay a fee of \$200 when submitting an application to the Branch office. If the

amendment is to add vehicles and the application is approved, you must pay \$100 per vehicle that you activate. The Branch will advise you of payment processes.

- The Registrar verifies safety requirements and issues all licences. The Registrar is also responsible for initiating compliance and enforcement actions against both licensed and unlicensed operators.
- The Branch screens submitted applications prior to forwarding them to the Board in Victoria.
- If an incomplete application is received, the Branch will contact the applicant and request that missing information be provided within a specified time frame. If the due date is missed, the application fee will not be processed, and the application will not be forwarded to the Board for a decision. You will need to resubmit a complete package.

The filing of an application does not confer any permission or authority to operate a passenger transportation service.

### *Sending Your Application*

Send your application to the Passenger Transportation Branch in Coquitlam.

200 – 1500 Woolridge Street, Coquitlam BC V3K 0B8

Phone: 604-527-2198 Fax: 604-527-2205

Toll Free: Call Enquiry BC at 1-800-663-7867

Email: [passengertransportationbr@gov.bc.ca](mailto:passengertransportationbr@gov.bc.ca)

Web: [Registrar & Passenger Transportation Branch](#)

## **2. Board Decision-Making Process**

The Board is an independent tribunal in British Columbia established under the *Passenger Transportation Act*. The Board's primary responsibility is to make decisions on applications relating to the licensing of passenger directed vehicles (e.g. taxis, limousines, shuttle vans, transportation network services) and inter-city buses in British Columbia. The Board also sets the terms and conditions of licence that will apply to your operations.

### *Publication & Submissions*

Using information in your application, Board staff draft and email you an Application Summary that includes proposed terms and conditions for providing the transportation services you seek.

After you confirm that the Application Summary is correct, we publish it in the Board's *Bulletin*, typically on Wednesdays at the end of the business day. However, the *Bulletin* also may be published on days other than Wednesday.

Within 10 days of its publication, anyone may send the Board a written submission with the required \$50 submission fee. Local governments and First Nation governments may also comment on an application; however, a submission fee is not required.

You will receive a copy of all submissions and comments, and you will have 7 days to send a reply to the Board.

Further information on submissions can be found on the [Making a Submission webpage](#) and in [Reference Sheet 8](#).

After the submission and reply period ends, the Chair of the Board appoints a panel of one or more Board members to review and decide the application.

### ***Information & Evidence***

Board members make decisions based on information and evidence that relate to your application. This information and evidence may include:

- information you submit with your application;
- written submissions from other people, first nation councils/nations or local governments<sup>1</sup>;
- information that is available to the public (e.g. information on your website, information on the Board or Branch website, etc.) as well as other records, information or reports that the Board reviews, obtains or produces<sup>2</sup>;
- data collected from taxis, transportation network services, limousines and other passenger directed vehicle operators in an area;
- information from a public hearing;
- your replies to submissions and comments on records, information or reports;
- compliance information received from the Registrar of Passenger Transportation;
- investigation reports from the Registrar of Passenger; and
- information available through the provincial court registry (Court Services Online).

The information referred to in the last three bullets is used by the Board to assess “fit, proper and capable” under section 28(1)(a) of the Passenger Transportation Act.

### ***Decisions***

Application decisions are made by Board members. Staff do not make decisions on applications.

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<sup>1</sup> You will be able to see information from submitters or another person, unless it is confidential business information. If it is confidential business information, you will receive a summary of the information as set out in Board Rule 18 (“Confidential Information from a Submitter”).

<sup>2</sup> You will be able to comment on information that the Board uses or produces.

The Board makes its decision according to its mandate as set out in section 28(1) of the *Passenger Transportation Act*, as outlined in section 3 below. The Board decides each case on its own merits. The Board also seeks to have consistency in its decisions.

To approve an application, the Board must be satisfied that applicants have shown that as licensees they would meet the requirements of the *Passenger Transportation Act* and regulations, including those relating to drivers and vehicles.

Decisions are emailed to applicants and the Branch, then published in the *Bulletin*.

### 3. Board Considerations

When making a decision on your application, the Board must consider the factors set out in section 28(1) of the *Passenger Transportation Act*. These are set out below.

- ***Applicant Fitness***

The Board considers applicant fitness matters in two parts:

- (i) Are you a “fit and proper person” to provide the proposed service?
- (ii) Are you capable of providing that service?

Reference Sheet 19 provides detailed information about the factors and information the Board considers regarding the above questions. The reference sheet informs applicants of obligations and requirements they are assessed on and with which operators must comply after a Special Authorization licence has been approved and issued.

- ***Public Need & Sound Economic Conditions***

If you meet the threshold test of fitness, the Board will consider:

- (i) whether there is a public need for the service, and
- (ii) whether the application, if granted, would promote sound economic conditions in the passenger transportation industry in British Columbia.

#### *Public Need*

The Board considers whether there is a public need for the service that you propose to provide. You must give the Board information and evidence that shows that people would use your service throughout the area for which you have applied. You should also tell the Board why you are asking for a specific number of vehicles.

The Board may also use records, information, or reports that it has reviewed, produced or obtained to determine public need.

### *Sound Economic Conditions*

The Board considers whether your application, if approved, would promote sound economic conditions in the passenger transportation business in B.C. The Board strives to balance public need for available, accessible and reliable commercial passenger transportation services with overall industry viability and competitiveness. The Board considers this issue from a wide-ranging perspective, which includes consideration of harm to other industry participants.

The Board may also use records, information, or reports that it has reviewed produced or obtained to determine if approving your application would promote sound economic conditions in the transportation industry.

Reference Sheet 20 provides more information on the type of factual information applicants can provide to demonstrate public need as well as factors that the Board may consider when considering sound economic conditions.

#### **4. Licences Issued by the Branch**

If your application is approved in whole or in part by the Board, and the Registrar is satisfied that the applicant meets the requirements set out in s. 29(1) of the *Passenger Transportation Act*, the Registrar will issue a n=passenger transportation licence that includes the amendments. The service you provide must comply with the Board's terms and conditions of this licence. The Registrar must issue a licence *before* you may implement any approved changes to your licence.

Any changes to legal name, sole proprietor, partners or company CEO & local GM , business mailing address/physical location of records, or signing authorities require submission of forms available on the Branch forms webpage and must be submitted to the Branch.

## IV. Checklist for Applications

This section lists the forms and documents that you must provide with your application. More details about application requirements are provided in the forms themselves, and in Section V: [More Information About Required Attachments](#) .

1. Branch Forms (no electronic signatures permitted) & Fees		
<input type="checkbox"/>	Special Authorization Licence Application form	<a href="#">LINK</a>
<input type="checkbox"/>	Fee: Non-refundable fee of \$200 payable to the Minister of Finance by cheque, money order or credit card (the Branch will contact you by telephone for authorization if using a credit card)	ATTACH
<input type="checkbox"/>	Identification Documents Business/Organization (required only if located outside British Columbia)	ATTACH
<input type="checkbox"/>	Signing Authority form	<a href="#">LINK</a>
2. Board Forms		
<input type="checkbox"/>	Vehicle Proposal (PDVA) form, if applying to increase fleet size	<a href="#">LINK</a>
<input type="checkbox"/>	Proposed Terms and Conditions of Licence (PDVA) form, if applying to change terms and conditions other than maximum fleet size.	<a href="#">LINK</a>
<input type="checkbox"/>	Public Explanation of Applications (PDVA) form	<a href="#">LINK</a>
<input type="checkbox"/>	Disclosure of Unlawful Activity & Bankruptcy form	<a href="#">LINK</a>
<input type="checkbox"/>	Declarations form	<a href="#">LINK</a>
3. Attachments		
The following documents are also required and will assist the Board in its consideration of the three factors set out in <a href="#">section 28(1) of the <i>Passenger Transportation Act</i></a> .		
<input type="checkbox"/>	Business Plan Update	ATTACH
<input type="checkbox"/>	Financial Information <ul style="list-style-type: none"> <li>• <b>All Applicants:</b> Cash Flow Projections &amp; Income Statements</li> <li>• <b>Established Companies:</b> Balance Sheet</li> <li>• <b>Sole Proprietors or Partnerships:</b> Personal Net Worth Statements</li> </ul>	ATTACH
<input type="checkbox"/>	Public Need Indicators	ATTACH
<input type="checkbox"/>	Proposed Rates, <i>if required</i>	ATTACH

## V. More Information About Required Attachments

This section provides more detailed information on “Application Attachments” that are listed in the checklist in the previous section.

Attached Document	Requirements
Business Plan Update	<p>You must submit a Business Plan Update with your application. This Update is a modified business plan that focuses on the changes you are applying for and how they will affect your business and operations.</p> <p>A Business Plan Update should contain enough detail to make sure the Board understands what changes you are seeking, how they will affect your operations and why the changes are necessary.</p> <p>See Board Reference Sheets on <a href="#">Business Plan Updates</a> and <a href="#">Sample Business Plan Outlines</a>.</p>
Cash Flow Projections	<p>Provide month-by-month cash flow projections for <b>36 months</b>. Break projections down to the main expense and revenue categories for your operation. See <a href="#">Reference Sheet 4: Financial Information</a> for more information.</p>
Balance Sheets or Personal Net Worth Statements	<p>If you are a company, submit a balance sheet. If you are sole proprietor or partnership, submit a personal net worth statement. See <a href="#">Reference Sheet 4: Financial Information</a> for more information.</p>
Income Statements	<p>Submit income statement for the past <b>2 years</b>. If you have not operated for 2 years, then submit income statements that include the months you have operated.</p>
Public Need Indicators	<p>A “public need indicator” is factual information that shows there is a public need your proposed transportation service in the area you want to serve. The Board wants you to analyze the information you put in your application to show public need. How does this information show public need for: (a) more of the service that you are applying for, and (b) the number of vehicles you are asking for?</p> <p><a href="#">Reference Sheet 20</a> provides more information on public need indicators.</p>



Proposed Rates	<p>If you are operating a limousine service you must follow the minimum and maximum rates set in <u>the Board rates rule</u>.</p> <p>If you are operating a service other than a limousine and the amendments you are proposing will affect your rates, you must submit proposed rates with your application. The Board has developed the following forms that you may submit: <u>Hourly Rates</u>, <u>Point-to-Point Rates</u> or <u>Individual Fares</u>. As well, you should explain your new rates in your business plan.</p> <p><b><i>Crew Transport &amp; Contract Rates</i></b> If you are applying to provide crew transport service and meet the requirements of <u>Rule 49</u> of the Board’s Rules of Practice and Procedure, then you are not required to submit these contract rates for Board approval. All other rates require Board approval.</p>
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## VI. Other Information Available to Applicants

The Board’s website has additional information available to applicants. This includes information on legislation and Board policies and rules, applications and reference sheets, rates, industry specific matters and rates.

## VII. Confidentiality

- The Board keeps the following types of information confidential:
- private financial information (e.g. personal net worth statements)
- private business details (e.g. contracts, customer account information, detailed expansion processes)
- information from criminal record checks that is not public and other personal information (e.g. “Disclosure of Unlawful Activity and Bankruptcy” form)

Other information submitted with an application may be made public. Board decisions are public. The *Freedom of Information and Protection of Privacy Act* may apply to information in your application package

## VIII. Reconsiderations

There is no right to appeal Board decisions. The Board may reconsider, vary or rescind a decision in only two circumstances:

- a. information has become available that was not available at the time the decision was made; or
- b. there has been an error in procedure.

For further information, see Reference Sheet 14: Options after a Decision.

## **IX. Contacts**

For further information or questions on the Board's process contact the Board at the following link:

### **Passenger Transportation Board**

P.O. Box 9857 STN PROV GOVT, Victoria BC V8W 9T5  
Phone: 250-953-3777 Fax: 250-953-3783 Email: [ptboard@gov.bc.ca](mailto:ptboard@gov.bc.ca)