

# Application Decision

## Transfer of Licence

Application No.	<b>12416-21</b>
Application Summary	<b>Transfer of Licence: PDVA (Limousine)</b> <ul style="list-style-type: none"><li>• <u>Licence Originating Area</u>: Central Okanagan Regional District, North Okanagan Regional District, Columbia Shuswap Regional District, Regional District of Kootenay Boundary &amp; Okanagan-Similkameen Regional District</li><li>• <i>Request</i>: Transfer of Passenger Transportation Licence with Special Authorization (PDVA) from Okanagan Limousine Inc. to PEARSON, Lorraine Samantha</li></ul>
Applicant Transferee (Transfer Licence To)	<b>PEARSON, Lorraine Samantha</b> <i>Trade Name</i> : Okanagan Gold Limousine <i>Office</i> : 3547 Bemrose Road, Kelowna, BC V1W 4GB <i>Current Passenger Transportation Licence</i> : #75340 with: Passenger Directed Vehicle Authorization (PDVA)
Applicant Transferor (Transfer Licence From)	<b>Okanagan Limousine Inc.</b> <i>Principal</i> : Laura Leslie MAJOR <i>Office</i> : 1140 Lacombe Road, Kelowna, BC V1X 4W6 <i>Current Passenger Transportation Licence</i> : #70909 with: Passenger Directed Vehicle Authorization (PDVA)
More Information	<i>Appendix 1</i> : Notices Respecting This Approval <i>Appendix 2</i> : Terms & Conditions of Licence for Transfer <i>Appendix 3</i> : Supplementary Terms & Conditions <i>Appendix 4</i> : Data Requirements <i>Appendix 5</i> : Rates and Rules
Publication	June 30, 2021
Submission Deadline	July 12, 2021
Submissions	None received.

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Board Decision	The application is approved in whole: <ul style="list-style-type: none"><li>• The transfer of the Passenger Transportation Licence with Special Authorization is approved</li><li>• Terms and conditions of licence are unchanged</li><li>• Rates and rules are unchanged</li></ul>
Decision Date	October 7, 2021
Panel Chair	Carmela Allevato

## I. Introduction

The *Passenger Transportation Act* (the Act) regulates the licensing and operation of commercial passenger transportation vehicles and services in BC. Under the Act, the Passenger Transportation Board (Board) makes licensing decisions on applications relating to taxis, limousines and other small shuttle and tour vehicles. The operation of these vehicles requires a “passenger directed vehicle authorization.” The Board has the authority to consider and approve applications for new licenses as well as applications from existing licensees to change terms and conditions of their licences (including the addition of vehicles to their fleet), change rates to be charged for a service and request Temporary Operating Permits (TOPs). Since September 2019, the Board’s mandate has included licensing decisions relating to Transportation Network Services, also known as ride-hailing services.

## II. Jurisdiction

This application is made under the *Passenger Transportation Act* (the Act). As required by section 26(1) of the Act, the Registrar of Passenger Transportation forwarded the application to the Board. Section 26(2) of the Act requires the Board to publish the fact and nature of the application, and section 27(3) requires it to consider applications and any written submissions it receives as result of publication.

The Act authorizes the Board to approve a transfer of licence. Under section 30(1), the Board considers whether the applicant is a fit and proper person and capable of providing the service.

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### **III. Application**

#### **(1) Applicant**

This is an application to transfer a Passenger Transportation Licence with Special Authorization: Passenger Directed Vehicle Authorization (PDVA) from Okanagan Limousine Inc. to PEARSON, Lorraine Samantha, doing business as Okanagan Gold Limousine.

The licence sought to be transferred authorizes the operation of a fleet of up to 7 vehicles, one of which must be a sedan limousine, one which may be a sedan limousine and another which must be an SUV. A sedan limousine may transport up to 6 passengers including the driver. An SUV must accommodate up to 8 passengers including the driver.

There are two services authorized under the licence. Service 1 allows for the transportation of passengers from any point in the Central Okanagan Regional District and from the Highway 33 corridor from Beaverdell to Kelowna to any point in and beyond British Columbia. Service 2 allows for the transportation of passengers to and from winter-based ski activities and these must be booked through a third-party company with which the licensee has an agreement to provide transportation. Okanagan Limousine has such an agreement.

If the application is approved, the transferee would be authorized to provide this service.

PEARSON is a sole proprietor currently owning and operating Accent Limousine which is licensed to operate one perimeter seating bus in the Okanagan Region under a Passenger Transportation Licence with a Special Authorization (PDVA).

The Applicant's office is located in Kelowna British Columbia.

#### **(2) Overview of Applicant Materials**

The applicant submitted application forms and other materials that meet Board transfer application requirements.

The applicant's materials include the following:

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- Business plan which includes financial information, projections and details of the operation
  - Pearson's resume
  - Letter from the Transferor

### (3) Submissions

The Board did not receive submissions on this application.

### (4) Procedural Matters

Section 17 of the Act allows the Board to conduct written, electronic or oral hearings, or any combination as the Board, in its sole discretion, considers appropriate. This application is being conducted by way of a written hearing.

## IV. Analysis and Findings

### (1) Is the applicant a fit and proper person to provide its proposed service, and is the applicant capable of providing the service?

The Board looks at this question in two parts:

- (a) is the applicant a *fit and proper person* to provide the proposed service; and,
- (b) is the applicant *capable* of providing the service?

First, with *fit and proper*, the *Oxford English Dictionary* defines *fit* as including “well adapted or suited to the conditions or circumstances of the case, answering the purpose, proper or appropriate possessing the necessary qualifications, properly qualified, competent, deserving.” Also, the dictionary defines *proper* as including “suitable for a specified or implicit purpose or requirement; appropriate to the circumstances or conditions; of the requisite standard or type; apt, fitting; correct, right.” When looking at whether an applicant is fit and proper, the Board does so in the context of the passenger transportation industry in British Columbia. This includes the regulatory system that grants businesses a licence which confers on them both the authorization they need to provide their service and an ongoing obligation to operate in accordance with proper standards of conduct.

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Second, capability is generally understood to mean that an applicant has the ability or qualities necessary to skillfully and effectively meet its obligations and achieve the results it says it will achieve. When looking at capability, the Board reflects on whether the applicant has demonstrated that it has the knowledge and understanding of relevant regulatory requirements and policies that govern passenger transportation providers, and whether it is able to comply with those requirements. It also looks at whether the applicant has the background, skills and knowledge to manage its proposed service, and the financing to operate it. The Board expects an applicant to demonstrate its competence and ability by providing sound and realistic information in its business plan and financial statements that is consistent and compatible with the transportation service it proposes.

The applicant holds a National Safety Code rating of Satisfactory- Unaudited which is acceptable to the Board.

Pearson has signed the requisite disclosure form of *Unlawful Activity and Bankruptcy*, which indicates no negative concerns. The applicant has submitted the Declarations Form declaring, among others, that it will operate its vehicles in accordance with the Liquor Control and Licensing Act and the Cannabis Control and Licensing Act.

The applicant also submitted a COVID-19 Safety Plan.

A review of Pearson's resume indicates that she has experience in the passenger transportation industry having operated a taxi business in Jasper BC and currently operates a limousine business in the Okanagan. The statement of net worth indicates that the applicant is able to finance the operation of the business. The business plan is realistic and the projections take into account the emergence from the pandemic.

Based on the information and evidence above, I find that the applicant, Lorraine Samantha PEARSON, is a fit and proper person to provide the proposed service, and I find that she has demonstrated she is capable of providing the service.

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(2) **Rates**

The Board's *Minimum-Maximum Rates and Standard Rules for Limousines in BC*, October 20, 2016 apply to vehicles operated under this approval and are the same rates under which the transferor operated.

**V. Conclusion**

For the reasons above, this application is approved in whole and I establish the requirements that follow in appendices to this decision:

- Appendix 1: Notices Respecting This Approval
- Appendix 2: Approved Terms and Conditions of Licence
- Appendix 3: Supplementary Terms and Conditions Respecting PDVA Apps
- Appendix 4: Data Requirements
- Appendix 5: Rates

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**PEARSON, Lorraine Samantha**  
Okanagan Gold Limousine

**Appendix 1: Notices Respecting This Approval**

Notice to Applicant	<p><b><i>Licence Required To Operate:</i></b></p> <ol style="list-style-type: none"><li>1. The Registrar of Passenger Transportation must issue the applicant a licence before the applicant can operate any vehicles approved in this decision.</li></ol> <p><b><i>Approval of Application May Expire:</i></b></p> <ol style="list-style-type: none"><li>2. The applicant must activate <b>at least 50% of the vehicles</b> within <b>6 months</b> of the date of this decision.</li><li>3. If the applicant does not meet the requirements set out in 1 above, this Special Authorization expires.</li><li>4. The Passenger Transportation Board may vary the requirements set out in 1 above, if circumstances warrant it.</li><li>5. If an applicant needs more time to activate its vehicles, then the applicant must make a request to the Board before the end of the 6-month activation period.</li></ol>
Notice to Registrar	The Registrar must not, without direction from the Board, issue the applicant a licence or any Special Authorization Vehicle Identifiers if the applicant has not activated <b>at least 50% of the vehicles</b> within 6 months of the date of this decision.
Definition	<i>Activate</i> means that the applicant has submitted to the Registrar of Passenger Transportation documents that are required to obtain a Special Authorization Vehicle Identifier.

**PEARSON, Lorraine Samantha**  
Okanagan Gold Limousine

**Appendix 2: Terms & Conditions of Licence for Transfer**

The licensee is subject to licence requirements including terms and conditions of licence that are set out below in “A. Legislative Requirements,” “B. Passenger Transportation Vehicles,” and “D. Other Requirements.”

<b>Special Authorization Passenger Directed Vehicles Authorization Terms &amp; Conditions</b>	
Definitions	<p>“Board” means the Passenger Transportation Board</p> <p>“Registrar” means the Registrar, Passenger Transportation</p>
<b>A. Legislative Requirements</b>	
Vehicle Identifiers	<p>Each motor vehicle operated under this authorization must display, at the times and in the form and manner required by the Registrar, a vehicle identifier that is:</p> <p>(a) issued to the licensee by the Registrar; or</p> <p>(b) authorized by the Registrar to be issued by the licensee.</p>
Data Requirements	<p>The licensee must provide to the Registrar any information, including personal information, and data that the Registrar or Board may require, and as may be set in any applicable supplemental terms and conditions and orders of the Registrar or Board, within time periods that the Registrar or Board may require, which may include, without limitation, information and data set out in section 28(5)(a) to (c) of the <i>Passenger Transportation Act</i>.</p>
<b>B. Passenger Transportation Vehicles</b>	
Maximum Fleet Size	<p>7 vehicles</p> <ul style="list-style-type: none"> <li>• 1 may be a sedan limousine</li> <li>• 1 must be a sedan limousine</li> <li>• 1 must be an SUV</li> </ul>



Vehicle Capacity (S)	<i>Sedan limousines</i> must accommodate a driver and not less than 3 and not more than 5 passengers
Vehicle Capacity (LV)	Large vehicles accommodate a driver and not less than 6 and not more than 11 passengers
SUV	An SUV must accommodate a driver and 6 passengers.
Specialty Vehicles	Sedan vehicles may only be operated if the vehicles are <i>sedan limousines</i> , including <i>eco-friendly sedan limousines</i> , as defined by Board policies or rules in effect at the time a special authorization vehicle identifier is issued by the Registrar of Passenger Transportation for the vehicle
<b>C. Originating Areas &amp; Services</b>	
<b>Service 1</b>	<i>The following terms and conditions apply to Service 1:</i>
Originating Area	Transportation of passengers may only originate from any point in: <ul style="list-style-type: none"> <li>• Central Okanagan Regional District (CORD)</li> <li>• Highway 33 corridor from Beaverdell to Kelowna</li> </ul>
Destination Area	Transportation of passengers may terminate at any point in British Columbia, and beyond the British Columbia border when engaged in an extra-provincial undertaking
Return Trips	The same passengers may only be returned from where their trip terminates in the <i>destination area</i> to any point in the <i>originating area</i> if the return trip is arranged by the time the originating trip terminates.
<b>Service 2</b>	
Originating Area:	Transportation of passengers may only originate from any point in: <ul style="list-style-type: none"> <li>• along the Highway 97 corridor from Rutland to Sicamous</li> <li>• along the Highway 1 corridor from Monte Creek to Rogers Pass</li> <li>• along the Highway 6 corridor from Vernon to Needles</li> <li>• along the Highway 23 corridor from Shelter Bay to Mica Creek</li> </ul>

Destination Area:	Transportation of passengers may terminate at any point in British Columbia and beyond the British Columbia border when engaged in an extra-provincial undertaking.
Return Trips:	The same passengers may only be returned from where their trip terminates in the destination area to any point in the originating area if the return trip is arranged by the time the originating trip terminates.
Service Limitation:	<p><b>a) Service may only be provided to passengers traveling to and from winter ski activities.</b></p> <p>b) All service must be brokered and booked through third party companies with which the licensee has written agreements to provide transportation for their clients.</p>
<b>D. Other Requirements</b>	
Hailing in Originating Area	<ol style="list-style-type: none"> <li>1. A trip may be arranged by: <ol style="list-style-type: none"> <li>(a) booking the motor vehicle in advance;</li> <li>(b) hailing the motor vehicle through a dispatcher; or</li> <li>(c) hailing the motor vehicle through an app that does not process payment for the fare.</li> </ol> </li> <li>2. Passengers must not be hailed through a Transportation Network Service app that connects drivers with passengers who hail and pay for the services through the use of an online platform.</li> <li>3. The licensee must not pick up a passenger who hails the motor vehicle from the street.</li> </ol>
<i>Liquor Control and Licensing Act Cannabis Control and Licensing Act</i>	The licensee must ensure passenger directed vehicles under their licence are operated at all times in compliance with the <i>Liquor Control and Licensing Act</i> and the <i>Cannabis Control and Licensing Act</i> .
Transfer of a Licence	This special authorization licence may not be assigned or transferred except with the approval of the Board pursuant to section 30 of the <i>Passenger Transportation Act</i> .

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**PEARSON, Lorraine Samantha**  
Okanagan Gold Limousine

**Appendix 3: Supplementary Terms & Conditions**

Supplementary Terms & Conditions Respecting Taxi & Other PDVA Apps, effective September 25, 2019, apply to vehicles with an app that is used for dispatch but not payment processing.

**Appendix 4: Data Requirements**

Data Requirements, effective September 3, 2019, are applicable.

**Appendix 5: Rates**

Rates and rules as set by the Minimum-Maximum Rates and Standard Rules for Limousines in BC effective October 20, 2016