

# Temporary Operating Permits (TOPs)

## Context

Section 38 of the Passenger Transportation Act (Act) authorizes the Board to approve an application by a licensee to temporarily increase their fleet size if the Board considers that there is an “urgent and temporary” need for the vehicles. The length of the TOP depends on the time period for which a permit is required. The maximum time for a TOP is 92 days, but these do not need to be consecutive days.

In addition to Regular TOPs, the Board has implemented two streamlined TOP processes to accommodate peak periods. These are Festive Season TOPs (FS TOPs) for taxis and Peak Season TOPs (PS TOPs) for limousines and other PDVs. “Urgent and temporary need” is generally accepted by the Board in these streamlined processes.

## Applicability

This policy applies to the following:

- Licence applications
- Application process
- Fit and proper assessments

## Policy

Transfer requirements may be streamlined when the Board is satisfied that the transfer application is administrative in nature, such as when the principals for the transferor and transferee are the same or mostly the same individuals.

Examples of circumstances when an administrative transfer may be possible are:

1. A sole proprietor converts the business to a limited corporation and the proprietor becomes the sole shareholder of the new corporation.
2. A partner leaves the partnership and the company changes from a partnership to (a) a sole proprietorship, (b) a new partnership or (c) a new corporation. Streamlined transfer application requirements would apply only where a majority of the original partners continue as principals for the transferee.
3. One corporation is voluntarily being dissolved and a new corporation is established with the same principals or majority of the same principals.

## Legislation

28 (1) The board may approve, in whole or in part, an application forwarded to the board under section 26 (1) [other licence applications] after considering the following:

(a) whether the applicant

(i) is a fit and proper person to provide the service the applicant proposes to provide under the special authorization, and

(ii) is capable of providing the service;

30 (1) A licensee must apply to the registrar before transferring the licence and, in that event,

a) Division 2 applies to an application to transfer a licence issued under that Division, and

b) Division 3, other than section 28 (1) (b), applies to an application to transfer a licence issued under that Division.

(3) Promptly after a licence is transferred, the person who is transferring the licence must do the following:

- a) ensure that each vehicle identifier the person was required to display on or in motor vehicles operated under the licence ceases to be displayed on or in those motor vehicles;
- b) collect the vehicle identifiers referred to in paragraph (a), or notify the registrar if the person fails to collect each of those vehicle identifiers;
- c) if the vehicle identifiers collected under paragraph (b) were issued by the registrar, return those vehicle identifiers to the registrar in the prescribed manner.

## Related topics:

- [Fit and proper policy](#)