

## Q&As for Board Website

### **Why did the Board conduct an investigation?**

- The Board decided to conduct an investigation pursuant to section 27(3)(b) of the Passenger Transportation Act on the impact of the COVID-19 pandemic on the BC passenger transportation industry. This will help support objective, evidence-based decision-making.

### **Who conducted the investigation?**

- The Board retained Hara Associates (Dr. Dan Hara), a professional economist, to conduct the investigation. This Investigator possessed the requisite expertise in economics and in the BC passenger transportation industry to render a valuable report.

### **When did the investigation begin, and when was it completed?**

- The investigation began once the Preliminary Decisions on the Main Applications were issued, on April 20, 2021. The investigation was completed on September 17, 2021, and the report was subsequently posted on the Passenger Transportation Board's website on September 22, 2021.

### **What is the conclusion and key findings of this investigation?**

- All relevant findings of the investigation have been captured in the Investigator's Report, accessible at <https://www.ptboard.bc.ca/>.

### **How does this report and its findings impact the affected applications?**

- The outcome of the COVID-19 Board Investigation will assist the Board in determining public need and help to promote sound economic evidence-based decision-making in light of the COVID-19 pandemic's impact on the BC passenger transportation industry. All relevant applicants have been notified and requested to provide submissions on the contents of the Investigator's Report before the Board renders any final decisions.

### **When will the Board render its decision?**

- Currently, all relevant applicants have been notified and requested to provide submissions on the contents of the Investigator's Report before the Board renders any final decisions on their applications. The Board is committed to rendering its final decision as quickly as possible after receiving submissions.

**Once the pandemic is over, will you continue to make decisions on all future applications based on the findings from the COVID-19 Board Investigation report?**

- Every case will continue to be decided independently, on its merits. The Investigator's Report may or may not be used in any given application process.

**What will happen if the data collected for this investigation becomes outdated, given the constantly evolving nature of the COVID-19 pandemic?**

- Going forward, if the Board deems that further work is required to collect new information, should the economic landscape change, it has the discretion to do so. The Passenger Transportation Act requires all taxi licensees and Transportation Network Services (TNS) operators to provide trip data as a term and condition of licence.

**Why did the Board continue to issue decisions in the midst of COVID-19? Why did the Board choose this time to begin an investigation?**

- Since the legislative amendments authorizing the Board to make decisions for Transportation Network Services (TNS) came into force in September 2019, the Board has received more than 40 applications for TNS and granted more than 20 of those applications.
- After the province declared a state of emergency due to the pandemic, the Board asked applicants whether they wanted the Board to defer consideration of their applications or to continue. The Board proceeded on the basis of these exchanges. The Board does not have the legal authority to place active applications on hold, except under specific circumstances.
- In early 2020, the Board had expected to be properly positioned to regulate the industry through objective data and economic analysis, however, the pandemic transformed the economic landscape in unpredictable ways. The duration and long-term effects of the pandemic were unclear.
- We could not assume that the province would return to previous economic conditions once the pandemic was under control, which means we may not be able to rely on pre-COVID data or economic analysis for Board decisions.
- Now is the time to undertake a thorough analysis. As economic regulator, the Board has an important role to help ensure the economic viability of the passenger transportation industry during this challenging time and into post-COVID economic recovery.

### **Which applications are affected?**

- This investigation was initiated in the context of relevant applications currently before the Board. These included the applications of Uber Canada Inc. (#10268 - 20TNS) and Facedrive Inc. (#10149-20TNS) (collectively known as the “Main Applications”).
- Pursuant to section 14(d) of the Act, the Board continued to review other applications which involve similar questions of fact, law, or policy that may be impacted by the COVID-19 Board Investigation and decided to Stay such files. These other proceedings include Black Top Cabs Ltd. (#11024-20TNS), North Shore Taxi (1966) Ltd. (#10575-20TNS), and Swiftsure TaxiCo. Ltd.; Duncan Taxi Ltd.; Comox Taxi Ltd.; Oceanside Taxi Ltd. (#10336-20TNS).
- All of the above applicants have received the Investigator’s Report and will have an opportunity to provide submissions before the Board renders any final decisions on their applications.

### **Why weren’t all applications chosen at the same time to avoid delays?**

- In compliance with the Act, an investigation under section 27 can only proceed as part of an application currently before the Board. Bound by legislation, the Board must adhere to the identified processes.

### **Will you share the investigation results with the public?**

- The report is accessible at <https://www.ptboard.bc.ca/>

### **I want to provide the Board with information to regarding the investigation. How can I have my say?**

- The Investigation has now been concluded. All relevant applicants have been notified to provide submissions on the contents of the report before the Board renders any final decisions.

### **Are you being pressured by the taxi industry to limit entry?**

- The Board is an independent tribunal that renders decisions based on facts.
- Board members apply three tests under section 28(1) of the Act:
  - Whether there is a public need for the service the applicant proposes to provide;
  - Whether the applicant is a fit and proper person and capable of providing the service
  - If the application, if granted, would promote sound economic conditions in the passenger transportation business in BC

**The pandemic will eventually be over – why make drastic changes now, when things might go back to normal soon?**

- Clearly, the industry is facing significant challenges due to the pandemic. However, we don't have adequate data on specifics. We can't rely on pre -Covid data or economic analysis for Board decisions.
- We can't assume public need and sound economic conditions are status quo, or that the landscape of the passenger transportation industry will remain the same when the province emerges from the pandemic.
- This is why our Board members need objective facts about the current state of the industry so they can make sound, fair, informed, evidenced-based decisions.
- This approach benefits the industry as a whole.