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:

- Licensees with a special authorization: passenger directed vehicle authorization (PDVA) who want to increase, on a short-term basis, the number of motor vehicles they may operate

This policy does not apply to:

- Licensees with a transportation network services authorization (TNSA)
- Licensees with an inter-city bus authorization (ICBA)

Policy

The Board may grant a TOP if the Board considers that there is an “urgent and temporary” need for the licensee to increase the number of motor vehicles that are or may be operated under the licence. TOP applications are considered individually based on operating and market conditions at a particular time.

With any TOP, a panel member may require an applicant to provide additional information to the Board or refuse an application if circumstances, including applicant fitness, warrant a refusal. A panel member may consider the history of an applicant’s previous TOP applications, including for FS TOPs and PS TOPs, in the previous 5 years.
The Board expects licensees to manage their operations within their current fleet and TOP options available. Outside of the TOP process, operators may, for a fee of $50 move a plate and identifier from one vehicle to another by submitting a Move Plate to Alternate (PTA) Vehicle form to the Registrar’s Office. The alternate vehicle must be permitted under the operator’s special authorization.

Regular TOPs

Urgent and temporary need

TOPs are considered individually on the basis of urgent and temporary need. However, some examples of approvals for TOPs include:

- conferences or special events
- transportation of dignitaries
- unexpected peaks in demand for services

TOPs are not a means to:

- obtain authority to use a recently purchased vehicle pending filing a formal application for Board approval
- establish public need for a vehicle
- circumvent the regular Amendment of Licence application process to increase the maximum fleet size

The Board may be interested in strategies that applicants use to manage their fleet to avoid accepting bookings that exceed supply of vehicles.

TOPs and additional vehicle applications

Operators who want to expand their fleets on a permanent basis should submit a PDVA Amendment of Licence application. The Board will generally not approve TOPs pending additional vehicle applications. The exception to this is the PS TOPs for limousines and other PDVs outlined below.

Operators who buy a vehicle before they get Board approval to increase their fleet size are taking a risk. There is no guarantee that the Board will approve an Amendment application.

Festive Season TOPs for taxis

The Board recognizes demand for taxis often increases significantly from mid-November to mid-January (the “festive season”). The FS TOPs process allows taxi companies to increase their fleet size during this time, and applicants for FS TOPs are not required to provide additional evidence of a “temporary and urgent need” for more taxis.

Taxi operators may apply for FS TOPs to increase their maximum fleet of full-time vehicles (e.g. vehicles that may operate 24/7) by 10% or by 1 vehicle, whichever is greater. Percentages are calculated with conventional rounding.

FS TOPs may cover a period of up to 60 days within the time period of November 15 to January 15.

Any permit requests outside of the FS TOP parameters must be submitted through the regular TOP process where evidence of “temporary and urgent need” is required.

Peak Season TOPs for limousines and other PDVs

The Board recognizes that limousine and other PDV operators provide discretionary services. As such, they often experience spikes in demand at various times of the year. These spikes may occur during the festive, grad, ski, or summer season. To meet cyclical demands and serve their client base, operators may need to increase their fleet temporarily. Applicants for PS TOPs are generally not required to provide additional evidence of a “temporary and urgent need” for more vehicles. Municipalities and other agencies or organizations may have additional requirements with which limousine and other PDV companies must comply.

The PS TOPs policy applies only to those licensees who must charge hourly rates pursuant to the Board’s Rates Rule- Limousine Rates Rule.

PS TOPs may be cumulative. In any calendar year, which starts on January 1, a licensee may apply for a maximum of one of the following PS TOP timeframes:

- 3 – 30-day PS TOPs
- 1 – 60-day PS TOP and 1 – 30-day PS TOP
- 1 – 92-day PS TOP

PS TOPs that cover December may finish on any day up to January 7 of the following year. In any calendar year, the latest date to start a PS TOP is:

- December 9 for a 30-day permit
- November 9 for a 60-day permit

- October 8 for a 92-day permit

The maximum number of vehicles permitted for a PS TOP timeframe is:

Fleet size	Number of PS TOP vehicles permitted
1-10	1
11-23	up to 2
24+	up to 3

Licensees must indicate a maximum number of vehicles they are requesting when they submit a PS TOP application, and operating areas for PS TOPs will be the same as those on the applicant's licence. Licensees must manage bookings accordingly and should not expect TOPs over and above PS TOPs unless appropriate supporting data is received.

Vehicle capacity and type may be different on a PS TOP than on a licence; however, the Board may limit the number of sedan limousines at any time in an area.

TOP requests outside of the PS TOP parameters must be submitted through the regular TOP process where evidence of "temporary and urgent need" is required.

Legislation

38 (1) The board may approve an application forwarded to it under section 36.1 (4) [application by licensee to temporarily increase fleet size] if the board considers that there is an urgent and temporary need for the licensee to increase the number of motor vehicles that are or may be operated under the licence.

(2) Sections 28 (1) (a), (3) (a) and (c), (5) and (7) [determination by board] and 29 (1) [role of registrar if board approves licence including special authorization] apply to an application forwarded to the board under 36.1 (4) and, for this purpose, those sections are to be read as if

(a) references to "licence" were references to "temporary operating permit", and

(b) the reference to "licensee" in section 28 (5) were a reference to "permit holder".

Related topics:

- Temporary Operating Permit (TOP)
- Temporary Operating Permit application form (Regular)
- Festive Season Temporary Operating Permit application form
- Peak Season Temporary Operating Permit application form