URBAN COWBOY E-CAPITALISM MEETS DYSFUNCTIONAL MUNICIPAL POLICY-MAKING:

WHAT THE UBER STORY TELLS US ABOUT CANADIAN LOCAL GOVERNANCE

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Municipal officials' struggles to develop workable and fair policies to regulate Airbnb and Uber, in Canada and elsewhere, show that local regulatory systems and, just as important, customary regulatory approaches have been stretched to the breaking point by what I here call 'urban cowboy e-capitalism'. That e-capitalism poses regulatory difficulties for many domains and levels of government is well known. But this article focuses on the conflicts, and the eventual policies to manage those conflicts, that have arisen in Canada as one particularly aggressive, cowboy-like e-capitalist firm, Uber, suddenly disrupted a regulatory field traditionally governed by cities under their business licensing powers.

Uber is considered by many as a corporate outlier due to its extreme unwillingness to accept regulation or work collaboratively with governments. But as I will show, even if Uber's civic behaviour is unusual, cities' regulatory dilemmas in regard to Uber clearly expose the underlying systemic weaknesses of regulatory approaches that municipalities have long taken for granted. These approaches are not well known or well researched; the fact that the urban is a scale and a jurisdiction with distinct governance traditions and peculiarities, as I have shown in detail elsewhere, is not widely appreciated[[1]](#endnote-1).

An economist might not want to single out e-corporations occupying a traditionally urban regulatory space from those operating at other scales. But socio-legal scholarship finds it useful to differentiate companies such as Facebook, which have contributed to the creation of new social and legal spaces, from companies that operate in a venerable jurisdictional space that has plenty of rules and norms but is characterized by structural weaknesses: the municipal regulatory space[[2]](#endnote-2). And as Eric Tucker's contribution in this volume shows, commercial passenger driving has been central to municipal business regulation for a very long time.

After briefly recounting some highlights of Uber's defiant law-breaking career, focusing mainly though not exclusively on Canada, I will then describe a range of regulatory regimes -- or ongoing regulatory efforts that may or may not evolve into settled regimes. Comparing Toronto, Edmonton and Ottawa to the situation in British Columbia and Quebec, we will see that if provinces wholly vacate the regulatory space, municipalities face grave difficulties in devising regulatory measures to minimize the risks posed by what I here call urban cowboy e-capitalism. In other words, Uber's story reveals much about the structural fractures and limitations of local governance.

PRELMINARIES: DEFINING THE OBJECT OF REGULATION

Much confusion has been generated by the phrase 'the sharing economy'. Electronic platforms and apps can indeed enable peer-to-peer transactions --horizontal transactions previously confined to newspaper want-ads and notes posted on local (physical) bulletin boards. As the recent study by the Canadian Centre for Policy Alternatives (CCPA) shows, those horizontal, typically one-off transactions, which have always existed but can now benefit from electronic tools, do constitute a "sharing economy", one that is not new but is expanding in size and visibility due to developments in cyberspace[[3]](#endnote-3).

Sharing economies, electronically mediated or not, have often operated on the margins of law, and local as well as provincial authorities have long tolerated activities such as informal handyman work and unlicensed babysitting. Regulators have sometimes tried to draw a legal line above which an activity ought to be regulated and/or taxed, e.g. by differentiating babysitting from daycare services, or defining where 'car pooling' ends and where commercial driving for others begins[[4]](#endnote-4). It is not always possible or advisable to try to provide hard-and-fast legal definitions that separate the legal from the illegal (or from the perhaps larger category of the a-legal or semi-legal) -- as practical experience with any number of municipal policy areas, e.g. around basement apartments and rooming houses, shows.[[5]](#endnote-5)

The CCPA cogently argues that it is very important to distinguish the sharing economy that has always existed but is now growing in size and efficiency from a rather different economy whose logic is actually the opposite of that of 'sharing' -- what they call "the **on-demand service economy**" (Ibid p. 1). In this realm, corporations, often quite large, capitalize on today's ample pools of precarious labour by developing electronic platforms so that consumers can access on-demand services provided by workers (typically not formal employees) who are linked to customers only through the proprietary business app, not directly, and who usually provide their own capital (an apartment, in Airbnb, or a car, for Uber). For instance, Kijiji is a platform that enables two people who don't know one another to engage in peer-to-peer exchanges that do not provide regular employment income; and Kijiji does not set prices for goods, nor does it develop a continuing, hierarchical relationship with people who use the app. By contrast, Uber sets prices in advance; and it exercises extensive and continuous surveillance over both clients and workers, sometimes forcing drivers or customers off the platform. Uber transactions are thus not peer to peer (as a number of international court decisions, most recently by an Advocate General at the Court of Justice of the European Union[[6]](#endnote-6), have found). The labour and employment dimensions of this type of corporation are explored in this volume by Harry Arthurs and Eric Tucker; here, I focus on regulatory and especially licensing rules, since my expertise lies in local governance and municipal by-laws.

Focusing on what the Uber story can teach us about municipal governance is best done by drawing comparisons with regulatory efforts at other scales. While Uber's law-breaking acts across jurisdictions are similar, as explained in the following section, regulatory responses have been rather different, and here jurisdiction plays a key role. Beginning with a brief look at the Canadian provinces that have taken responsibility for the problems caused by Uber (BC and Quebec), however unsuccessfully at least as of this writing, we will then take a detour through Europe, where nation-states have played a much larger role than in North America. Only then will we return to Canadian cities.

The conclusion will use the Uber legalization story to reflect on the importance of scale and jurisdiction in regulatory policy work, business licensing in particular. In Canada, where unlike in most of Europe the federal government would not and could not wade into any matters traditionally regarded as 'local' and 'municipal', for constitutional reasons of long standing, it has become crystal clear, I will argue, that only provinces can develop and enforce proper regulations governing Uber and similar transportation companies. Or, in the alternative, provinces need to support municipal governments that want and need policy muscle. The fact that the policy process appears, in mid-2017, to be stalled in both BC and Quebec is perhaps not a great advertisment for provincial jurisdiction in this area; but, in the long run, only provincial governments have the regulatory capacity, the fiscal tools, and the data-gathering resources that are required. Cities are currently sadly lacking in all three departments.

The on-demand service economy poses regulatory challenges at all levels; but cities are peculiarly unsuited to meeting these challenges, especially when urban spaces are suddenly invaded by very large, deep-pocketed transnational corporations wielding sophisticated databases and apps and enjoying world-wide name recognition and top-notch PR expertise.

LAW-BREAKING ON A GRAND SCALE

Showing an odd disregard for legality, the majority of scholarly articles on Uber and similar businesses are written as if Uber had found a juridical *terra nullius* and built a business on it, John Locke-like. Law-and-economics professors who write about 'the platform economy' and 'the gig economy' tend to assume the point of view of a convenience-seeking consumer -- rather than the standpoint of public policy-- and proceed to document, for instance, the relative efficiency of Uber versus taxis, waxing enthusiastic about innovation and suggesting regulations that amount to industry capture[[7]](#endnote-7).

Neoliberal perspectives, which only consider individual consumer convenience and/or overall market efficiency, excluding not only worker standpoints but also public policy logics, are not limited to law and economics publications. In Toronto, the city staff's own detailed and thoughtful reports on Uber legalization weighed all perspectives carefully; but instead of relying on these, an external consultant report was commissioned and produced for the City of Toronto by the MaRS Solutions Lab. That the MaRS report is entitled "Sharing in transportation"[[8]](#endnote-8) is the first clue about its bias; the second clue is the glowing praise lavished on "today's entrepreneurs"[[9]](#endnote-9). After listing a variety of regulatory challenges posed by commercial platforms providing services without the use of employment contracts, the authors exclaim, "Enter entrepreneurs!" -- as if entrepreneurs were not responsible for the very problems to which solutions are being sought. Remarkably, despite being commissioned by the city of Toronto, the report re-describes Uber's systematic and defiant law-breaking as "opportunities to reduce unnecessary regulatory burdens" (p. 64).

In keeping with this pro-business bias, Uber's notorious cowboy practices have been frequently attributed to the personality of its founder and, until his resigation in June 2017, CEO, Travis Kalanick -- rather than to the nature of corporations in general or even this corporation in particular.

On its part, media coverage --which tends to be produced by the largely white, well-educated, younger Canadians who are the heaviest users of Uber and similar apps (as the CCPA report cited above documents)-- has occasionally exposed Uber's exploitation of its drivers and the heavy lobbying of politicians; but Uber's long career of law-breaking is often presented as an an understandable response by entrepreneurs frustrated by an antiquated and inflexible system of taxi licensing. By contrast, taxi drivers, who in Canadian cities are overwhelmingly racialized men, often recent immigrants, have had great difficulty obtaining positive and informed media coverage.

Uber has also managed to generate biased Google search results. Typing "Uber + Vancouver" into Google in early 2017, several times over several days, consistently produced a list headed by five or six Uber websites including one recruiting drivers-- even though the company was banned in Vancouver at that time. To find more neutral information, not to mention blog posts by Uber drivers documenting exploitation, one would have had to scroll down very far. This is replicated for other cities, where Google users see, at the top of the search, not only the usual corporate website but a number of other items that look as if they are not corporate communications but turn out to be (such as explanations as to how to become an Uber driver, not marked as 'sponsored content').

Uber likes to attribute its success to 'innovation', although whether its algorithms and apps are in fact technically innovative (compared to similar tools developed by others) cannot be known, given the corporate blanket of secrecy, as described by Teresa Scassa in her contribution to this volume. In any case, technical wizardry, while probably necessary, is not a sufficient condition of corporate success, as the dot.com crash amply showed. The fact is that, in city after city, Uber actually achieved rapid success (and in fact achieved a near-total monopoly) by entering the market without even a nod to the rule of law, openly ignoring all local business licensing rules and municipal as well as provincial and federal tax law[[10]](#endnote-10), while simultaneously manipulating both prices and driver incentives to drive out any competitors. Lyft provides competition to Uber in many American cities, but Lyft does not operate in any Canadian city. Hailo was an app developed in Toronto in order to speed up and rationalize taxi service; but it seems to have been driven into the ground by Uber. Illegal businesses do exist in most sectors, often persisting for a long period; but achieving monopoly status while remaining wholly illegal is extremely unusual if not unique.

How was this open and continued law-breaking possible? Comparing Uber with comparable forms of illegality may be helpful. A lone marginal entrepreneur using his vehicle as an illegal taxi might be able to make a living by illegally picking up passengers at airports and train stations; but he has no access to marketing and advertising resources -- so he cannot change public perceptions of what he does, even in jurisdictions where the public may well be unhappy with existing taxi provision (as has long been the case in the Vancouver area). By contrast, by virtue of size, elaborate marketing, and lobbying on an unprecedented scale, Uber's cowboy e-capitalists worked both social media and mainstream media to develop a fan base that could be quickly mobilized to secure a positive on-line presence. In Toronto, the chief lobbyist for Uber was none other than David Plouffe, who successfully ran Obama's re-election campaign, and city hall journalists reported upwards of 100 Uber lobbyists working during 2014-16[[11]](#endnote-11).

The unusual volume and sophistication of Uber's lobbying was noted in Toronto and in other cities by City Hall press gallery members and councillors who opposed Uber; but (in Toronto and Edmonton in particular) some councillors, and to an extent Toronto' Mayor John Tory, turned a blind eye or even condoned Uber's law-breaking. The day in which Uber obtained legalization in Toronto, on extremely favourable terms, Mayor John Tory, instead of speaking the language of public policy and regulation, declared "The public wants to have choices, and they should have choices."[[12]](#endnote-12)

In Toronto and Ottawa, mayors and councillors reported getting hundreds or thousands of emails asking for Uber to be legalized. It is impossible to tell if these were actual emails sent by individual satisfied customers or fake automated emails, a distinct possibility given Uber's command of algorithms -- but local politicians treated the emails as genuine. Uber then used its marketplace profile to push for either no regulation at all or for extremely favourable regulatory terms.

Against all precedent, Uber continued to operate in breach of the law even when favourable rules were in the offing. In a story with parallels around the country, Calgary Mayor Nenshi said: "I'm a bit baffled that they [Uber] launched when the insurance product is just a few months away… Our friends [sic] at Uber have known for many many months that they've got an insurance problem…"[[13]](#endnote-13)

Meanwhile, in Ottawa, where city council showed a bit more backbone, an enforcement blitz aimed at fining unlicensed Uber drivers gave rise to an Uber corporate response -- cited by CBC news as a legitimate comment-- to the effect that "costly [municipal] sting operations seek to protect a monopoly.” [[14]](#endnote-14) This kind of comment underlines the weak legitimacy of traditional city rules about taxis and vehicles for hire. If a booze-can had been raided and fined, it is doubtful CBC news would have given the bootlegger's views on breaking provincial liquor law such respect.

Similarly, in Alberta, when after a long period of law-breaking Uber was, without any penalty, rewarded by municipal legalization, on condition Uber drivers obtain commercial driving licences (at their own expense), the Uber representative complained that legalization would result in "less flexible earning opportunities."[[15]](#endnote-15) Again, if transposed to a provincially regulated domain, such as beer and wine sales, environmental rules, or drivers' licences, the claim that businesses are entitled to the "flexible earning opportunities" associated with an absence of regulation would not go very far.

Uber's law-breaking has gone far beyond operating commercial vehicles in breach of taxi rules. A group of disgruntled employees revealed to the New York Times that Uber had used its algorithm expertise to build a special software program specifically designed to fool and foil any municipal inspectors (anywhere) that might be trying to identify and fine illegally operating vehicles. This program, known as "Greyball", enabled the corporation to send real-looking but actually false data to the Uber app of anyone suspected of being a municipal employee. The very tools of law enforcement (city workers' smart phones) were thus hacked by the suspect (Uber). Uber's 'Greyball' program was even able to cancel any ride requests made by such users -- "essentially Greyballing them as city officials."[[16]](#endnote-16)

Claiming that municipal inspectors were the law breakers, not the law enforcers, because they were 'misusing' the app in contravention of the private law unilaterally set out in its terms of service, Uber initially said: "this program [Greyball] denies ride requests to users who are violating our terms of service… by colluding with officials on secret 'stings' meant to entrap drivers" (ibid). More recently, Uber appears to be softening its stance, at least in public; but the corporate belief that a private terms of service agreement trumps public policy rules may remain (especially given parallel developments in private law-making, as Nofar Sheffi's article in this volume documents in regard to Airbnb).

Throughout Uber's epic law-breaking campaign, the rhetoric of 'the 'sharing economy' had to do heavy lifting, since illegality this blatant, and at such a scale, is unprecedented. As mentioned at the outset, cities in the advanced capitalist world as well as in the global South have always had an underground, illegal economy, especially in personal or home services. But the illegal informal economy is generally kept within certain boundaries -- as in the established distinction between neighbourhood babysitters and daycare centres-- or else it is limited in time -- as in the bootlegging that came to an abrupt end with the repeal of Prohibition. To my knowledge, Canadian legal history does not furnish any historical equivalent to the ex post facto legalization, without any consequences or sanctions, of Uber.

MUNICIPAL JURISDICTION IN BUSINESS LICENSING: A PRIMER

The most important feature of municipal business licensing, in Canada, and to a large extent also in the US and the UK, is the fact that major corporations are almost completely exempt from local regulation and local taxes. Ontario is perhaps at the extreme in this regard: unlike in the US and some parts of Canada, Ontario cities cannot levy a hotel room tax (although this will likely change as an indirect result of Toronto's rather feeble efforts to put limits on Airbnb short-term rentals). Similarly, Ontario cities cannot in any way tax or regulate the trucking firms whose heavy-duty vehicles wear out their roads and create congestion. Along the same lines, the bank buildings that dominate the downtown Toronto skyline are only counted and regulated as buildings, not as businesses. The height and density of the buildings need municipal permission, as do any illuminated signs placed on them, and the owners do pay property tax; but the banking business provides no direct revenue and is indeed invisible, legally, to the city.

While Ontario cities may be at the low end of the spectrum of local legal powers, there is no doubt that, in the present as in the past, cities' business-regulation energies are devoted almost completely to the micromanagement of small entrepreneurs: food truck operators, shop owners, restaurant owners, street vendors, and, last but not least, taxi drivers. And it is taxi drivers -- not the taxi plate (medallion) owners or the owners of brokerages and dispatching firms-- who bear the brunt of regulation. Up until 2017, would-be Toronto taxi drivers had to pay for a 17-day training course and had to comply with onerous and expensive rules (e.g. frequent vehicle inspections at city garages); and as in other cities, fares were fixed by the city, with no discounts or 'surge prices' allowed, and no allowance for changing gasoline prices. About half of Toronto's drivers own their vehicles, but the other half (about 5,000, though the numbers are probably dropping as a result of Uber) have to work for several hours each day to pay rent on the vehicle, as well as gas and insurance, before they can start to make any money. The situation is similar in other cities: it is common for a handful of people, often ex-drivers, to accumulate a few taxi plates, and live as rentiers on the proceeds of renting the plates to working drivers[[17]](#endnote-17).

Limiting the number of taxi plates has long been the centre-piece of municipal taxi licensing systems, in Toronto as in other North American cities. Up until the arrival of Uber, the cap on plates meant that the market value of plates could be as high as several hundred thousand dollars -- though some cities including Toronto were making efforts to encourage owner-driven taxis and discourage rentier taxi capitalism (see Eric Tucker's chapter in this volume). At other scales, businesses are certainly regulated in a variety of ways (zoning restrictions, building codes, etc); but putting caps on numbers is not a common technique in contemporary economic policy.

The cap on plate numbers suggests that municipal taxi licensing may have more in common with ancient guild regulations, designed to prevent too many labourers and apprentices from becoming masters and business owners, than with contemporary capitalism. While the arrival of Uber made taxi drivers around the country and indeed the world suddenly rise to defend municipal licensing against cowboy challenges, the irony is that, prior to Uber, taxi drivers were the most severe critics of the system --one that had long provided them with lower than minimum wage incomes and subjected them to a great deal of surveillance and discipline from municipal inspectors.

To put the Uber quetstion in its proper legal context, it needs to be noted that while taxi licensing may well be the most extreme example of municipal micromanagement of microentrepreneurs, it is not completely unique. Food truck operators and hotdog vendors have been micromanaged, often right out of business, by the same city officials, and in the same manner. In general, one can say that municipal business licensing, which has deep historical roots in the detailed 'police regulations' that in pre-capitalist cities sought to control access to trades and limit market exchanges, has never undergone a modernist overhaul.[[18]](#endnote-18) Today, in many sectors and in many cities, consumer demand for variety and for new types of goods and services goes unmet (as Toronto's minuscule food-truck economy demonstrates); licensing is often seen as a privilege, not a right; onerous conditions are attached to the licence; and municipal inspectors often enforce old-fashioned and not particularly rational rules just because they are there, not because any harm is being done.

In addition, municipal licensing, as a branch of local government, does not draw the well-educated civil servants who populate departments such as economic development, planning, public health, and transit. And at the political level, licensing ranks pretty low on council's hierarchy. Even in Canada's largest city, business licensing issues have long been neglected by politicians, with policy often monopolized by a single councillor with deep connections to a particular group of small-time owner/ capitalists. Rational risk management and flexible regulation have transformed other areas of municipal jurisdiction (such as public health, and in some instances planning), but remain largely foreign to municipal licensing and standards departments.

In sum, then: while municipal business licensing is undoubtedly at the pre-modern extreme of the spectrum of modes of governing urban risks, the logics by which such regulations have long functioned are unlikely to be easily reformed, since they are deeply rooted in a long history of local business micromanagement -- the governing tradition known in the US as 'the police power of the state'[[19]](#endnote-19). And while other areas of municipal governance have become more evidence-based and more attuned to governing risks rather than enforcing coercive rules, business licensing generally remains unmodernized.

PROVINCIAL INTERVENTIONS: BRITISH COLUMBIA AND QUEBEC

The lower Mainland, British Columbia's most urbanized area, is not politically organized in a way that would support sensible municipal regulation of commercial driving: the city of Vancouver is a small legal island in a sea of suburban municipalities. Since the 2010 Vancouver Olympics a few light rail lines --built with federal and provincial funds-- have revolutionized life for some localities; but reliance on private cars remains a key feature of life in the Lower Mainland. The conditions were thus ripe for Uber to set up shop there.

Initially, around 2012, Vancouver City Council banned Uber,[[20]](#endnote-20) on the grounds that it was in breach of city taxi rules. Uber then mounted an expensive PR campaign (see for instance www.action.uber.org/Vancouver, which despite using the non-profit designation 'org' is nothing but corporate communications). The campaign did not targe Vancouver City Council alone, however, since Uber managers knew that a very large market existed outside city limits, in the vast areas not well served by public transit. Very soon this campaign became part of the larger political battle pitting the then ruling Liberals (who elsewhere in Canada would be called Conservatives) against the opposition social democratic party, the NDP. Transposing the fight about Uber regulation to the provincial arena --in contrast to Ontario, where the province has studiously avoided entering the fray--, and doing so in the lead-up to an election campaign, completely changed the stakes.

Aware of the jurisdictional specificity of Canadian provincial governments, Uber was able to hire, as their chief BC lobbyist, well-known Canadian conservative PR strategist Dimitri Pantazopoulos, who had previously worked for none other than BC Liberal premier Christy Clark.[[21]](#endnote-21) Choosing to make Uber legalization into an election issue, provincial transport Minister Peter Fassbender took the problem away from municipalities like Vancouver and used the province's power to override and trump local bylaws and issue a proposed set of rules.[[22]](#endnote-22) The rules impose a few requirements -- but, as is the case in the rest of Canada, requirements that mainly fall on Uber drivers, not the company. It is drivers who (if the rules continue to be implemented) will need to acquire a commercial driving licence, pass a safe driving record check, pay for a criminal record check, and have their vehicles regularly inspected. If these or similar rules prevail in BC's politically uncertain times, Uber drivers would thus have to incur new costs -- but they would not have to turn over a few cents per ride to the city, as is the case in many other cities.

In the Lower Mainland, the number of taxi licences had long been capped despite surging demand -- a manoeuvre that taxi drivers felt was designed precisely to create a market for Uber even while it remained banned. During the spring 2017 election campaign the Liberals promised to "address the provincial taxi shortage", intimating that Uber was the solution.

The NDP, on its part, has been siding with licenced taxi drivers -- mainly racialized men, South Asian for the most part, living in the key suburban ridings around Vancouver. An NDP government, if it succeeds in gaining and holding on to power in the wake of a June 2017 election that created no clear majority but did bring the Liberals down (at least temporarily), will likely support existing taxi drivers. However, Uber may ultimately be legalized as well -- though there is little doubt it would be subject to regulation, and probably regulations that are more driver-friendly rather than corporate friendly, and that impose some kind of fee on Uber rides.

Whatever happens in BC, it is important to recall, more generally, that provinces can always, in the Canadian system, take back any of the powers that are traditionally delegated to municipalities, including business licensing and taxi licensing. Provincial powers have also been used in Quebec and so it is to this province we now turn.

In Quebec, Uber first appeared as a market player posing regulatory problems in the city of Montreal. But as was the case in British Columbia, the issue was quickly shifted to the scale of the province, in regard to policy, though municipalities remained in control of enforcement -- with Montreal setting a Canadian precedent by impounding hundreds of Uber cars. Uber's PR talent managed to find a silver lining in this rather dire situation, however, as management chose to pay the fees required to release the cars: the corporation then disseminated numerous stories featuring drivers expressing deep gratitude for having been 'rescued' by the company. Clearly, Uber had concluded that continuing to provide illegal services was important enough, in terms of sustaining and increasing its market, to justify spending corporate money paying the drivers' fines. Indeed, at the time, Uber sent messages to all the people who had signed up to drive for it stating that "For the moment, you can continue driving as a Quebec-Uber partner as usual" -- even though a provincial law had specifically banned services like Uber.[[23]](#endnote-23)

Eventually Quebec developed province-wide rules to legalize Uber (though only by way of a one-year pilot project). Quebec's regulatory traditions, which are more social democratic and pro-labour than is the case in other Canadian provinces, were clearly visible in the proposed new rules. Quebec Uber drivers will need to acquire a commercial driving licence; Uber's surge pricing is controlled in emergency situations; and fees amounting to about a dollar per ride have to be paid, with the proceeds being used to improve the taxi industry. (In general, Uber has not been forced to provide accessible vehicles for disabled passengers, unlike taxi companies, so perhaps the funds will be used to transform or buy accessible taxis). Other Canadian cities have also imposed a per-ride fee, but this ranges between six cents and 30 cents, not around a dollar as in Quebec. However, a key point is that while more onerous than other regimes, what the Quebec pilot project has in common with the rules developed municipally and in British Columbia is that the new regulations are mainly burdens on drivers and would-be drivers -- not on the highly profitable company.

The regulatory process in Quebec is unsettled in two ways, however. First, as already mentioned, Quebec's regulatory scheme was made not as permanent rules (as is the case elsewhere) but rather as a pilot project valid only for a year and subject to review. Second,, legalizing Uber went hand in hand (as was the case in Toronto, for example) with loosening the rules previously governing taxi drivers and taxi driver licences. But in June 2017 the taxi industry walked out of the ongoing talks to 'modernize' the taxi licensing rules. It would be logical to foresee that this boycott of the policy process by the taxi industry will have an effect on the political scene when the one-year Uber pilot project concludes, but what effect exactly, one cannot say.

Whatever happens, what is clear from events thus far and from what Canadian political scientists have long documented about provincial jurisdiction generally is that provinces have more than sufficient legal powers and enforcement tools to exercise considerable pressure on cowboy capitalism in the service sector, whether they choose to use these powers or not.

This means, in my view, that provincial rather than municipal governments are the appropriate site for devising regulations for sectors that present new technical or economic features and that, perhaps most importantly, feature extremely powerful foreign corporations, transnational behemoths that have little or no precedent in the long history of municipal business regulation. It is not a coincidence that in the United States, the best example of Uber regulations that are not unfair to taxi drivers is found not in a municipality but in the state of California, where the state-wide utilities commission has taken responsibility for regulating transportation network companies, demanding not only vehicle inspections and driver training but also commercial insurance[[24]](#endnote-24). The brief discussion of Ottawa, Edmonton and Toronto that concludes the article will provide further evidence for this claim about the right scale/jurisdiction for transnational e-capitalism, especially its cowboy variety. But first we will take a brief detour through legal proceedings that could have a major impact on regulatory strategies across many borders --future policies as well as existing ones.

DEFINING THE NATURE OF UBER

An appeal by Uber to the European Court of Justice, challenging a Barcelona business tribunal's decision to the effect that Uber was illegally breaching municipal taxi rules, may have far-reaching impact. The reason is that this case, instead of being fought on administrative law technicalities, as one might have expected given the forum and the type of law, revolves around a key substantive question. Is Uber -- as it claims -- merely a platform, an electronic entity that should be allowed to innovate and spread across borders with the help of the European Union's information technology policy? Or is Uber a transportation company, whose real business is rides provided on a commercial basis?[[25]](#endnote-25)

EU member states are divided. The Netherlands is siding with Uber -- since it is the jurisdiction where Uber has its base for all non-US business (though few Canadian customers appear to have noticed that the terms and conditions they must accept include having to go to Dutch courts if they want to sue Uber). Ireland is on Uber's side as well, not surprisingly since it is the European home of Google, Twitter, Facebook, and Airbnb. However, the Spanish government (which generally opposes anything that the city of Barcelona does, for ideological reasons) weighed in to support the regulated taxi industry against Uber -- as did several other European countries including Italy, France, Belgium, and Denmark. (In France, the situation is compounded by the fact that Uber drivers have organized against the company to demand better pay and working hours that more closely resemble the French standard of 35 hours per week.)

On May 11, 2017, Advocate General Spuznar released a preliminary opinion that represents a major defeat for Uber's claim to be an electronic platform and not a transportation company (See Court of Justice of the European Union, Press Release 50/17). The fact that Uber sets the price for each ride, unlike how prices are set in e-Bay and similar platforms, was highlighted, as was the total dependence of the drivers on the company, a point that may have impact on employment law forums. The key point, however, was that the Advocate General concluded that Uber provides transportation services; using privately owned cars to do so rather than its own fleets so does not exclude it from the realm of transportation.

Advocate General preliminary decisions are usuall confirmed by the actual court; if this is indeed the case, the court decision will likely have impact even in jurisdictions outside of the EU. As seen earlier in relation to Quebec and BC, the Uber issue has become highly politicized in most if not all of the Canadian jurisdictions that are involved (as well as in other countries). If an authoritative judicial body such as the ECJ confirms the Advocate General's conclusion that Uber is in fact mainly a transportation company (because customers pay for rides, not for the app, among other reasons), this will be influential, especially amongst lawyers. At the level of popular opinion rather than law, the decision may perhaps help to undermine the prestige of the hi-tech, information-society, 'innovation' discourse that Uber has so successfully mobilized to justify its blatant law-breaking. And it is the theme of law-breaking that takes us into the final section of this article, covering the situation in three major Canadian cities.

REGULATORY CAPTURE AT THE MUNICIPAL LEVEL

As mentioned above, Vancouver and Montreal have seen municipal authorities using strong measures against Uber, from prohibition to impounding vehicles to large fines; but in both cities the regulatory lead has shifted to their respective provincial governments. The major cities that have been left on their own to address the Uber challenge are Ottawa, Toronto, and Edmonton.

Uber started operating illegally in both Edmonton and Calgary between 2012 and 2013. Taking the initial regulatory lead -- at that time no Canadian jurisdiction had a policy on Uber-- a Calgary city report warned that drivers who regularly drive others for money need to get commercial insurance and should also have a commercial driver's licence. Since Uber drivers had neither, the city of Calgary obtained a court injunction to stop Uber drivers from working. (Incidentally, the city of Toronto also tried to get an injunction, in the early days, but the Ontario court refused).[[26]](#endnote-26) Edmonton seems to have followed Calgary's lead, with commercial driver's licences and proper insurance being made conditions of granting a special non-taxi licence to Uber. The insurance industry, however, in Alberta as in Ontario, took its time devising an appropriate product, and in the meantime Uber drivers continued to ply their trade in both main Alberta cities.

Edmonton beat other Canadian cities in devising some minimum regulations --rules falling mainly on drivers.[[27]](#endnote-27) A key point here is that, as in other Canadian cities, Edmonton city council was officially designing and passing a by-law governing vehicles for hire in general-- though in fact Uber had a monopoly, as far as the news coverage reveals. Throughout, it was Uber spokespeople and lobbyists who were pushing the city and making claims such as the opinion that commercial insurance for their drivers was "unrealistic" (as if the taxi industry had not managed to obtain and pay for such insurance). Whether similar but less cowboy-like corporations, such as Lyft or Hailo, would have made less outrageous comments it is of course impossible to tell. But the important point here is that in all Canadian cities, the regulatory process legalizing app-enabled for-hire vehicles took the unusual form of disputes between the city and a single company, not between the city and an industry or even an oligopoly.[[28]](#endnote-28)

Be that as it may, the corporation is now obliged to pay a $50,000 annual fee to the city, plus $20,000 to help provide accessible transportation (far less, of course, than it would cost them to comply with the rules about accessible vehicles that have long been imposed on the taxi industry throughout Canada). And the city gets six cents per trip by way of a fee. The rest of the rules again fall in drivers: they have to obtain a commercial driving licence, pay for a criminal record check, and prove their vehicle has had an annual inspection. Uber customers have to pay a minimum of $3.25, like taxi passengers, but Uber can charge whatever it wants over that minimum. (In general, Uber gives a prospective customer a nonnegotiable price as they book the ride, and the algorithm by which the price is generated is not shared with drivers. Whether per-ride fees being charged by cities will come out of the drivers' share or the corporation's is not specified in the bylaws; one suspects, however, that since Uber has continuously moved to increase its profit margin, by upping their share of the fare from 20 % to 25 or 29%, while greatly lowering fares in less competitive markets such as Detroit, it will be drivers who end up paying the city fee).

Foreshadowing what would happen later elsewhere, as Edmonton city council moved to legalize 'transportation network companies' as a separate, non-taxi category, it simultaneously lowered the regulatory requirements that had long governed the taxi industry. All taxi driver training was eliminated and English proficiency and defensive-driving course requirements were also removed. And Edmonton taxi drivers can now work for less money than the standard fare because brokerages (not individual drivers) are allowed to offer discounts. The harmonization is only in the downward direction, however: neither taxi owners nor drivers can make up for lost revenue during busy times by charging the 'surge prices' for which Uber is notorious.

The Alberta insurance uncertainties continued (and as seen above, Uber, in Edmonton as elsewhere, was not interested in either proactively paying for commercial insurance for their drivers or asking drivers to obtain proper insurance themselves). The insurance issue meant Uber was not operating legally even after the new licensing rules were passed by council -- thus, Edmonton issued 159 tickets to Uber drivers during a six-month period in 2016. Eventually a commercial driving insurance product for Uber drivers was developed, and legality ensued. But legalization took place on terms highly favourable to the Uber corporation, as just described. Taxi drivers, on their part, are no longer trained, which saves them time and money but has problematic consequences for the public. And the taxi brokerages were 'freed' to race Uber drivers to the bottom during non-peak times, by discounting fares when demand is low.

Toronto city council followed a very similar approach a short time later, in the wake of the same extremely heated anti-Uber protests by taxi drivers that Edmonton had also seen.[[29]](#endnote-29) To make a very long and tortuous story short[[30]](#endnote-30) the rules eventually passed by council in May of 2016 are as follows:

* Uber cars' basic (minimum) fare was raised from $2.50 to $3.25
* Uber drivers -- unlike in Alberta-- need only an ordinary, non-commercial driver's licence, though both drivers and corporations have to obtain a permit from the city
* Uber drivers have to pay for criminal record checks and commercial insurance in the amount of $2 million each; the company, by contrast, only need get $5m insurance coverage.
* The company is to pay the city an application fee of $20,000 (for a business claiming 45,000 rides per year) as well as an annual fee of $15 per driver and 30 cents per ride.

No limits are imposed by the city either on the number of Uber cars nor on the prices charged.

As if these conditions did not already presage financial disaster for taxi drivers, not to mention continuing exploitation for Uber's own drivers, who cannot increase their fares to compensate for new costs such as commercial insurance, Toronto city council followed Edmonton's lead in rolling major changes in taxi licensing rules into the Uber policy process. The changes affecting taxis are as follows:

* Taxi brokerages (not individual drivers) can offer prices that differ from the standard fare if rides are booked through an app -- though one of the largest Toronto taxi brokerages, Beck, has already said they will not attempt surge pricing (no doubt to maintain some semblance of competitive advantage)
* The 17-day compulsory training for taxi drivers is eliminated; so are the requirements of having done a CPR course and knowing English
* Application and licence fees for accessible taxi cabs are to be waived (a change whose financial implications worried city staff, but not council) -- with the taxi industry being still compelled to offer accessible vehicles, while Uber is not so obliged
* Reversing the decades-old policy by which the city had fostered owner-driven cars and capped the number of 'standard' plates (which allow plate owners to collect rent from drivers) by eliminating the owner-driven 'Ambassador' taxi licence category altogether.
* Taxis continue to be subject to semi-annual city vehicle inspections, whereas Uber cars can obtain certification of inspection in any garage, and only once a year
* Taxis can now stay on the road longer (with maximum vehicle age raised from 5 to 7 years)

Toronto city councillor Gord Perks summarized the city's policy change as follows: "Yes, there's a more level playing field between the millionaires [taxi plate owners] and the billionaires [Uber], but for the consumer, the playing field goes down. The drivers lose, the public lose, the billionaires and the millionaires win."[[31]](#endnote-31)

Finally, the city of Ottawa, which had engaged in aggressive by-law enforcement in the early days of Uber, eventually passed a legalization by-law that is very similar to the Edmonton and Toronto ones just discussed.[[32]](#endnote-32) A telling detail is that while in Montreal Uber has to pay 90 cents, roughly, to the city per ride, in Ottawa the per-ride fee is less than 11 cents.

And as in the other cities, Ottawa taxi companies, while unsuccessful in their demand that Uber be subject to the same financial and regulatory rules applying to them, obtained some loosening of the rules, including greatly lowered prices for both driver and taxi plate yearly licence fees. (Ottawa's taxi industry is a near-monopoly, which no doubt affected the policy process; in Toronto, by contrast, Uber operates as a de facto monopoly but the taxi industry is not unified, with several large brokerages operating alongside a few thousand individual operators).

Municipal politicians and staff members who have negative views either about the on-demand service economy in general or about Uber in particular may at some point attempt to change the rules implemented during 2016 in cities including Edmonton, Toronto and Ottawa, so that they are not such blatant examples of regulatory capture. But given the 'unmodernized' state of municipal business licensing in general[[33]](#endnote-33), mentioned above, what may be a much better option is to question whether trying to incorporate Uber and similar corporate behemoths into the straitjacket of existing rules for municipal business licensing is the best approach. Shifting responsibility for this new type of business regulation to a level of government that has both more legal powers and more research and policy capacity, namely provinces (or even nation-states, as in the European story briefly covered above), is more likely to provide real solutions. The issue of scale and jurisdiction in regulatory work brings us to the conclusions.

CONCLUSIONS: SCALE AND JURISDICTION IN BUSINESS REGULATION

A comprehensive review of policy options that would not prohibit the platform-enabled 'on-demand service economy' but would seriously regulate it, authored by the Ontario transit authority Metrolinx, helpfully points out that municipalities have long had licensing responsibilities in regard to many types of business, but have been unable -- both for legal reasons, for organizational behaviour reasons and for capacity reasons -- to engage in proactive, evidence-based policy planning. The report's careful attention to the difference between the traditional, backward-looking licensing of local businesses, on the one hand, and evidence-based policy covering potential future events on the other hand, notes that while the city of Toronto will now get data from Uber about Uber cars, "the data will be used for licensing purposes; it will not provide the information needed to manage an efficient urban mobility system."[[34]](#endnote-34) Carefully worded to avoid offending municipal politicians, this remark goes to the heart of the issue. A less diplomatic way of putting the problem would be to note that licensing hot dog carts and street vendors and taxis has not provided municipalities with the kind of collective experience that would allow them to now begin regulating transnational giants that operate without brick-and-mortar store fronts and have top tech experts and top PR experts, paid help that municipal corporations could only dream about.

One original suggestion made in the Metrolinx report is worth mentioning because instead of merely complaining about city governance habits, it turns the tables and points out that Uber would be most useful where it does not operate, that is, in outlying areas that are close to cities but are not well served either by transit or by taxis. The report suggests that companies such as Uber should be encouraged to start operating not in downtown areas already well served by public transit as well as taxis but rather in low-density and semi-rural areas, where people who do not drive or do not have cars have severe mobility limitations (ibid p. 32).

But of course, only a provincial government could use its powers to demand, perhaps as a condition of operating in certain preferred markets, that companies also provide service elsewhere -- as is routinely done through utilities regulation, which is mainly provincial, in Canada (and is state-based, in the US). Indeed, the semi-rural municipality of Innisfil, north of Toronto, has apparently already approached Uber, offering an annual subsidy for a certain minimum level of service that would cost the municipality far less than operating a bus service but would meet citizens' needs.[[35]](#endnote-35) It is unlikely that given current law, Canadian provinces could redefine Uber (and any future competitors that might arise) as what US law calls 'common carriers', a classification that would subject them to utilities regulations including mandatory coverage of a whole geographic area. But some provincial policy tools could no doubt be brought to bear, if there was political will, especially in Ontario and Alberta, to stop leaving city councils and city staffs to fend for themselves (as is now being done with Airbnb as well as Uber).

Provincial governments are of course highly politicized too, and do not always proceed on the basis of evidence. But recent history shows that strong measures to protect farm land, minimize sprawl and ensure 'greenbelts' can only come from the province, for all sorts of political, legal, and capacity reasons. In general, provinces have not hesitated to seize jurisdiction in regard to urban planning from municipalities, through a variety of measures. Agricultural land cannot be protected by municipalities competing with one another for development projects and new housing; only by the province. And so too, if the issue of taxi and taxi-like transportation were re-scaled at the level of the province, perhaps more creative and fairer policies might evolve.

The policy process is as of this writing stalled in both Quebec and British Columbia, for different reasons; but these two provinces have taken some responsibility for governance in regard to Uber, and so far these provinces have not seen the blatant regulatory capture that Uber legalization has wrought to Edmonton and Toronto. Meanwhile, Ontario's Metrolinx report reminds us that the people who could really use a service like Uber may be those who have thus far been neglected by the corporation as well as by politicians, because they do not live with the limits of the big cities that are Uber's profit centres. Therefore, this is is an excellent time for Canadians, in city and provincial governments and outside of them, to begin thinking seriously about which types of businesses, and which types of risk, should still be managed municipally as opposed to provincially.

1. See Mariana Valverde, "Police science, British style: pub licensing and knowledges of urban disorder" *Economy and Society* 32, 2 (2003), at 234; Mariana Valverde, "Authorizing the production of urban moral order: appellate courts and their knowledge games" *Law and Society Review* 39, 2 (2005), at 419; and Mariana Valverde, "Jurisdiction and Scale: legal 'technicalities' as resources for theory" *Social and Legal Studies* 18, 2 (2009), at 139. [↑](#endnote-ref-1)
2. Elsewhere I have developed a series of arguments about the specificity of urban governance, both as a jurisdiction and as a particular bundle of governing habits. See supra note 1 and Mariana Valverde, “Seeing like a city” (2011) 45:2 *Law & Soc’y Rev* 277 and Mariana Valverde, *Everyday Law on the Street: City Governance in an Age of Diversity* (Chicago: University of Chicago Press, 2012). [↑](#endnote-ref-2)
3. Sheila Block & Trish Hennessy, "Sharing economy" or on-demand service economy? A survey of workers and consumers in the Greater Toronto Area" (2017) Canadian Centre for Policy Alternatives, online: <http://metcalffoundation.com/wp-content/uploads/2017/04/CCPA-ON-sharing-economy-in-the-GTA.pdf>. [↑](#endnote-ref-3)
4. WSP Group & Metrolinx, “New Mobility Background Paper: Technical Paper 4 to support the Discussion Paper for the *Next Regional Transportation Plan”* (2016), online: <http://www.metrolinx.com/en/regionalplanning/rtp/technical/04\_New\_Mobility\_Report\_EN.pdf>. [↑](#endnote-ref-4)
5. See Valverde, *Everyday Law on the Street*, *supra* note 2, ch. 5. [↑](#endnote-ref-5)
6. Advocate General Spuznar's decision on the Barcelona taxi drivers' association case against Uber was released 11 May 2017 (See Court of Justice of the European Union press release 50/17). [↑](#endnote-ref-6)
7. Judd Cramer & Alan B Krueger, "Disruptive Change in the Taxi Business: The Case of Uber” (2016) 106:5 *Am Econ Rev* 177; Hannah Posen, "Ridesharing in the Sharing Economy: Should Regulators Impose Über Regulations on Uber?" (2015) 101:1 *Iowa L Rev* 405; Alexander De Masi "Uber: Europe's Backseat Driver for the Sharing Economy" (2016) 7:1 *Creighton Int’l & Comp LJ* 73. [↑](#endnote-ref-7)
8. Sharing in transportation" (MaRS Solutions Lab, Sharing Economy Public Design Report, 2016)

“Shifting Perspectives: Redesigning Regulation for the Sharing Economy” (2016) MaRS Solutions Lab, online: <https://www.marsdd.com/wp-content/uploads/2016/04/MSL-Sharing-Economy-Public-Design-Report.pdf>. [↑](#endnote-ref-8)
9. *Ibid* at 59. [↑](#endnote-ref-9)
10. During 2017 some provinces began to work on methods to charge Uber the usual provincial sales tax, while the federal spring 2017 budget promised that federal sales tax would also be charged (though it is not clear how this would work, in practice.) [↑](#endnote-ref-10)
11. I have put in a request to Toronto's city clerk to see the lobbyist registry for the relevant period, in order to identify not only the number of Uber lobbyists but also their identities; but at the time of writing I had not yet obtained this information. Extensive local press coverage, too extensive to cite in detail, did report both David Plouffe's presence in Toronto and the fact that about 100 lobbyists were operating (an unprecedented number not seen even in regard to large development projects, where a handful of lobbyists would be a normal number). [↑](#endnote-ref-11)
12. Oliver Moore, "UberX will be allowed to operate legally in Toronto, city council decides", *The Globe and Mail* (3 May 2016), online: <http://www.theglobeandmail.com/news/toronto/divided-toronto-council-seeks-middle-ground-as-uber-debate-begins/article29835110/>. [↑](#endnote-ref-12)
13. Trevor Howell, “Council opens door for Uber; company will continue to defy bylaw while changes in works”, Calgary Herald (17 November 2015), online: <http://calgaryherald.com/news/local-news/calgary-approves-regulatory-framework-that-opens-the-door-for-uber>. [↑](#endnote-ref-13)
14. “Uber says it’s standing by drivers after 2 of them fined by city”, CBC News (6 October 2014), online: <http://www.cbc.ca/news/canada/ottawa/uber-says-it-s-standing-by-drivers-after-2-of-them-fined-by-city-1.2788605>. [↑](#endnote-ref-14)
15. Elise Stolte & Gordon Kent, “Uber: The ins and outs of what Edmonton City Council passed for it and the taxi industry”, Edmonton Journal (28 January 2016), online: <http://edmontonjournal.com/news/local-news/the-ins-and-outs-of-what-council-passed-for-uber-and-the-taxi-industry>. [↑](#endnote-ref-15)
16. Mike Isaac, “How Uber Deceives the Authorities Worldwide”, The New York Times (3 March 2017), online: <https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html>. [↑](#endnote-ref-16)
17. Mariana Valverde, Everyday law on the street (see note 2 supra), chapter 7. [↑](#endnote-ref-17)
18. See Valverde, “Police science, British style,” supra note 1. [↑](#endnote-ref-18)
19. For more on the persistence of pre-modern forms of knowledge and of regulation in contemporary cities see Mariana Valverde, "Seeing like a city" (note 2 supra). [↑](#endnote-ref-19)
20. In 2014, Vancouver City Council imposed a temporary moratorium on new taxi licenses and requested that staff study the impact of new ride-sharing services, such as Uber, on industry standards. See City of Vancouver, Minutes of the Standing Committee of Council on Planning, Transportation and Environment (1 October 2014), adopted by City Council on 14 October 2014. [↑](#endnote-ref-20)
21. Joanne Lee-Young & Rob Shaw, "Uber Vancouver: BC government announces support for ride-hailing services", Vancouver Sun (7 March 2017), online: <http://vancouversun.com/news/local-news/uber-vancouver-bc-government-announces-support-for-ride-sharing>. [↑](#endnote-ref-21)
22. Lee-Young & Shaw, *Ibid*; Rhianna Schmunk, “Uber is coming to B.C., province announces”, CBC News (7 March 2017), online: <www.cbc.ca/news/canada/british-columbia/bc-taxi-1.4013315>. Note that these new rules are proposals only, and their fate is uncertain given that the provincial Liberals failed to win a majority government in the spring 2017 election. Presently, any vehicle for hire in British Columbia must be licensed by the Province and any ride-hailing service must be approved by the provincial Passenger Transportation Board pursuant to the *Passenger Transportation Act*, SBC, 2004, c39. Uber has yet to be approved by the Passenger Transportation Board. [↑](#endnote-ref-22)
23. Jonathan Montpetit, “Uber paying its drivers to flout Quebec law”, CBC News (4 October 2016), online: <cbc.ca/news/canada/montreal/uber-paying-its-drivers-to-flout-quebec-law-1.3789784>. [↑](#endnote-ref-23)
24. The state of Maryland has also subjected Uber to rules governing vehicles for hire, through its powers to regulate 'common carriers'; but in this as in other fields, it is California whose regulations will have an impact well beyond its borders. [↑](#endnote-ref-24)
25. Leonid Bershidsky, “EU Court Will Resolve Uber's Identity Crisis”, Bloomberg View (30 November 2016), online: < <https://www.bloomberg.com/view/articles/2016-11-30/taxi-or-tech-eu-court-will-rule-on-uber-s-identity>>. American court decisions, in Maryland and elsewhere, classifying Uber as a 'common carrier' have some similarities with this opinion; but the EU advocate general more directly and forcefully addresses Uber's claim that it is an e-company or pure technology corporation by using the EU's divide between information and technology services -- governed by EU free-trade, no-border rules-- from taxi and similar transportation services, which are firmly left where they have always been, within local (usually municipal) jurisdiction. [↑](#endnote-ref-25)
26. City of Toronto v Uber Canada Inc, 2015 ONSC 3572. [↑](#endnote-ref-26)
27. City of Edmonton, by-law No 17400, *Vehicle for Hire By-law* (in force as of 1 March 2016). [↑](#endnote-ref-27)
28. Stolte & Kent, *supra* note 11. [↑](#endnote-ref-28)
29. City of Toronto, Municipal Code, Chapter 546, *Licensing of Vehicle for Hire* (in force as of 15 July 2016). [↑](#endnote-ref-29)
30. Toronto, Municipal Licensing and Standards, *Staff Report for Action on Vehicle-for-Hire Bylaw: A New Vehicle-for-Hire Bylaw to Regulate Toronto’s Ground Transportation Industry*, Reference No. P:\2016\Cluster B\MLS\LS16003 (Toronto: 31 March 2016), online: <http://www.toronto.ca/legdocs/mmis/2016/ls/bgrd/backgroundfile-91911.pdf>. [↑](#endnote-ref-30)
31. Moore, *supra* note 8. [↑](#endnote-ref-31)
32. City of Ottawa, by-law No 2016-272, *Vehicle-For-Hire By-law* (in force as of 30 September 2016). [↑](#endnote-ref-32)
33. See citations note 1 above. [↑](#endnote-ref-33)
34. WSP Group & Metrolinx, *supra* note 3. [↑](#endnote-ref-34)
35. Innisifil, Ont., chooses Uber over buses in Canadian first", CTV News (5 April 2017), online: <http://www.ctvnews.ca/canada/innisfil-ont-chooses-uber-over-buses-in-canadian-first-1.3355348>. [↑](#endnote-ref-35)