



Affleck Greene McMurtry LLP

Barristers and Solicitors

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May 27, 2015

File: 2523-002

Toronto Transit Commission
1900 Yonge St
Toronto ON M4S 1Z2

Dear Sirs/Mesdames:

**Re: Notice of Motion – Accessible Service for Taxi Contracts
May 27, 2015**

We are counsel to the Accessible Transportation Association of Ontario (“ATAO”). We have just become aware of the above-referenced Notice of Motion that will be considered at today’s meeting.

The Notice of Motion contains inaccurate information because it omits to mention that the ATAO members from whom repayment is being sought have requested that the matter of repayment be submitted to arbitration pursuant to the Accessible Contract. TTC counsel Michael Atlas can confirm this. It must also be noted that the amounts in question are quite modest indeed, but the issue is nevertheless an important one to our clients for the reasons that follow.

Without limiting our clients’ rights, the RFP in question stated that the market was such that drivers would work at a lower per-kilometre rate including HST. It was on this basis that bids were submitted. This was immediately proved wrong as drivers refused to work. In addition, and as we understand it, drivers were encouraged *not* to work at the new rate. These and other issues will be addressed in the arbitration.

None of the increase in the per-kilometre rate approved by the TTC in August 2014 went to our clients. The entirety of the increase went to the drivers themselves to rectify the situation caused by what had been an inaccurate assumption on the part of the TTC as contained within the RFP.

In August 2014, the TTC and the interested parties agreed to amend the driver’s rate to benefit the drivers; however, on the issue of reverting back to an HST-inclusive driver’s rate, our clients do not agree.

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In any event, this matter is subject to arbitration.

We trust this is satisfactory.

Sincerely,
Affleck Greene McMurtry LLP



Michael Binetti

cc: Michael Atlas (michael.atlas@ttc.ca)