



AGENDA

TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, MAY 4, 2015 - 9:00 A.M.

COUNCIL CHAMBERS
SECOND FLOOR, CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1
www.mississauga.ca

Members

Councillor Ron Starr, Ward 6
Councillor Matt Mahoney, Ward 8
Mark Bell, Citizen Member
Robert Fluney, Citizen Member
Daniel Ghanime, Citizen Member
John C. Lyons, Citizen Member
Tullio (Tony) Pento, Citizen Member
Armando Tallarico, Citizen Member

Contact: Stephanie Smith, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDER

APPOINTMENT OF CHAIR

APPOINTMENT OF VICE-CHAIR

DECLARATIONS OF CONFLICT OF INTEREST

PRESENTATIONS/DEPUTATIONS – Nil

MATTERS TO BE CONSIDERED

1. Introduction of Committee Members and Staff

Committee members and staff will briefly introduce themselves.

2. Minutes of Previous Meeting

Towing Industry Advisory Committee meeting minutes from February 17, 2015.

RECOMMEND APPROVAL

3. Amendments to the Tow Truck Licensing By-law 521-04, as amended, Permission to Tow a Vehicle Forms

Members of the Towing Industry Advisory Committee (TIAC) to discuss the Corporate Report dated March 26, 2015 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, permission to tow a vehicle forms.

RECOMMENDATION

That the Towing Industry Advisory Committee provide comments to staff, for inclusion in a future report to General Committee, on the report from the Commissioner of Transportation and Works dated March 26, 2015, entitled “Amendments to the Tow Truck Licensing By-law 521-04, as amended, Permission to Tow a Vehicle Forms”.

4. Amendments to the Tow Truck Licensing By-law 521-04, as amended, to Enable Enforcement Through the Administrative Penalty System

Members of the Towing Industry Advisory Committee (TIAC) discuss the Corporate Report April 22, 2015 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, to enable enforcement through the Administrative Penalty System.

RECOMMENDATION

That the report from the Commissioner of Transportation and Works, dated April 22, 2015 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, to enable enforcement through the Administrative Penalty System" be received for information.

5. Bill 15 Update

Daryl Bell, Manager, Mobile Licensing Enforcement to provide a verbal update regarding Bill 15.

6. Vehicle Central Pound Facility Update

Mickey Frost, Director, Enforcement to provide a verbal update regarding a vehicle central pound facility.

7. Towing Industry Advisory Committee Action List

Members of the Towing Industry Advisory Committee (TIAC) to discuss the Action List for 2015.

OTHER BUSINESS

DATE OF NEXT MEETING – Tuesday, June 22, 2015

ADJOURNMENT



Towing Industry Advisory Committee
MAY 04 2015

MINUTES

TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, FEBRUARY 17, 2014 - 9:06 A.M.

COUNCIL CHAMBERS

SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

www.mississauga.ca

Members Present: Councillor Ron Starr, Ward 6 (**Chair**)
 John C. Lyons (Citizen Member) (**Vice Chair**)
 Councillor Matt Mahoney, Ward 7
 Mark Bell (Citizen Member)
 Daniel Ghanime (Citizen Member)
 Tullio (Tony) Pento (Citizen Member)
 Armando Tallarico (Citizen Member)

Members Absent: Daniel R. Wallace (Citizen Member)

Staff Present: Mickey Frost, Director, Enforcement
 Daryl Bell, Manager, Mobile Licensing Enforcement
 Stephanie Smith, Legislative Coordinator, Office of the City Clerk

Contact: Stephanie Smith, Legislative Coordinator
 Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDER – 9:06 A.MAPPROVAL OF AGENDADECLARATIONS OF CONFLICT OF INTEREST - NilPRESENTATIONS/DEPUTATIONS- NilMATTERS TO BE CONSIDERED1. Minutes of Previous Meeting

Towing Industry Advisory Committee meeting minutes from December 1, 2014.

Approved (T. Pento)

2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requirements for Off-Road Recovery

Members of the Towing Industry Advisory Committee (TIAC) discussed the Corporate Report dated January 27, 2015 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for off-road recovery.

Mark Bell, Citizen Member spoke to remaining with one all-inclusive towing rate and not adding an off-road recovery rate. He further explained that surrounding municipalities have a higher tow rate.

Daniel Ghamine, Citizen Member clarified that the off-road recovery rate are not accident related and that an additional rate should be added to recover the additional costs.

Daryl Bell, Manager, Mobile Licensing Manager noted that the intention of the report is to give an opportunity to the industry to recovery their costs for non-convention towing.

Armando Tallarico, Citizen Member expressed concern over the off-road recovery rate as it was previously implemented resulting in problems with the insurance companies. He recommended increasing the all-inclusive towing rate.

Discussion ensued with respect to wrenching fees, road allowance, insurance companies, rate sheets, increasing the all-inclusive rate, all-inclusive towing rates in the Region of Peel and various situations of off-road recoveries.

Councillor Starr spoke to previous discussions regarding off-road recovery rates, being fair to the public, increasing the towing rate to an all-inclusive rate of \$280.00 and that the rate be reviewed in a year.

Discussion ensued with respect to private agreements with insurance companies. Mr. Bell spoke to the proposed two tier licensing system report going to Council for approval and closed borders.

Daniel Ghanime, Citizen Member spoke to pervious tow rates, increased insurance costs and to include the off-road recovery fee on the rate sheet.

RECOMMENDATION

That Section 2 of Schedule 3, of the Tow Truck Licensing By-law 521-04 be amended to increase the all-inclusive flat rate towing fee from two hundred and fifty dollars (\$250.00) to two hundred and eighty dollars (\$280.00).

Approved (M. Bell)

Recommendation TIAC-0001-2015

3. Amendments to the Tow Truck Licensing By-law 521-04, as amended, for Tow Truck Definitions

Members of the Towing Industry Advisory Committee (TIAC) discussed the Corporate Report January 26, 2015 from the Commissioner of Transportation and Works with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, for tow truck definitions.

Daryl Bell, Manager, Mobile Licensing Enforcement noted that concerns had been raised by the industry that some tow truck drivers are sneaking around the by-law as the by-law doesn't clearly identify what a tow truck is.

Mark Bell, Citizen Member spoke to various situations of drivers making a half ton pickup truck into a legal tow truck. Daryl Bell noted that the proposed by-law covers what the requirements are for a tow truck and that the definition came from the Highway Traffic Act.

RECOMMENDATION

That the Towing Industry Advisory Committee provide comments to staff, for inclusion in a future report to General Committee, on the report from the Commissioner of Transportation and Works dated January 26, 2015 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, for Tow Truck Definitions".

Received (J. Lyons)

Recommendation TIAC-0002-2015

4. Bill 15

Daryl Bell, Manager, Mobile Licensing Enforcement provided a verbal update regarding Bill 15. He noted that not a lot of information had come from the Province and that the way the proposed Bill is written, it allows the Province two years to come up with a plan.

Daniel Ghanime, Citizen Member noted that a meeting had been scheduled for February 19, 2015 to discuss a two tier CVOR system, flat beds and that if any updates come forward he would update the Committee.

5. Towing Industry Advisory Committee Action List

Members of the Towing Industry Advisory Committee (TIAC) reviewed and discussed the Action List for 2015.

RECOMMENDATION

That the action list of the Towing Industry Advisory Committee meeting held on February 17, 2015 provided to the Committee to update on the status of initiatives raised at prior meetings be received.

Received (J. Lyons)

Recommendation TIAC-0003-2015

OTHER BUSINESS

Mark Bell, Citizen Members spoke to lettering on tow trucks still getting refused by Enforcement Staff. Daryl Bell, Manager, Mobile Licensing Enforcement noted that he is aware of the concerns being raised. Councillor Starr requested that he and Councillor Mahoney be invited during mandatory inspections.

Daniel Ghanime spoke to tow truck drivers entering the City of Mississauga with no City of Mississauga tow truck plates and that the Peel Regional Police allowed them to tow vehicles. He further spoke to cars from the City of Mississauga leaving the city and going to the City of Brampton. Mr. Bell noted that the vehicles leaving the City of Mississauga have pound facilities in Brampton. He noted that once the two tier licensing system is in place there won't be vehicles leaving Mississauga to go to Brampton unless under contract with the hirer.

Mark Bell, Citizen Member noted that closed borders would eliminate this problem and enquired the timeframe to implement the two tier licensing system. Daryl Bell noted that the by-law should be in place on July 1, 2015 subject to Council approvals.

Councillor Starr spoke to the confusion between two truck rate forms and work order forms. He expressed the need for one coloured form. Discussion ensued with respect to Bill 15 and the Consumer Protection Act.

DATE OF NEXT MEETING – Tuesday, April 7, 2015

ADJOURNMENT – 10:10 A.M.



Corporate Report

Clerk's Files

Originator's
Files

Towing Industry Advisory Committee

MAY 04 2015

DATE: March 26, 2015

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: April 7, 2015

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04, as amended, Permission to Tow a Vehicle Forms**

RECOMMENDATION: That the Towing Industry Advisory Committee provide comments to staff, for inclusion in a future report to General Committee, on the report from the Commissioner of Transportation and Works dated March 26, 2015, entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, Permission to Tow a Vehicle Forms".

BACKGROUND: Staff have received numerous complaints from the public regarding confusion about forms that are being presented and signed at an accident scene. At the Towing Industry Advisory Committee meeting of December 1, 2014, staff gave a verbal update on the concerns raised from forms that are being signed at accident scenes and were directed to provide a report to ensure clarity and protection for the public.

The Tow Truck Licensing By-law 521-04, as amended, requires that a driver keep a run sheet or sequentially numbered invoices in the tow truck for the towing services Permission to Tow Forms as per Schedule 2 of the by-law. The by-law does not permit a driver to carry work orders in the tow truck. The owner of a tow truck is permitted to carry stationary, forms, bills, invoices, statements and written advertising with the business name clearly legible to allow for the operation of business.

COMMENTS:

The "Permission to Tow a Vehicle Form" in its current state does not lend itself to clearly stand out from other forms. Due to the "Permission to Tow a Vehicle Form" being part of the by-law in Schedule 2, staff cannot alter the form to ensure that it is both current with today's practices and provides consumer protection without amending the by-law. The form needs to be updated and should be brightly coloured to ensure that it stands out to the public. Further, the form should be a three part form: one copy would go to the vehicle owner/hirer, one to the tow truck driver and one to the City. In addition, the owner requirements that allow for a wide range of stationary, forms, bills, invoices, statements and written advertising is too broad and needs to be reduced to ensure consumer protection.

FINANCIAL IMPACT:

No direct financial impact would be experienced by the City of Mississauga.

CONCLUSION:

Staff recommend that "Schedule 2" of the Tow Truck Licensing By-law 521-04, as amended, be deleted and that the definition of "Permission To Tow a Vehicle Form" be amended substantially similar to the following: " means a three part brightly coloured form as supplied to an Owner/Driver by the City, which must be completed and signed by the Tow Truck Driver and the Hirer prior to a tow commencing from a Collision Scene where such tow is requested by the Hirer and a copy of which is provided by the Tow Truck Driver to the Hirer and the City". Further, staff recommend that the by-law be amended to permit only advertising and business invoices in the business name being kept in a tow truck in addition to the "Permission to Tow a Vehicle Form."



Martin Powell, P. Eng.

Commissioner of Transportation and Works

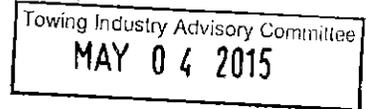
Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement



Corporate Report

Clerk's Files

Originator's
Files



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DATE: April 22, 2015

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: May 4, 2015

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04, as amended, to enable enforcement through the Administrative Penalty System**

RECOMMENDATION: That the report from the Commissioner of Transportation and Works, dated April 22, 2015 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, to enable enforcement through the Administrative Penalty System" be received for information.

BACKGROUND: Sections 102.1, 151(1) (g) and 151(5) of the *Municipal Act, 2001*, authorize municipalities to implement an Administrative Penalty System (APS) for non-compliance with any by-laws respecting licensing and parking.

Under an APS, if it is determined that a designated by-law provision has been contravened, a Municipal Law Enforcement Officer will issue a Penalty Notice to the contravener and in the case of parking by-laws to the registered owner of the vehicle plate. The Penalty Notice contains a description of the contravention and sets out the amount of the administrative penalty which becomes a debt owed to the City. The recipient of the Penalty Notice may request a review of the administrative penalty by a Screening Officer and if unsatisfied with the outcome, may request a review of the decision by a Hearing Officer. The Screening and Hearing Officers are appointed by Council and the review is conducted in a fair and impartial manner. In

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an APS the Provincial Offences Court is not an available option and the decision of the Hearing Officer is final. Lengthy court delays are eradicated and the informal review process makes the system more accessible and less intimidating to the public.

At its meeting of July 3, 2013 Council approved a recommendation by staff to proceed with the implementation of an APS for the enforcement of licensing and parking by-laws in the City of Mississauga (GC # 0411-2013).

On December 11, 2013 a by-law to establish a system of administrative penalties respecting the stopping, standing or parking of vehicles in the City of Mississauga (referred to as the Administrative Penalty By-law 0282-2013) was enacted and on June 1, 2014 the City's parking APS was launched.

On June 11, 2014 a by-law to establish a system of administrative penalties respecting licensing in the City of Mississauga (referred to as the Licensing Administrative By-law 135-2014) was enacted.

Licensing includes three enforcement areas: Animal Services (pet licensing), Mobile Licensing Enforcement (licensing related to public vehicles and mobile units) and Compliance and Licensing (business licensing). These areas will be phased into the City's APS.

In February 2015, Animal Services started to enforce the pet licensing provisions contained in the Animal Care and Control By-law 98-04, as amended, through the City's APS.

COMMENTS:

With an APS for parking and pet licensing matters now implemented, staff are proceeding to the next phase of APS implementation for mobile licensing, specifically relating to the licensing requirements contained within the Tow Truck Licensing By-law 521-04, as amended and the Public Vehicle Licensing By-law 420-04, as amended.

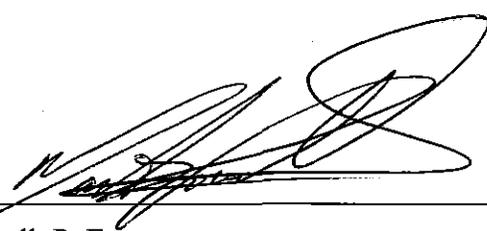
The municipality is required to designate the by-laws or portions of by-laws that will be enforced through the APS. Staff will be making a recommendation to General Committee that all sections of the Tow

Truck Licensing By-law 521-04, as amended, that are the subject of a set fine order under Part I of the *Provincial Offences Act* will be designated for enforcement through the City's APS.

The City of Mississauga Tow Truck Licensing By-law 521-04, as amended, currently references enforcement of its provisions only in accordance with the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33. Staff will be recommending to General Committee that this by-law be amended to include enforcement through the *Municipal Act, 2001*, and the City's Licensing Administrative Penalty By-law. This will allow the City to enforce the licensing requirements set out in the Tow Truck Licensing By-law 420-04, as amended, through both the *Provincial Offences Act* and the City's Licensing Administrative Penalty By-law.

FINANCIAL IMPACT: There is no financial impact.

CONCLUSION: Council has approved the implementation of an APS for mobile licensing matters including enforcement of the licensing requirements set out in the Tow Truck Licensing By-law 521-04, as amended. An amendment to this by-law, to include a provision for enforcement through the APS, is required to effect implementation.



Martin Powell, P. Eng.,
Commissioner of Transportation and Works

Prepared By: Carla Mariuz, Project Manager, APS

Towing Industry Advisory Committee Action List

Issue	Last Discussed on	Who	Status
Gross Vehicle Weight Rating (GVWR)	June 18, 2012	Enforcement Office	COMPLETED
Dual-Wheel Trucks	June 18, 2012	Enforcement Office	COMPLETED
Accident tow rate – amending flat rate	October 22, 2012	Enforcement Office	COMPLETED
Compliance and enforcement of Licensed Vehicle Impound Facilities (VPF)	October 22, 2012	Enforcement Office	COMPLETED
Bi-yearly Ontario Drivers Abstract and a Peel Regional Police criminal record search for all drivers	October 22, 2012	Enforcement Office	COMPLETED
Any company applying for a Tow Truck Owner's License must also show proof of an approved Vehicle Impound Facility which is located within the boundaries of the City of Mississauga	June 18, 2012	Enforcement Office	COMPLETED
Proof of insurance credentials	October 22, 2012	Enforcement Office	COMPLETED
Drivers complete the following – criminal record search every 6 months, drivers abstract every 6 months, and WSIB	October 22, 2012	Enforcement Office	COMPLETED
Towing Practices and Policies for the Peel Regional Police	June 18, 2012	Enforcement Office	COMPLETED
Capping the Number of Tow Truck Licenses	February 28, 2012	Enforcement Office	COMPLETED
Training/qualifications for drivers	May 6, 2014	Enforcement Office	To be brought back to a future meeting
Central City pound facility	February 19, 2013	Enforcement Office	COMPLETED
By-law review – Towing out of City boundaries	February 19, 2013	Enforcement Office	COMPLETED
By-law review – WSIB/Insurance requirements	February 19, 2013	Enforcement Office	To be brought back to a future meeting
Auto clubs operating without owning a pound facility	December 1, 2014	Enforcement Office	COMPLETED

Towing Industry Advisory Committee
 MAY 04 2015

Towing Industry Advisory Committee Action List

Bill 15 Update	February 17, 2015	Enforcement Office	On the May 4, 2015 agenda
Off-Road Recovery	February 17, 2015	Enforcement Office	COMPLETED
Tow Truck Forms	December 1, 2014	Enforcement Office	On the May 4, 2015 agenda