
Towing Industry Advisory Committee

Date

2016/11/22

Time

9:30 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members

Councillor Ron Starr	Chair
Councillor Matt Mahoney	Vice-Chair
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, Legislative Services
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Find it Online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

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1. CALL TO ORDER
 2. APPROVAL OF AGENDA
 3. DECLARATION OF CONFLICT OF INTEREST
 4. MINUTES OF PREVIOUS MEETING
 - 4.1. Towing Industry Advisory Committee Minutes - September 20, 2016
 5. DEPUTATIONS
 6. PUBLIC QUESTION PERIOD - 15 Minute Limit
(Persons who wish to address the Towing Industry Advisory Committee about a matter on the Agenda. Persons addressing the Towing Industry Advisory Committee with a question should limit preamble to a maximum of two (2) statements, sufficient to establish the context for the question, with a 5 minute limitation. Leave must be granted by the Committee to deal with any matter not on the Agenda.)
 7. MATTERS TO BE CONSIDERED
 - 7.1. Amendments to the Tow Truck Licensing By-law 521-04, as amended, to require that if for any reason a tow truck that is licensed ceases to engage in the business of a tow truck within the City of Mississauga for a period of longer than 30 days, the licence shall lapse and the owner shall return the tow truck owner's licence to the City immediately.
 - 7.2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring Licensed Tow Truck Owner's to notify Mobile Licensing Enforcement of the name of the Licensed Tow Truck Driver who is operating their Tow Truck.
 - 7.3. Towing Industry Advisory Committee 2016 Action List
 - 7.4. 2017 Towing Industry Advisory Committee Meeting Dates
 8. OTHER BUSINESS
 9. DATE OF NEXT MEETING - January 17, 2017
 10. ADJOURNMENT

Towing Industry Advisory Committee

Date

2016/09/20

Time

9:30 AM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members Present

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

Members Absent

Armando Tallarico, Citizen Member

Staff Present

Douglas Meehan, Acting Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Legislative Services

Find it online

<http://www.mississauga.ca/portal/cityhall/towingindustryadvisory>

1. CALL TO ORDER – 9:31 AM

2. APPROVAL OF AGENDA

Approved (T. Pento)

3. DECLARATION OF CONFLICT OF INTEREST

4. MINUTES OF PREVIOUS MEETING

4.1. Towing Industry Advisory Committee Minutes - May 30, 2016

Approved (J. Lyons)

5. DEPUTATIONS

6. PUBLIC QUESTION PERIOD - 15 Minute Limit

(Persons who wish to address the Towing Industry Advisory Committee about a matter on the Agenda. Persons addressing the Towing Industry Advisory Committee with a question should limit preamble to a maximum of two (2) statements, sufficient to establish the context for the question, with a 5 minute limitation. Leave must be granted by the Committee to deal with any matter not on the Agenda.)

Elliott Silverstein CAA spoke to the 2016 Towing Industry Advisory Committee Action List.

7. MATTERS TO BE CONSIDERED

7.1. Amendments to the Tow Truck Licensing By-law 521-04, as amended, for requirements to Accept All Forms of Payment for Towing Services

Daryl Bell, Manager Licensing Enforcement spoke to accepting all forms of payments for towing services and addressed concerns raised regarding transaction fees.

Daniel Ghanime, Citizen Member spoke to the requirements of each tow truck needing a POS machine and that the receipt produced would not have the tow trucks company name listed.

Mark Bell, Citizen Member noted that he has the ability to accept payment over the phone and that he has not received any complaints of not being able to accept payment. Councillor Starr spoke to complaints being received regarding consumers only allowed to pay in cash for towing services.

Members of the Towing Industry Advisory Committee engaged in discussion regarding; Bill 15, what the current Tow Truck Licensing By-law 521-04 states, the need for the by-law to indicate that all forms of payment must be accepted at all times to include; cash, debit and credit cards, the option of all tow trucks to have POS equipment is not feasible and that the public vehicle industry created a mobile application to accept all forms of payment on their smart phone.

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 September 8, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, for requirements to Accept All Forms of Payment for Towing Services".

Approved (M. Bell)

Recommendation TIAC-0011-2016

7.2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring Tow Truck Drivers and Owners to have and maintain Workers' Compensation Insurance

Daryl Bell, Manager Licensing Enforcement spoke to the previous direction from the Towing Industry Advisory Committee that all tow truck drivers must carry workers compensation insurance. He noted the cost associated to have and maintain the insurance.

Robert Fluney, Citizen Member spoke to the challenges for tow truck brokers to have their own workers compensation insurance. Mr. Bell noted that the Worker's Compensation Insurance Board (WSIB) would review each case individually.

Mark Bell, Citizen Member spoke to the rights of independent contractors and the drivers' right to refuse workers compensation insurance. He noted the need for staff to clarify what a tow truck driver needs. Councillor Starr spoke to the process of a claim being filed.

Discussion ensued with respect to companies refusing other companies to enter their property unless they have WSIB, posting WSIB certificates in the office, other insurance companies who offer the equivalent insurance and implementation enforcement timelines.

Lisa Goncalves, Abrams Towing spoke to a central registry for insurance certificates and

that drivers should not be kept the workers' insurance certificate in the tow truck.

RECOMMENDATION

That the report entitled Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requiring Tow Truck Drivers and Owners to have and maintain Workers' Compensation Insurance be referred back to staff and brought back to a future Towing Industry Advisory Committee.

Approved (M. Bell)

Recommendation TIAC-0012-2016

7.3. Verbal Update on Pound Facilities- Daryl Bell, Manager, Mobile Licensing Enforcement

Daryl Bell, Manager, Mobile Licensing Enforcement provided a verbal update on pound facilities and noted that inspections are currently being done throughout the City. He noted that billing and invoices can only be issued by the listed name on the business license and that towing companies must be operating under the regulated zoning bylaw.

7.4. Regulatory Changes Under the Highway Traffic Act Affecting Tow Truck Operators

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to regulatory changes under the Highway Traffic Act that would affect tow truck operators and that a CVOR would be a requirement starting January 1, 2017.

7.5. Towing Industry Advisory Committee List 2016

Members of the Towing Industry Advisory Committee reviewed the 2016 Action List.

8. OTHER BUSINESS

Mark Bell, Citizen Member spoke to the re-tow rate and noted that he would like to see a flat rate fee of around \$200.00 in Mississauga. Councillor Starr advised that is matter should be discussed at a future Towing Industry Advisory Committee meeting.

9. DATE OF NEXT MEETING - November 22, 2016

10. ADJOURNMENT – 10:34AM (Councillor Mahoney)

City of Mississauga Corporate Report



Date: 2016/11/07

Originator's files:

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Meeting date:
2016/11/22

Subject

Amendments to the Tow Truck Licensing By-law 521-04, as amended, to require that if for any reason a tow truck that is licensed ceases to engage in the business of a tow truck within the City of Mississauga for a period of longer than 30 days, the licence shall lapse and the owner shall return the tow truck owner's licence to the City immediately.

Recommendation

1. That the report from the Commissioner of Transportation and Works, dated November 7, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, to require that if for any reason a tow truck that is licensed ceases to engage in the business of a tow truck within the City of Mississauga for a period of longer than 30 days, the licence shall lapse and the owner shall return the tow truck owner's licence to the City immediately" be received for information.
2. That staff incorporate comments received from the Towing Industry Advisory Committee and prepare a report to be considered by General Committee on the recommended changes to require that no tow truck shall remain inactive for more than 30 days.

Background

Staff have identified concerns regarding the number of tow trucks licensed in the City of Mississauga versus the number of licensed tow truck drivers. Mobile Licensing Enforcement records indicate that in 2016, 401 tow trucks have been licensed, but only 285 tow truck drivers have been licensed for the same period. Some industry representatives have indicated to staff that currently, the excess trucks are parked due to the lack of drivers. In other cases, companies are indicating that the Mississauga licensed trucks that do not have licensed drivers, are operating in other municipalities and not servicing Mississauga.

Despite claims that these trucks are "parked" or operating in other jurisdictions, staff have laid 102 charges in 2016 against tow truck owners for using the services of unlicensed drivers.

Comments

Staff contend that the current state of the industry reflects a need to ensure that the licensed tow trucks are operating with licensed tow truck drivers. Furthermore, the Mississauga licensed tow trucks should be operating in Mississauga and servicing the residents of the City. If the vehicle is not in a position to service the residents of Mississauga and has not provided service to City of Mississauga residents for a period of 30 days, then staff are of the opinion that the need for the tow truck owner's licence is not justified and that the plate should be returned to the City.

Financial Impact

There will be no financial impact to the City.

Conclusion

Staff recommend an amendment to the Tow Truck Licensing By-law 521-04, as amended, to require that if for any reason a tow truck that is licensed ceases to engage in the business of a tow truck within the City of Mississauga for a period of longer than 30 days, the licence shall lapse and the owner shall return the tow truck owner's licence to the City immediately.



Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Prepared by: Daryl Bell, Manager, Mobile Licensing Enforcement

City of Mississauga Corporate Report



Date: 2016/11/07

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Originator's files:

Meeting date:
2016/11/22

Subject

Amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring Licensed Tow Truck Owner's to notify Mobile Licensing Enforcement of the name of the Licensed Tow Truck Driver who is operating their Tow Truck.

Recommendation

1. That the report from the Commissioner of Transportation and Works, dated November 7, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, requiring Licensed Tow Truck Owner's to notify Mobile Licensing Enforcement of the name of the Licensed Tow Truck Driver who is operating their Tow Truck" be received for information.
2. That staff incorporate comments received from the Towing Industry Advisory Committee and prepare a report to be considered by General Committee on the recommended changes to the requirements Tow Truck Owner's Responsibilities.

Background

Historically, staff have had issues with tow truck owners not providing information on the tow truck drivers operating their tow trucks. Problems arise when complaints have been received by Mobile Licensing Enforcement; staff investigate and receive limited assistance from the tow truck owners. Often the owners state that they do not keep records of who is operating their tow trucks at any given time. This issue has recently increased and tow trucks are operating with unlicensed drivers. A review of the licence statistics shows that the City currently has issued 401 tow truck owner's licences and 285 tow truck driver's licences. The problems have been further exacerbated by driver's whose tow truck driver's licences have been suspended or revoked and continue to operate licensed tow trucks. Many operate near the City of Mississauga borders, travel in and out of the City and are of the opinion that City staff do not have the authority to address them while operating outside of Mississauga's borders.

Comments

Staff recommend that the tow truck owner's responsibilities include requirements that the owners maintain records of the operation of a tow truck. The records need to include the name of the licensed tow truck driver and the dates and times the driver operate the tow truck. The drivers information must be included as part of the renewal of the tow truck owners licence and that any change in driver or driver status must be provided to Mobile Licensing immediately.

Financial Impact

There will be no financial impact to the City.

Conclusion

Staff recommend an amendment to the Tow Truck Licensing By-law 521-04, as amended, to include requirements for licensed tow truck owners to maintain records of the licensed tow truck drivers operating their trucks. The records must include the driver's name, dates and times of operation as a Mississauga tow operator.

Furthermore, staff recommend that on renewal of the Tow Truck Owner's Licence, the owner provide the licensing section with the name of the licensed tow truck driver authorized to operate the tow truck, advise the Licence Manager immediately when that driver no longer operates the tow truck, and of the name of the tow truck driver who will take over the operation of the tow truck.



Geoff Wright, P. Eng, MBA, Commissioner of Transportation and Works

Prepared by: Daryl Bell, Manager, Mobile Licensing Enforcement

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)	May 5, 2015	Enforcement Office	In progress
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 September 14, 2015	Enforcement Office	COMPLETED
Central City pound facility	February 29, 2016	Enforcement Office	In progress
By-law review – Towing out of City boundaries	February 19, 2013	Enforcement Office	COMPLETED
By-law review – WSIB/Insurance requirements	September 20, 2016	Enforcement Office	In progress
Auto clubs operating without owning a pound facility	December 1, 2014	Enforcement Office	COMPLETED

Towing Industry Advisory Committee Action List

Bill 15 Update	May 4, 2015	Enforcement Office	On-going
Off-Road Recovery	February 17, 2015	Enforcement Office	COMPLETED
Tow Truck Forms	March 22, 2016	Enforcement Office	COMPLETED
Two-Tier Tow Truck By-law	June 22, 2015		COMPLETED
Centralized Vehicle Pound Facility Feasibility Study	February 29, 2016	Chris Rouse	On-going
Vehicle Tow Digital Photographs	June 22, 2015	Enforcement Office	COMPLETED
Accepting all forms of payment	September 20, 2016	Enforcement Office	In progress

Memorandum

To: Chair and Members of the Towing Industry Advisory Committee

From: Stephanie Smith, Legislative Coordinator

Date: November 15, 2016

Subject: 2017 Towing Industry Advisory Committee Meeting Dates

The 2017 meeting dates for the Towing Industry Advisory Committee have been scheduled as follows:

Tuesday, January 17, 2017
Tuesday, March 21, 2017
Tuesday, May 30, 2017
Tuesday, September 26, 2017
Monday, November 6, 2017

Unless otherwise advised, all meetings will be held at 9:30 AM at the Mississauga Civic Centre in The Council Chambers – 300 City Centre Drive, Mississauga L5B 3C1

Meetings may be cancelled at the call of the Chair due to insufficient agenda items or lack of quorum.

Please kindly contact the Legislative Coordinator in advance of the meeting if you will be absent or late so that quorum issues can be anticipated and dealt with accordingly.

Stephanie Smith
Legislative Coordinator
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