
Towing Industry Advisory Committee

Date

2016/05/30

Time

2:30 PM

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 - March 22, 2016
 - 4.2. Council Subcommittee of Towing Minutes - April 26, 2016
 5. DEPUTATIONS
 6. MATTERS TO BE CONSIDERED
 - 6.1. Amendments to the Tow Truck Licensing By-law 521-04, as amended, to address Tow Truck Vehicle Tinting
 - 6.2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, for Requirements to Accept All Forms of Payment for Towing Services
 - 6.3. TIAC Action List 2016
 7. OTHER BUSINESS
 8. DATE OF NEXT MEETING - September 20, 2016
 9. ADJOURNMENT

City of Mississauga
Minutes



Towing Industry Advisory Committee

Date

2016/03/22

Time

9:31 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
Tullio (Tony) Pento, Citizen Member
Armando Tallarico, Citizen Member

Members Absent

John C. Lyons, Citizen Member

Staff Present

Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Stephaie Smith, Legislative Coordinator, Legislative Services

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<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 - Nil**4. **MINUTES OF PREVIOUS MEETING**

4.1. Previous Meeting Minutes - February 29, 2016

Approved (D. Ghanime)

5. **DEPUTATIONS**

5.1. Caroline Grech, Government Relations Specialist, CAA with respect to permission to tow vehicle forms.

Caroline Grech, Government Relations Specialist, CAA spoke to the Permission to Tow Vehicle forms and provided background information on the operations of CAA. Ms. Grech spoke to the upcoming Ontario wide towing regulations and requested that CAA be exempt from the City of Mississauga Permission to Tow Vehicle forms as the Provincial regulations allow for their exemption.

Councillor Starr spoke to the proposed Provincial regulations and that the City of Mississauga is moving forward with the Permission to Tow Vehicle form as it provides a measure of protection to consumers.

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the potential of having a duplicate towing form when the Province introduces their vehicle towing form but noted that the City of Mississauga is moving forward with their three part form.

RECOMMENDATION

That the deputation by Caroline Grech, Government Relations Specialist, CAA with respect to permission to tow vehicle forms be recieved.

Received (Councillor Mahoney)
Recommendation TIAC-0004-2016

6. MATTERS TO BE CONSIDERED

6.1. Amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for the use of "Permission to Tow Vehicle" forms

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the report from the Commissioner of Transportation and Works dated March 14, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for the use of "Permission to Tow Vehicle" forms and noted that all comments would be incorporated into a future report at General Committee. He spoke to the three part form and noted that one copy goes to the owner of the vehicle, one copy to the tow truck driver and one copy goes to the City within 10 business days.

Robert Fluney, Citizen Member spoke to driver training and enquired if it is the tow truck driver or the towing company who is responsible for submitting the form to the City. Mr. Bell noted that the towing company is responsible to ensure that all drivers hand in the form.

Mark Bell, Citizen Member expressed concerns with the 10 day turn around and spoke to the billing process for towing companies.

Councillor Starr spoke to the 10 business days to submit the form and enquired if the form could be emailed or faxed into staff at the City of Mississauga. Mr. Bell noted that is an acceptable option to have the form electronically submitted within the 10 business days. He also noted that the original copy would still need to be submitted.

Members of the Towing Industry Advisory Committee engaged in discussion with respect to the responsibility of the numbered forms, Bill 15 and the colour of the forms. Daryl Bell noted that this is an interim solution until an electronic solution is developed.

Mark Bell enquired what the penalty would be if the form is not submitted on time. Daryl Bell noted that this issue has yet to be put into a by-law but it would be \$200.00 per form.

Allen McConnell, Eastgate Towing enquired if staff are going to be available 24/7 for drivers to submit the form, if there would be a drop box outside City offices and what towing company name would go on the form. Mr. Bell responded and noted that there is already a drop-off box outside City offices and that the name of the business that is registered would go on the form.

Discussion ensued with respect to CAA being exempt when there is prearranged payment in form of a membership and CAA subcontractors. Members of TIAC

expressed concern with CAA being exempt and noted that everyone should be required to fill out the tow form.

Daryl Bell spoke to the lack of information required on the current tow form.

Daniel Ghanime, Citizen Member expressed concern with the towing form and that it should only be required when an accident had occurred. He further spoke to regular accident rates being charged from CAA.

Councillor Starr encouraged members to send in comments and that the final report would be brought to General Committee.

Lisa Goncalves, Abrams towing spoke to electronic dispatching and if towing a vehicle to a dealership would require a tow form. Mr. Bell noted that only prearranged payment in form of a membership is exempt from filling out the form.

Councillor Mahoney spoke to consumer protection and that the form is not onerous on a tow truck driver.

Allen McConnell, Eastgate Towing spoke to the difference of basic CAA and CAA plus plans. He noted that CAA should not be exempt.

Members of the Committee engaged in conversation regarding next steps for the report to be approved by Council.

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 14, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for the use of "Permission to Tow Vehicle" forms.

Approved (A. Tallarico)
Recommendation TIAC-0005-2016

6.2. TIAC Action List 2016

Members of the Committee reviewed the 2016 Action List.

RECOMMENDATION

That the 2016 Towing Industry Advisory Committee Action List be received for information.

Approved (M. Bell)

Recommendation TIAC-0006-2016

7. OTHER BUSINESS**8. DATE OF NEXT MEETING - May 17, 2016****9. ADJOURNMENT - 10:51 AM**

City of Mississauga

Minutes



Council Subcommittee of Towing

Date

April 26, 2016

Time

1:05 pm

Location

Council Chamber
2nd Floor
300 City Centre Drive

Members Present

Mayor Bonnie Crombie	
Councillor Carolyn Parrish	Ward 5
Councillor Ron Starr	Ward 6 (Chair)
Councillor Nando Iannicca	Ward 7 (Vice-Chair)
Councillor Matt Mahoney	Ward 8

Staff Present

Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Licensing Enforcement
Robert Genoway, Legal Council
Stephanie Smith, Legislative Coordinator

Email stephanie.smith@mississauga.ca

Find it online

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CALL TO ORDER – 1:05 PM**DECLARATIONS OF CONFLICT OF INTEREST - Nil****PRESENTATIONS – Nil****DEPUTATIONS - Nil****MATTERS TO BE CONSIDERED****1. Examine Options to Eliminate Chasing**

Councillor Starr provided background information on the formation of the Council Subcommittee of Towing meeting.

Mickey Frost, Director, Enforcement spoke to the issue of tow truck chasing in the City of Mississauga and noted that staff are currently in the early stages of gathering information and completing research to analyze what can be done to eliminate chasing.

Mayor Crombie spoke to the seriousness of chasing in the towing industry and noted that the subcommittee was created to solve a problem. Daryl Bell, Manager Licensing Enforcement spoke to the increased mobile enforcement since 2012.

Councillor Iannicca spoke to the history of chasing in the City of Mississauga, mobile enforcement and the need to continue to improve the industry.

Councillor Parrish provided staff with a list of questions related to towing and requested that staff bring back a response to all questions at the next Council Subcommittee of Towing meeting. She further requested that staff bring back a response to why dividing the City into zones would not restrict chasing.

Councillor Starr spoke to benchmarking with other municipalities and requested a secondary meeting for staff to bring back their responses to Councillor Parrish's questions. He further requested members of the industry to send in their comments to staff.

OTHER BUSINESS**DATE OF NEXT MEETING – TBD****ADJOURNMENT – 1:31 pm**

City of Mississauga

Corporate Report



Date: 2016/05/03

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Marinoff, P. Eng, Acting Commissioner of Transportation and Works

Originator's files:

Meeting date:
2016/05/17

Subject

Amendments to the Tow Truck Licensing By-law 521-04, as amended, to address Tow Truck Vehicle Tinting

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 Acting Commissioner of Transportation and Works dated May 3, 2016 and entitled "Amendments to the Tow Truck Licensing By-law 521-04, as amended, to address Tow Truck Vehicle Tinting".

Background

Staff have raised concerns about being able to identify occupants of tow truck vehicles due to the dark tint on tow truck vehicle windows. The issue has also been raised by Peel Regional Police due to concerns about identifying the individuals in tow trucks as well as about the activities occurring within tow trucks.

The by-law is silent on the issue of window tinting; however, the *Highway Traffic Act (HTA)*, contains provisions, which restrict the tinting of the windshield and the window to the driver's right and left. Section 73 (3) of the *HTA*, states:

"No person shall drive on a highway a motor vehicle on which the surface of the windshield or any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the motor vehicle when viewed from outside the motor vehicle."

Comments

The Tow Truck Licensing By-law 521-04, as amended, regulates owners and drivers of tow trucks for the purposes of public safety and consumer protection, as well as to control nuisance.

Tinted windows on tow trucks leads to speculation and concern about the driver and members of the public who may be required to ride in the tow truck when their vehicle is towed as a result of an accident or vehicle break down. Further, tinted tow truck windows have a safety impact on enforcement staff who cannot appropriately gage a situation with a tow truck that they may be investigating.

In order to ensure transparency, staff recommend that the by-law be amended to include requirements that all windows are clear of any tint or film, which may obstruct the view of the interior of the tow truck and its occupants. Tinted glass which is manufactured specifically for the vehicle in accordance with manufacturer specifications will be exempted.

This recommendation provides reasonable assurance to the public and the driver that when they are in a tow truck they will be visible to the surrounding environment, reducing any risks to personal safety. This recommendation also affords enforcement staff the ability to properly assess each situation when approaching a tow truck.

Financial Impact

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

Conclusion

Staff recommend that the Tow Truck Licensing By-law 521-04, as amended, be amended to include tow truck standards that include tint-free windows except where the vehicle contains original manufactured tinted glass.



Geoff Marinoff, P. Eng., Acting Commissioner of Transportation and Works

Prepared by: Daryl Bell, Manager, Mobile Licensing Enforcement

City of Mississauga

Corporate Report



Date: 2016/05/03

Originator's files:

To: Chair and Members of Towing Industry Advisory Committee

From: Geoff Marinoff, P. Eng., Acting Commissioner of Transportation and Works

Meeting date:
2016/05/17

Subject

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

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 May 3, 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".

Background

Staff have received numerous complaints regarding tow truck drivers refusing to accept payments except in the form of cash for the release of a towed vehicle. In some circumstances, tow truck drivers demand cash. Further, if the person does not have cash on hand, tow truck drivers insist that they drive the customer to an ATM bank machine before agreeing to release the vehicle. This has resulted in complaints from consumers that they felt uneasy, intimidated and held at the mercy of the tow truck driver.

Staff have received other complaints from persons not having access to cash and requiring the use of a credit card at which time the tow truck driver refuses to accept the card and insists that the vehicle be taken to their vehicle pound facility until the person has the ability to provide a cash payment. This has resulted in additional charges for storage and re-tow fees.

Staff are not in a position to provide assistance on the complaints received because the Tow Truck Licensing By-law 521-04, as amended, does not include provisions to address requirements for accepting various types of payments for services. While it is possible to lay charges for failing to accept various types of payments, it is not supported by the courts due to the lack of clarity in the by-law.

Comments

Staff have identified a need to amend the by-law to include requirements to accept various forms of payments for the services provided under the by-law. Furthermore, the by-law needs to be amended to include devices and services capable of completing debit and credit card transactions as part of the tow truck equipment requirements.

The recommended amendments ensure that the City is meeting the requirements of the province and ensuring consumer protection. The issue was raised by the Province's Anti-Fraud Squad and is addressed in *Bill 15, Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014*, which will result in amendments to other provincial legislation including the *Consumer Protection Act*. The Ministry of Government and Consumer Services released a document entitled "Stronger Rules for Towing and Vehicle Storage Services," which outlines the amendments to the provincial legislation which is slated to become effective January 1, 2017 (see Appendix 1: Stronger Rules for Towing and Vehicle Storage Services).

Financial Impact

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

Conclusion

Staff recommend, that the Tow Truck Licensing By-law 521-04, as amended, be amended to include requirements that all Tow Truck Drivers accept all forms of payment including cash, debit and credit card payments for services provided under the Tow Truck Licensing By-law 521-04, as amended.

Furthermore, staff recommend that the by-law be amended to include requirements that all tow trucks include as part of the equipment a POS or other type of equipment capable of completing debit and credit card transactions. It is recommended that the amendments to the by-law become effective September 1, 2016, to provide the towing industry with time to accommodate the required changes.

Attachments

Appendix 1: Stronger Rules for Towing and Vehicle Storage Services



Geoff Marinoff, P. Eng., Acting Commissioner of Transportation and Works

Prepared by: Daryl Bell, Manager, Mobile Licensing Enforcement

**NEWS****Ministry of Government and Consumer Services**

Stronger Rules for Towing and Vehicle Storage Services

December 17, 2015 2:59 P.M.

The Ontario government is strengthening consumer protection by introducing new rules for towing and vehicle storage services. These new rules will help Ontario's drivers make informed decisions and have confidence that they will be dealt with in an honest and fair way when their vehicle is towed and/or held in a vehicle storage facility. The rules will also help keep auto insurance affordable for Ontario consumers by helping to reduce fraud and abuse in the auto insurance system.

The government is taking action to respond to concerns raised by consumers and industry stakeholders. Exaggerated or inflated fees, questionable and intimidating roadside practices, and unsafe driving and vehicle operation were identified as concerns in the tow and storage sectors.

Consultation results

The government surveyed over 500 Ontario consumers about their experiences with tow trucks and vehicle storage lots in the province:

- 97 per cent of respondents said that a tow truck driver/business should be required by law to post identifying information on its truck(s)
- 96 per cent of respondents stated that a list of fees for each service the driver/business provided should be included on the consumer's invoice
- 96 per cent said a tow truck driver/business should be required by law to accept credit cards (in addition to cash payments)
- 87 per cent stated that a tow truck driver/business should be required by law to post their prices at their offices and on their website, if one exists
- 85 per cent of respondents said that a tow truck driver/business should inform consumers if they are getting a financial reward or incentive for towing a vehicle to a particular storage or repair shop
- 84 per cent stated that a tow truck driver/business should be required by law to provide prices to consumers in writing before the consumer's vehicle is towed

Regulating Ontario's Vehicle Towing and Storage Sectors

Changes to the Consumer Protection Act and its regulation will take effect on January 1, 2017, and will establish tow and storage-specific consumer protection measures. They will require tow and storage providers to:

- Get permission from a consumer or someone acting on their behalf before providing tow and storage services
- Record the name and contact information of the consumer, along with the date and time of authorization
- Disclose certain information to the consumer or the person acting on their behalf, in writing, such as the provider's business name, contact information and address where the vehicle will be towed
- Accept credit card payments, in addition to cash, from consumers
- Provide an itemized invoice, listing services provided, the cost for each service, and the total cost before demanding or receiving payment
- Make available a current statement of rates at their place of business and on any existing website
- Post other information, for example, the provider's name and telephone number on the side of a tow truck, at all business premises and on any website
- Provide a consumer (or someone acting on their behalf) with access to the towed vehicle, at no charge, so that they may remove personal property from the vehicle between 8 a.m. and 5 p.m. on business days
- Prohibit tow and storage providers from recommending repair and storage facilities, legal service providers or health care service providers unless a consumer or a person acting on their behalf specifically asks, or the provider offers to make a recommendation and the consumer (or authorized person) agrees
- Disclose to a consumer whether the provider is getting a financial reward or incentive for providing a recommendation for towing a vehicle to a particular storage or repair shop
- Establish minimum insurance coverage including general liability insurance of \$2 million, customer vehicle insurance of \$100,000 and \$50,000 cargo insurance
- Maintain authorization and disclosure records, invoices, copies of insurance policy, and current statement of rates for three years

Some exemptions will be made for certain tow and storage providers. For example, certain disclosures, authorization, invoices, and related record-keeping requirements will not be required if services are provided under a prepaid agreement or membership in an association, such as the Canadian Automobile Association (CAA) where the consumer is not being charged for the specific service being provided. These exemptions will also apply when the tow and storage services are provided when a vehicle is purchased or leased and the consumer is not charged for the specific service being provided.

In addition, when a vehicle is towed and stored for law enforcement purposes or detained or impounded under other statutes, regulations or municipal by-laws, or as a result of a lawful power of seizure, a limited number of the new rules will apply. While these tows are not initiated by a consumer, the consumer is generally responsible for charges. The new regulation will protect the consumer, for example, by requiring the provider to make available publicly a current statement of rates, post identifiers and other information, and provide the consumer with the option to pay by credit card.

Addressing Vehicle Storage Issues

The Repair and Storage Liens Act deals with the rights of repairers and storers to claim a lien against vehicles they repaired and/or stored. Most of the changes to the Repair and Storage Liens Act will take effect on July 1, 2016.

Changes to the Repair and Storage Liens Act and its regulation will:

- Reduce the notice period from 60 days to 15 days for vehicles registered in Ontario. Currently a storer is required to give written notice of a lien to the owner and other interested parties within 60 days after the day it receives the vehicle (subject to the lien), if the vehicle was brought in for storage by someone other than the owner or without the owner's authority. The new rules are expected to improve storage practices and remove associated costs from the auto insurance system.
 - If the notice is not provided, a lien is limited to the unpaid amount owing for the period of 15 days from the day of receiving the vehicle.
- Provide guidance to courts in determining the "fair value" of repair or storage where no amount has been agreed upon. A list of discretionary factors (e.g., fixed costs, variable costs, direct costs, indirect costs, profit and any other relevant factors) is set out for consideration.

Regulating Tow Trucks

The government is adding regulations under the Highway Traffic Act that will include tow trucks in the definition of commercial motor vehicles under the Commercial Vehicle Operator's Registration (CVOR) system. Vehicles commonly known as tow trucks and other vehicles used for towing, such as the flatbed trucks known as "tilt and loads", will require a CVOR certificate.

This new regulation will come into effect on January 1, 2017. This will allow time for tow truck operators to prepare for and apply for a CVOR certificate before the requirement comes into force.

The CVOR system is used to track the safety of truck and bus operators in Ontario. Its effective monitoring and intervention system for operators helps improve road safety. The Ministry of Transportation monitors each operator enrolled in CVOR, and assigns a Carrier Safety Rating, available to the public, based on collisions, inspections, convictions and the results of facility audits. A single CVOR certificate covers an operator's entire fleet.

Under CVOR, tow operators will be responsible for all the drivers and vehicles in their operation. These responsibilities include:

- Monitoring the conduct and safety performance of drivers
- Resolving driver safety issues when they are identified
- Keeping vehicles in good, safe condition at all times
- Ensuring load security

Tow trucks will continue to be exempt from some requirements faced by other classes of vehicle under the CVOR system, such as hours of service limits, daily inspection, detailed recordkeeping requirements and entering truck inspection stations, until the government has concluded consultations with the towing industry and other stakeholders on an effective regulatory regime for tow trucks.

Lauren Souch Minister's Office
416-212-3721
Andreas Kyprianou Communications Branch
647-961-5951

[Available Online](#)

Towing Industry Advisory Committee Action List

6.3

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 <input type="checkbox"/> 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 <input type="checkbox"/> 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 <input type="checkbox"/> Towing out of City boundaries	February 19, 2013	Enforcement Office	COMPLETED
By-law review <input type="checkbox"/> 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 Action List

6.3

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	On-going
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 Officer	To be reviewed in September 2016