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## **Towing Industry Advisory Committee**

**Date**

2017/09/25

**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**

Angie Melo, Legislative Coordinator, Legislative Services  
905-615-3200 ext. 5423  
[angie.melo@mississauga.ca](mailto:angie.melo@mississauga.ca)

**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 21, 2017
  5. DEPUTATIONS
    - 5.1 Todd Keely, TLK Towing, with respect to the Tow Truck Owner's Licence Moratorium
    - 5.2 Lawrence Gold, with respect to the Tow Truck Owner's Licence Moratorium
  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. Tow Truck Owners Licence Moratorium
    - 7.2. Towing Industry Advisory Committee Action List
    - 7.3. Letter from Daniel Sanderson, Provincial Director, North American Auto Accident Pictures, Towing Division, with respect to Regulating Tow Trucks
  8. OTHER BUSINESS
  9. DATE OF NEXT MEETING - November 6, 2017
  10. ADJOURNMENT

City of Mississauga  
**Minutes**



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## **Towing Industry Advisory Committee**

**Date**

2017/03/21

**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  
Armando Tallarico, Citizen Member

**Members Absent****Staff Present**

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

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1. CALL TO ORDER – 9:23AM
2. APPROVAL OF AGENDA  
Approved (T. Pento)
3. DECLARATION OF CONFLICT OF INTEREST – Nil
4. MINUTES OF PREVIOUS MEETING
  - 4.1. Towing Industry Advisory Committee Minutes - November 22, 2016  
Approved (J. Lyons)
5. DEPUTATIONS – Nil
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.)  
  
Todd Keely, TLK Towing requested to speak to the towing moratorium currently in place and noted that the moratorium is causing him financial hardships. Councillor Starr noted that staff will look into the matter and report back to a future meeting.
7. MATTERS TO BE CONSIDERED
  - 7.1. Changes 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, Mobile Licensing spoke to the requirements to accept all forms of payment when providing towing services and that all tow truck drivers and owners maintain a POS device or other type of equipment to accept debit and credit card transactions that is approved by the Licence Manager.  
  
Daniel Ghanime, Citizen Member spoke noted that the towing industry does accept all forms of payment and that the body shops are the ones who are accepting cash. Mr. Bell noted that this report is dealing only with the towing industry.

Members of the Committee engaged in discussion regarding accepting all forms of payment, monthly charges drivers could encounter when POS machines and the Provincial guidelines.

#### RECOMMENDATION

TIAC-0001-2017

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 13, 2017 and entitled "Changes to the Tow Truck Licensing By-law 521-04, as amended, for Requirements to Accept All Forms of Payment for Towing Services".

Approved (J. Lyons)

#### RECOMMENDATION

TIAC-0002-2017

That the letter dated March 20, 2017 from Elliott Silverstein Manager, Government Relations, CAA regarding Requirements to Accept All Forms of Payment for Towing Services be received.

Received (J. Lyons)

### 7.2. Towing Industry Advisory Committee Action List

Daniel Ghanime, Citizen Member and Mark Bell, Citizen Member spoke to an increase to the re-tow rate and a cost of living increase. Councillor Starr noted that he would meet with staff to discuss towing rates.

#### RECOMMENDATION

TIAC-0003-2017

That the 2017 Towing Industry Advisory Committee Action List be received as amended.

Received (Councillor Mahoney)

### 8. OTHER BUSINESS

Robert Fluney, Citizen Member spoke to a centralized city pound, the Council Subcommittee of Council and meeting notifications. Daryl Bell, Manager, Mobile Licensing spoke to the Council Subcommittee of Towing and that a final report would be going to the subcommittee within the month. Stephanie Smith, Legislative Coordinator spoke to signing up for email alerts to be notified for any upcoming meetings.

9. DATE OF NEXT MEETING - May 30, 2017
10. ADJOURNMENT – 10:05AM (Councillor Mahoney)

Draft

# City of Mississauga Corporate Report



Date: 2017/09/12

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:  
2017/09/25

## Subject

**Tow Truck Owners Licence Moratorium**

## Recommendation

That the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, be amended to repeal the current moratorium on the issuance of tow truck owners plates.

### Report Highlights

- The tow truck owners licence moratorium was initiated as a temporary measure in 2012 to address growing concerns regarding practices within the industry.
- Since 2012 the Tow Truck Licensing By-law has been amended a number of times to strengthen driver requirements and have had a positive effect on the industry in Mississauga.
- A survey of industry members identified a demand for additional licences to be issued.

## Background

At the February 28, 2012 meeting of the Towing Industry Advisory Committee (TIAC), discussions took place regarding a proposal to cap the number of tow truck plates in order to address vehicles being towed outside of the city boundaries. The meeting resulted in the following resolution:

*"TIAC-0009-2012*

*That Licensing and Enforcement staff prepare a Corporate Report with respect to the possibility of capping the number of tow truck licenses issued by the City of Mississauga and return this matter to a future Towing Industry Advisory Committee meeting for consideration."*

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The minutes from the TIAC meeting held June 18, 2012 indicates the following:

*“Councillor Starr raised the issue of capping the number of Tow Truck Licences and drivers licences and put an immediate moratorium on any new licences. He noted that there is a lot of pressure to bring this report to the September meeting but we have to take a proactive step.”*

This resulted in the following recommendation from TIAC:

*“Recommendation TIAC-0014-2012*

*The Towing Industry Advisory Committee recommends an immediate moratorium be placed on the issuance of any new tow truck and tow truck drivers licences issued by the City of Mississauga pending a review of Tow Truck Licensing By-law 521-04 as amended, and that the by-law be amended to include more stringent licensing.”*

The recommendation was approved by General Committee on June 27, 2012.

On October 22, 2012 a report was brought forward to TIAC dealing with more restrictive requirements for tow truck driver applicants, including a requirement that new applicants and those seeking a renewal provide a clear criminal record search and an acceptable driving record search. One conclusion reached in the report was that if the more restrictive requirements were approved then the moratoriums on new tow truck drivers licences and tow truck owners licences should be lifted.

The Tow Truck Licensing By-law was amended in 2013 and 2014 to adopt more restrictive requirements, which included:

- A clear criminal record search;
- A reduction in the number of demerit points on the provincial drivers licence that would be acceptable; and,
- Seven years of driving experience after obtaining a full “G” drivers licence.

At the TIAC meeting held on February 19, 2013 the moratorium issue was raised by the Licensing Manager who noted that it was still in effect. Members of TIAC indicated their support for a continuation of the moratorium and the following recommendation was made:

*“TIAC-0003-2013*

*That the Towing Industry Advisory Committee recommends a continuation of a moratorium on the issuance of new tow truck plate licenses and that the matter be reviewed in one year.”*

In June of 2013, amendments to the Tow Truck Licensing By-law that incorporated more restrictive driver requirements were passed by Council. An amendment to section 18, which



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restricted the Licensing Manager from issuing new tow truck owner licences was also passed and remains in force.

The issue does not appear to have been revisited by TIAC until February of 2016 when representatives of Classic Towing spoke to the issue, identifying their need for tow truck licences due to contractual obligations they have with clients. The Chair identified that he and the Vice-chair would review the matter.

On February 24, 2017 an application was received from Thunder Towing for a tow truck owner licence. This application was subsequently denied by the Licensing Manager due to the moratorium in place.

On April 11, 2017 the owner of TLK towing, Mr. Todd Keely, made an application for a new tow truck owner licence. This application was subsequently denied by the Licensing Manager due to the moratorium in place. The decision of the Licensing Manager was appealed by the applicant to the Appeal Tribunal and a pre-trial hearing was set for July 25, 2017. The pre-trial hearing did not resolve the matter and has been set over for a full hearing before the Tribunal.

On May 16, 2017 staff met with representatives of the Canadian Automobile Association (CAA) who identified their concerns regarding a number of issues in the Towing By-law, including the moratorium, which they feel is having a negative impact on their ability to service customers in Mississauga.

On June 7, 2017 Mr. Keely provided a deputation to Council identifying the hardship created by his inability to acquire additional tow truck owner licences. It was identified to Mr. Keely that the appropriate venue to deal with this matter was with TIAC.

## Comments

Given that the decision to implement a moratorium on the issuance of new tow truck owner's plates was not based on a staff recommendation, it is difficult to fully determine the rationale for the initial implementation. However, it is clear that the moratorium was meant to be temporary in nature.

### **Amendments to the Tow Truck By-law**

A number of amendments to the Tow Truck Licensing By-law 521-04 were introduced after the adoption of the moratorium as measures to improve the performance of tow truck operators in the City. These amendments are as follows:

- **Criminal Record Searches** - While criminal record searches were required under the By-law previously, amendments brought forward in 2013 provided clarity as to the response of the licensing authority when the criminal record check was returned showing convictions. The By-law now requires that an applicant provide a criminal record search that contains no convictions for the previous five years as a condition of initial licensing or renewal. It further identifies that offences occurring more than five years earlier, but

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appearing on a list of offences identified as being more serious in nature, were also grounds for licence refusal. The amendment did make allowances for currently licensed individuals to obtain conditional licences while their application for a record suspension was processed by the Parole Board of Canada.

- **Drivers Records** - The By-law was further amended in 2013 to require that driver's abstracts of those seeking an initial tow truck driver licence or a renewal supply a driver's abstract that does not contain more than six demerit points, or a single conviction under the Highway Traffic Act with a value of four or more demerit points.

This represented a significant shift in the requirements for licensing as the drivers were now subjected to unambiguous expectations regarding driving behaviour with meaningful consequences, including licence revocation, resulting from non-compliance.

- **Driver Experience** - Enacted in 2014, this amendment requires that all new applicants for a tow truck driver's licence have a minimum of seven years driving experience after having obtained a full class G licence in the province of Ontario.
- **Driver Professionalism** - Further amendments to the By-law introduced in 2014 to improve driver professionalism requires that tow truck drivers dress in a manner consistent with their role while at an accident scene, including the requirement to wear safety footwear, a reflective vest, pants with a reflective stripe and an identification badge showing their first initial and last name.
- **Driver Training** - In 2015 tow truck licensing was amended to require that all tow truck operators attend in-class training and pass a test based on the course content. The training provides drivers with detailed knowledge as to the requirements of the Tow Truck Licensing By-law and the expectations regarding their conduct when operating a tow truck.

Research done in 2016 to measure the impact of these amendments on the overall driving behaviour of tow truck drivers indicated that as a group, they had demonstrated a marked improvement. In the report from the Commissioner of Transportation and Works, dated September 13, 2016 and entitled "Report on Tow Truck Chasing in the City of Mississauga" that was received by the Members of Council Subcommittee of Towing on September 26, 2016, it was identified that the rates of violation observed on submitted driving record searches began to decline steadily after 2011.

That report reached the conclusion that *"there is both anecdotal and empirical evidence that these amendments have shown positive results with regards to the behaviour exhibited by licensed tow truck drivers operating in the City."* (Appendix 1)

### **Implementation of Moratorium**

During the past five years of the moratorium, tow truck owners were permitted to "park" an unused tow truck licence at the licensing office.

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This practice was originally intended to provide the licenced tow truck owners sufficient and reasonable time to obtain a replacement vehicle and to prevent the licence from expiring completely while the new vehicle was on order. However, some of these plates remained parked for periods of time far in excess of what was originally intended. This has resulted in a situation whereby companies that had larger numbers of plates, prior to the moratorium, have been permitted to park plates and then reactivate them as their business needs dictated.

There is currently no provision in the By-law that explicitly states that a tow truck owner's plate can be parked. However, the By-law is clear in section 19(4) that, "No Licence may be renewed more than sixty (60) days after the date upon which it expires."

The ability to park licences provided a significant advantage to the larger tow operators who were able to hold licences in reserve against future business needs. This was detrimental to both smaller and new operators who have been unable to expand their capacity as business needs may have dictated.

Mobile Licensing Enforcement records indicate that currently 74 tow truck owner plates are listed as inactive. As of July 2017, the Licensing Manager has ceased the practice of parking licences beyond the 60 day provision. Moving forward, staff are prepared to make by-law amendment recommendations for dealing with this matter should the moratorium remain in place.

### **Current State**

At present, there are approximately 381 tow truck owner plates that are active. By comparison, there are only 277 tow truck drivers licensed to operate in the City. This disparity is the result of some vehicles that are licensed for use in Mississauga are being used exclusively in other jurisdictions.

Some licensed owners have indicated that finding operators that meet the current licensing requirements for Mississauga is challenging, especially the requirement for seven years of full Class G licence experience.

Mobile Licensing Staff polled members of the industry to gauge the effects of the moratorium and to identify their requirements for additional owner's licences should the moratorium be lifted. A number of industry members identified that the moratorium is having a negative impact on their ability to service existing contracts, especially in the area of roadside assistance and that Mississauga residents are now experiencing wait times that are in excess of those in other jurisdictions. Of the 58 industry members that were polled, 21 (36%) identified a need to acquire additional owner plates. The number of plates required was identified as being approximately 122 in total. A letter from CAA, one of the largest providers of roadside assistance, identifies their concerns regarding this issue is attached as Appendix 2.

A number of other new businesses have also been in contact with the Licensing Manager identifying their need for tow truck owner's licenses to support their business requirements.

As part of this report, benchmarking was conducted with other municipalities in the Greater Toronto Area and it was determined that no other jurisdiction currently limits the number of tow truck owner licences. (Appendix 3)

## Financial Impact

Based on the polling of industry members, a repeal of the moratorium would trigger a modest increase in revenue from the issuance of tow truck owner licences. This increased revenue will likely be offset by other licence owners returning unused licences that have only been renewed over the years to keep the licence active as a hedge against future business needs.

The repeal of the moratorium is also likely to increase the number of licensed tow truck drivers as presumably those industry members advocating for more plates have drivers that will meet the City of Mississauga requirements. It is estimated that the net financial impact would be approximately \$27,000.

## Conclusion

While there is little documentation surrounding the implementation of the initial moratorium, it is clear from the minutes of TIAC that it was intended to be temporary. A permanent moratorium provides little recourse for industry members to expand operations as business needs might dictate. It also limits existing licence holders from disposing of their business assets, as any tow company operating within the City becomes tied permanently to the current owner of the licences.

It is also clear that the moratorium was at least partially intended to address perceived shortcomings within the industry, as evidenced by the original moratorium on both drivers and owners licences. The subsequent amendments to the By-law would appear to have, at least partially, addressed these shortcomings and the current driver cohort is operating in a manner that is generally acceptable to the public, at a level consistent with other licence groups. Given the relatively low number of currently licensed drivers, it can be concluded that amendments have had a significant impact on the industry.

The polling of industry members indicates that there is a need for new owner licences by some operators. While other members appear oversupplied with owner plates, demonstrated by the fact that more than 70 plates have been parked and the number of tow truck owner licences exceeds driver licences by approximately 110. The existing moratorium provides no mechanism for the distribution or redistribution of the existing pool of plates to address changing needs amongst industry members. As a result, a prolonged moratorium will likely further degrade the service levels experienced by residents for non-collision service requests.

For these reasons it is the recommendation of staff that the moratorium should be repealed.

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## Attachments

Appendix 1: Report from the Commissioner of Transportation and Works, dated September 13, 2016 and entitled "Report on Tow Truck Chasing in the City of Mississauga"

Appendix 2: CAA Letter

Appendix 3: Benchmarking of Municipalities



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

Prepared by: Michael Foley, Manager Mobile Licensing Enforcement

# City of Mississauga

## Corporate Report



Date: 2016/09/13

Originator's files:

To: Chair and Members of Council Subcommittee of Towing

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

Meeting date:  
2016/09/26

## Subject

**Report on Tow Truck Chasing in the City of Mississauga**

## Recommendation

1. That the report from the Commissioner of Transportation and Works dated September 13, 2016 entitled "Report on Tow Truck Chasing in the City of Mississauga" be received for information.
2. That the Council Subcommittee on Chasing direct staff to produce a supplementary report in two years identifying trends in tow truck driver behaviour as measured by assessing the driver's abstracts and reported complaints of driver behaviour of licensed drivers, to measure the effectiveness of amendments to the City of Mississauga Tow Truck Licensing By-law, which was adopted in 2016 and in prior years.

## Report Highlights

- The driving abstracts submitted by tow truck driver applicants to the City of Mississauga indicate that there has been a substantial reduction in the number of *Highway Traffic Act* (HTA) violations committed by licensees.
- A review of the historic abstract submissions of drivers that are no longer licensed by the City of Mississauga indicates that the tow truck drivers leaving the industry had significantly worse driving records than those who are currently licensed.
- Enforcement staff believe that the overall improvement in tow truck driver performance is closely linked to amendments that have been developed, approved and enforced by the Towing Industry Advisory Committee, Enforcement staff, and Mayor and Council.
- New proposals designed to improve tow truck driver behaviour as a group would have a far reaching impact, cause significant disruption within the tow industry and would be met with significant resistance and would be difficult to evaluate for effectiveness in light of the recent approval of the Virtual Pound initiative.

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## Background

The Council Subcommittee of Towing was created for the purpose of addressing concerns related to the practice of tow truck chasing. For the purpose of this report, staff were asked to expand the definition of “chasing” to include not only the behaviour of tow truck drivers as they attempt to reach the scene of a motor vehicle accident, but also the presence of licensed tow truck drivers at an accident scene who have not been dispatched there by a vehicle owner or an authority recognized to do so on the vehicle owners behalf.

Based on this request, staff have identified traditional chasing as being behaviour that would expedite a driver reaching an accident scene, but would also pose a threat to public safety. Behaviours that include:

- speeding;
- inappropriate lane changes;
- reversing in a live lane of traffic; and,
- failing to obey traffic signals.

Expanded Definition Chasing (EDC) is more problematic to research, in that currently the activity does not represent a violation of the Tow Truck Licensing By-law, is commonplace and would not be something identified in a complaint, which could be tracked for frequency.

## Why Chasing Takes Place

Automotive collision repair is capital intensive, requiring significant investment in building, equipment and highly skilled labour, for a service that many people will require infrequently, if ever. With the exception of a small number of national brands, most collision repair centres are locally owned and have a limited budget for advertising or brand promotion.

Chasing arose out of a desire to generate increased business and in many cases this was achieved through the re-tasking of assets often already owned by the auto body shop, that being a tow truck. Initially used to service the needs of existing customers, it became evident to those in the repair industry that these trucks could also drive business to a repair facility by responding to accident scenes and offering their services to those involved; a service model similar to the taxi industry.

This level of service was attractive to the public who often had no inkling as to who to call after being involved in an accident and often welcomed the presence of a person both willing and capable of assisting them.

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As is often the case when there is a consumer lacking in knowledge who is attempting to make a decision during a period of intense stress, unscrupulous operators began to make their presence felt.

A variety of strategies have been employed in order to first get the tow and second to commit the vehicle owner to a specific facility to have the repair work completed. Strategies that included:

- inducements including free towing or rental vehicle;
- inability to deliver the vehicle to the requested location, resulting in the vehicle being taken to the tower's repair facility;
- accepting only cash as payment for a tow and when the vehicle owner is unable to pay as required, the vehicle is again taken to the tower's repair facility;
- signing a blank work order for a tow instead of an authorization to tow form; and,
- signing a blank work order for the purpose of providing an estimate.

The result being that subsequent to the initial tow, after speaking to their insurance carrier, or having had the time to do their own independent research, the vehicle owner wishing to have their vehicle moved to a different location for repairs might find themselves in difficulty. They may discover that in addition to the towing charge, there is also an exorbitant amount required for storage or for a "tear down" of the vehicle to identify the extent of the damages. They may also be faced with a charge for a breach of the contract implied by a signed work order.

Faced with an invoice that often ran into the thousands of dollars, the repair facility owner could then offer to waive these charges if the repair work was assigned to the shop. Customers would often choose the path of least resistance and simply agree to have the vehicle repaired where it was.

In some cases, insurance adjusters would negotiate for the removal of the vehicle to the desired repair facility by paying out the invoice or a negotiated portion of the invoice. Some might choose to seek redress in civil court, but this was often an expensive and time consuming proposition.

But the key to employing any of these strategies was the tow truck driver. The critical element to obtaining the tow was to arrive first; a situation that rewarded aggressive driving and aggressive salesmanship once on the scene. The tow truck driver would not only be compensated for the tow itself, but would also be rewarded by the repair shop in the form of a commission.

For the tow truck driver, the commission reflected between 5 and 10% of the total repair bill of the vehicle involved in an accident. For an accident vehicle, which may require \$10,000 in repairs, an additional \$500 to \$1000 in commissions from the repair facility would certainly be enticing.



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In the 1998 study conducted by the Peel Regional Police “Towing in the Region of Peel”, as outlined in the “Amendments to the Tow Truck Licensing By-law 635-93-General Committee Report November 18, 1998” (Appendix 1), 86% of the stakeholders surveyed identified their belief that tow trucks would be less likely to speed to collision scenes “if repair shops did not offer commissions on the repairs”.

### **Who Engages In Chasing**

A concern identified at the Council Subcommittee of Towing meeting held on May 26, 2016 was that the number of collisions identified by Peel Regional Police and the Ontario Provincial Police was insufficient to sustain the number of tow truck operators that are currently licensed.

The 1998 Peel Regional Police study identified that 64% of tow truck owners or managers and 73% of tow truck drivers, considered the payment of a commission or “finder’s fee” by the repair shop to be an ethical practice. The study also concluded that amongst all stakeholders surveyed, 71% identified the belief that the rate of compensation should be between 5 to 10%. It is common knowledge amongst industry members that some repair facilities pay incentives to tow truck drivers for vehicles requiring collision repairs.

However, even allowing for the existence of commissions being paid by body shops at a rate of between 5 and 10% of the total repair bill, it would be difficult to sustain the entire towing industry entirely on motor vehicle accidents.

In 2014, there were approximately 10,400 motor vehicle accidents in Mississauga requiring the services of a tow truck as reported by the Peel Regional Police and the Ontario Provincial Police as identified in the “Preliminary Report on Tow Truck Chasing in the City of Mississauga, Council Subcommittee of Towing, May 30, 2016” (Appendix 2). Using the assumption that every one of these vehicles was towed to a repair facility where a commission of between 5 and 10% was paid and based on an average collision repair cost of \$5000, this would only translate to approximately \$12,000 to \$18,000 per tow truck licence, including the tow charges. Clearly insufficient to sustain the equipment and overhead associated with the number of tow trucks licensed.

The reason for this is that some tow trucks drivers have no involvement in responding to accidents, while others only engage in the activity when the opportunity arises. Many drivers derive the most substantial portion of their income from activities that involve other aspects of the towing industry including:

- road side assistance;
- contract towing;
- daily duties as assigned by the Tow Company Owner; and,
- movement of vehicles already under repair.

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It is therefore difficult to establish to any degree of certainty, the number of tow truck drivers that derive a significant portion of their income from only wreck chasing.

The implementation of the Virtual Pound initiative should allow staff, in future, to gather and analyze data regarding this and determine conclusively whether there is strong correlation between poor driving behaviour and involvement in wreck chasing.

### **Amendments to the By-law to Address Chasing**

1997 was a watershed year for the tow industry. In November of that year, a crash involving a tow truck licensed by the City of Mississauga, resulted in one fatality. Allegations arose that the driver of the vehicle was speeding towards an accident scene in hopes of obtaining a tow, when his truck struck a second vehicle killing one of the occupants. The driver of the tow truck was eventually convicted of dangerous driving causing death.

Former Mayor Hazel McCallion held an emergency meeting of tow truck operators on November 12, 1997 to address tow truck safety. One year later a report was brought forward, identifying specific recommendations to improve the safety of tow truck operators. The report identified a number of issues within the tow industry and provided the basis for some of the earliest amendments adopted to curtail chasing.

### **Vehicle Size**

Based on recommendations from the Police Service Board's Report on Towing, the City of Mississauga Truck Licensing By-law 638-93 (Rescinded) was amended to require all new and replacement tow trucks to meet a minimum gross vehicle weight rating of not less than 4536 kg (10,000 lbs), with all tow licensed tow trucks required to meet the standard by June of 2000).

The amendment was identified as a mechanism to reduce aggressive driving, in that the vehicle's increased weight would reduce its maneuverability and make it less likely that the drivers would speed. The vehicle's increased gas/diesel consumption would also serve as a deterrent to chasing, where the operator had a lower probability to be first on the scene.

### **Tow Trucks on Scene**

The Tow Truck Licensing By-law 638-93 (Rescinded) (Appendix 3) required that tow trucks remain 60 metres away from an accident, where sufficient tow trucks were already on scene to deal with the apparent number of vehicles involved. Police and enforcement staff identified their concern that congestion at the scene remained an issue, though to a lesser extent. It was the impression of those attending these scenes, that the 60 metre distance still allowed tow drivers to exit their vehicles and approach the accident scene on foot in order to solicit business.

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In April of 2001 the by-law was amended pursuant to a recommendation from staff found in the “Tow Truck Licensing By-law, General Committee Report April 9, 2001” (Appendix 4), to increase the distance to 200 metres, which was identified to be sufficient to discourage additional trucks from speeding to a scene in the hopes of soliciting business.

### **Criminal Record Searches**

While criminal record searches were required under the by-law previously, amendments brought forward in 2013 provided clarity as to the response of the Licensing Authority when the criminal record check was returned, showing that convictions had been registered.

The City of Mississauga Tow Truck Licensing By-law 521-04, as amended, now requires that applicants for an initial licence or a renewal supply:

*A criminal record search issued within the past sixty (60) days by the Peel Regional Police, or other police service in Ontario, which contains no convictions for five (5) years prior to the date of application or renewal. (130-13)*

Provisions were made for currently licensed drivers to maintain their status by providing documentation confirming that the renewal applicant was pursuing a Record Suspension through the Parole Board of Canada.

The amendments also affected drivers with criminal record searches older than five years, by prohibiting licensure when the criminal acts identified included offences deemed to be of a more serious nature and identified in Schedule 4 of the By-law as outlined in “Recommended Changes to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Trucks” dated March 13, 2013 (Appendix 5).

### **Drivers Records**

The City of Mississauga Tow Truck Licensing By-law 521-04, as amended, was further amended in 2013 to require that applicants for a Tow Truck Drivers Licence, new or renewal submit:

*a driver’s abstract issued within the past sixty (60) days which contains not more than six (6) demerit points or any one Ontario Highway Traffic Act conviction with a value of four (4) or more demerit points or similar convictions from outside of the Province of Ontario. (130-13)*

This represented a significant shift in the licensing of tow drivers from the earlier iteration. Drivers were now subject to unambiguous expectations regarding their driving behaviour with meaningful consequences; licence revocation, being attached to issues of non-compliance.

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## Driver Experience

A further amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, enacted in 2014 required that new applicants for a tow truck drivers licence are required to have a minimum of seven years driving experience, after having obtained a full G Province of Ontario.

This substantially increased the age and driving experience of applicants for new tow truck drivers licences.

## Driver Professionalism

Improving not only the professional appearance of the tow truck drivers, but also the safety of the licensees and concomitantly other individuals at an accident scene, an amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, in 2014 requires:

*3) At all times be neat and clean in personal appearance and properly dressed which must include but is not limited to: (11-14)*

- a) a blaze orange, a blaze yellow or a combination of both orange and yellow safety vest with two fluorescent stripes, five centimetres in length in the shape of an "X" on both the front and the back of the vest;*
- b) patch green safety boots;*
- c) pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling each leg; and*
- d) an identification badge showing the Driver's first initial and last name.*

An amendment enacted in 2015 requires that all drivers complete a training course and pass a test based on course content. The amendment further requires that retraining of all licensed drivers take place every five years.

This training provides tow truck drivers with detailed information regarding the requirements of the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, and the expectations regarding their conduct when operating a tow truck.

## Driver Responsibility

A 2015 amendment to the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, requires that the tow truck driver photograph all vehicles being towed prior to initiating the tow.

An amendment the following year (2016) changed the requirements surrounding Permission to Tow forms. Drivers are now required to submit copies of these forms to the Mobile Licensing

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Manager within 30 days of the tow taking place, as recommended in “Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requirements for the use of Permission to Tow Vehicle Form” dated March 14, 2016 (Appendix 6).

### **Improvements to the Existing Vehicle Pound System**

In 2016 staff were directed, pursuant to the Central Vehicle Pound report, to develop and implement a mandatory on-line towing and storage software application to be used by the Enforcement Division of the Transportation and Works Department, and the towing industry. This Virtual Pound system will serve to address issues that arise after a vehicle has been towed and provide greater consumer protection to the vehicle owners (Appendix 7).

## **Comments**

### **Analysis**

While amendments to by-laws seek to address issues of significant municipal interest, there is often little quantifiable evidence available through which to measure impact.

With regards to tow truck driver behaviour, there is data available that can be utilized to provide insight. All tow truck drivers, when seeking either a new licence or the renewal of an existing licence, are required to submit a current driver's abstract issued by the Province of Ontario, identifying recent HTA convictions, current demerit points and licence status. Ostensibly, this requirement allows the licensing authority to establish that the applicant has the requisite class of Ontario Drivers Licence needed and that there are no impediments to a licence being issued, such as accumulated points.

These abstracts are maintained in each driver's file and when examined collectively, provide a record of driver behaviour over an extended period of time.

It was postulated that if amendments made to the by-law were designed to improve driver performance, then some evidence of this should be reflected in the collective records.

### **Methodology**

The drivers' abstracts of all tow truck drivers whose files were currently available in the Mobile Licensing Enforcement Section were reviewed and were initially broken down into two groups; Licensed and Unlicensed.

These abstracts were then examined and a record made of HTA offences for which a conviction was entered for the period between 2004 and 2015 for Licensed Driver. The Unlicensed group provided reliable information only until 2014, due to insufficient data for the year 2015.

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In that the purpose of this report deals with the issue of “chasing”, only offences related to moving violations were recorded. Offences related to documentation such as lacking an insurance card are not reflected in the totals.

Drivers with less than one full year of licensed activity were excluded from the calculations, due to the fact that the abstract supplied shows only behaviour prior to being licensed as a tow truck driver and while useful in determining whether a candidate meets the requirements to be granted a licence, provides little insight into their activity as a tow truck driver.

It should be noted, that the abstracts supplied could not identify whether the infractions occurred while the driver was actually operating a tow truck. This is identified as a limitation, but is a limitation shared by the control group as well. This limitation is further mitigated by the fact that the by-law itself does not make a distinction between infractions taking place while driving a tow truck or a personal vehicle in its proscriptions regarding demerit points accumulated on the drivers licence.

In order to establish a point of comparison, the inquiry also examined the driving records of a control group, that being licensed taxicab drivers. The taxi drivers were identified as the ideal control group by the fact that they:

- drive similar long hours;
- drive on the same streets;
- are subject to the same police authorities; and,
- are predominantly male.

All new applicants for a Taxi Drivers licence receive mandatory training in defensive driving and periodic mandated “refresher” training”. There is a general consensus that Mississauga’s taxi drivers, as a group, provide consistently good service to the general public and operate in a safe manner.

The key difference between the licence groups being that taxi drivers do not “chase”; the success of their endeavours are not dependant on getting to a fare first as their calls are dispatched, based on a physical queue, on random chance ( i.e. street hail) and there is no direct competitive force at play.

Approximately 100 taxi drivers were selected at random from the files maintained by Mobile Licensing Enforcement to be included in the control group. The file had to indicate that the driver was currently licensed as a taxi driver and that their licence did not include the “Not Driving” designation, which is assigned to drivers who wish to keep their licence from lapsing, but are not active within the industry at present. The drivers abstracts were then reviewed in the same manner as those of the tow truck drivers

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The number of drivers licensed in each category, in each calendar year were determined and then compared with the number of HTA violations that were issued to these drivers in that year. This provided a “rate of violation”, or “ROV”. For example, a result of 35% in a given year, would indicate 35 HTA convictions of various types were registered against every 100 drivers operating during that period.

From an enforcement perspective, staff would wish to see a rate of violation that is small, as this is the best indication that licence holders are driving in a responsible manner, both while driving a personal vehicle and while driving in their capacity as a City of Mississauga Licensee. There is, however, no stated target rate. No previous attempt has been made to attempt to measure driver behaviour collectively.

### **The Control Group**

The randomly selected control group of 107 licensed taxi drivers provided a median ROV of 28.5% (28.5 violations per 100 drivers). With the highest rate of violation occurring in 2008 at 39% and the lowest rate occurring in 2014 when it fell to 20%.

Noteworthy, is the consistency across time for the group with a low standard deviation (5.7); a desirable characteristic for a control group. This group has been relatively stable and there have been few amendments to the Taxi Licensing By-law during the surveyed years, which were intended to directly impact driving behaviour. This information is illustrated in the attached graph (Appendix 8).

### **Unlicensed Tow Truck Drivers**

The second group identified are tow truck drivers who have chosen not to renew their licence, have allowed their licence to lapse or have become ineligible for a Mississauga licence through failure to meet current requirements or through revocation. The files related to these drivers indicate a median ROV of 45%, significantly higher than that of the control group.

This group also achieved the highest single ROVs recorded, in 2004 (70%), 2007 (58%), 2010 (49%) and 2011 (48%) with rates that were almost double those of the control group. The ROV for this group began a steady decline in 2011 with the rate of violation for unlicensed drivers at 22% in 2014.

As a group, the unlicensed tow truck drivers showed the highest variations in findings with a standard deviation of 15.75. This information is illustrated in the attached graph (Appendix 9).

### **Currently Licensed Tow Truck Drivers**

The group exhibited ROV consistently higher than the control group but never reaching the extreme of the unlicensed group. The median ROV for this group was calculated at 37.

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This group also shows a similar decline in the years following 2011, with reported ROV for 2015 being 10%, (less than half the ROV of the control group.) This current ROV also represents a 78% reduction in ROV from 2011. This information is illustrated in the attached graph (Appendix 10).

### **Interpretation**

The review of driving records would strongly indicate that measures undertaken to address the issues of Tow Truck Driver operational behaviour have had an impact and that the impact has been positive, with current drivers engaging in significantly fewer violations now than during peak periods.

It might be interpreted that the decline in the ROV for tow truck drivers who are unlicensed, is the result of many of the drivers with the highest rates of violations have withdrawn from the towing industry in Mississauga. Whether they have changed professions entirely or moved to other jurisdictions cannot be identified by the records.

The licensed group also shows a similar decline from a high point that approached 50% in 2011 to approximately 10% in 2015.

Similar regulatory measures were not imposed upon the control group and the findings are consistent with expectations for a control group of this type. They exhibit a consistent rate of violation over a period of 10 plus years.

It would be difficult to establish which by-law amendments have had the most impact. There are multiple amendments in some years, so isolating the effect of one from another would be problematic.

Some stakeholders have identified the threat of licence revocation as having the greatest effect. Revocation of licence has traditionally been identified in the By-law as a possible outcome for multiple serious convictions under the HTA, but actual revocations have previously been rare. The fact that a number of revocations have occurred and survived review at the Licence Appeal Tribunal, may have had a chilling effect on the industry as a whole.

Other stakeholders have indicated that as the most aggressive of the wreck chasers have been weaned out of the industry there is a greater amount of work available, which has reduced the incentive to engage in higher risk driving behaviour.

Still other stakeholders have identified a shift in tenor, that occurred within the Mobile Licensing Enforcement section as partially responsible. This shift has included more rigorous enforcement of the by-laws and a more consistent response to violations that occur.



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## **Proposed Initiatives to Reduce Chasing**

In the second portion of the report, staff were directed to investigate the feasibility of two proposals raised as possible responses to the issues of chasing; both the traditional definition and the expanded definition of chasing.

The proposals were evaluated based on the following criteria:

- effectiveness at reduction of chasing;
- cost;
- integration with the approved Virtual Pound initiative; and,
- potential impact on Tow Truck Industry.

## **Proposal #1 - Fleet Management Technology**

A variety of fleet management solutions are commercially available “off the shelf” that permit the management of a large number of vehicles, simultaneously, through constant monitoring. This is achieved through the use of the Global Positioning System (GPS) and real time telemetry being uploaded from the vehicle to a centralized tracking location. The link to the tracking site is established through hardware connected to the vehicles diagnostic port.

The tracking station collects data related to a variety of factors that would be of interest to enforcement staff including:

- speed of the vehicle;
- direction traveled;
- turn by turn logging of each trip; and,
- use of the winching system on the vehicle.

## **Effectiveness**

Through automated monitoring of every vehicle operating as a licensed tow truck, enforcement staff would be made aware of drivers engaging in a variety of activities that would meet the traditional definition of “chasing.” Activities that include:

- travelling at rates of speed higher than posted limits;
- sudden or erratic directional changes;
- cutting through private property to avoid traffic lights;
- sudden reductions in speed; and,
- presence of a passenger in vehicle.

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This information could then be evaluated as a result of a complaint or ongoing audit of the industry, by enforcement staff, and used as the basis for actions against the licence holder, both owner and the driver. The technology also permits cautioning the driver in real time audibly of undesired practices including over speed warnings and idling alerts.

Fleet management technology would also be effective in eliminating Expanded Definition Chasing, which at its highest level has been described as tow trucks towing vehicles from accident scenes where they have not been dispatched, either by the vehicle owner or a competent authority.

This activity however is currently not a violation of the City of Mississauga Tow Truck Licensing By-law, which does allow for licensed tow trucks to stop at the scene of an accident, as long as the number of tow trucks does not exceed the number of vehicles “apparently requiring the services of a tow truck.” Elimination of EDC would necessitate amending this section of the by-law.

With an amended by-law prohibiting licensed tow vehicles from stopping at the scene of an accident, fleet management could provide the data required to determine if each tow is in compliance. In that dispatch would in most cases occur based on a telephone call from the vehicle owner, a call that would be time stamped by the telephone and issues arising over a disputed dispatch could be easily confirmed.

Attempts to circumvent the system by stopping at an accident scene and soliciting a vehicle owner to call for the dispatch of his/her truck, would be easily countered by the fact that the vehicle would be identified by the fleet management system as having arrived at the scene prior to the dispatch call.

## **Costs**

The costs associated with the monitoring and storage of data for a fleet management system, all in the range of \$600 per year, per vehicle.

Typically large fleets of vehicles will recover all or a portion of these fees through efficiencies gained through the systems use;

- fuel saving through reduced idling time;
- better route management; and,
- reduced wear and tear on vehicles due to improved driving maintenance practices.

While the information collected for each vehicle could be supplied to the vehicle owner for their own use, it is unlikely that significant savings would accrue to the vehicle owners.

## **Virtual Pound Integration**

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The technology would provide a level of enhanced support to the approved Virtual Pound Initiative, in that it could provide confirmation of the location of pick-up and drop-off of each vehicle that is entered into the Virtual Pound system. It would also serve to discourage licensees from attempting to circumvent the Virtual Pound, by failing to report tow activity.

### **Potential Impact on Towing Industry**

Stakeholders have identified that there would be significant resistance to the implementation of a system that constantly tracks every licensed tow truck. Privacy issues have been raised, as well as the expense that is attached to the system, an expense which would be borne by the licensees.

Some privacy concerns could be addressed through the ability to geofence the system limiting the tracking ability to a defined geographic area, but within the municipality and within the surrounding municipalities the system would be active.

### **Proposal #2 - Multiple Privately Operated Vehicle Pound Facilities**

This proposal would require the City of Mississauga be divided into multiple geographic zones, with each zone maintaining one vehicle pound facility from which tow trucks would be dispatched to any motor vehicle accident taking place within the borders of the prescribed zone. Tow trucks wishing to engage in accident towing would be sequestered within the pound until such time that they were dispatched to the scene of an accident where vehicles require their services.

Once engaged, the tow truck operator would remove the vehicle to the originating vehicle pound facility where it would be held until such time that the vehicle owner decided, either on their own or through consultation, where the vehicle should be moved.

The selected operators of each pound would be required to segregate the vehicle pound operation from any vehicle repair facility that may be operating on the same property. This would likely require a separate office space, separate entrances and unambiguous signage.

Vehicles that were impounded at each location would incur a minimum charge for the service.

### **Effectiveness**

In order for a multi-zone vehicle pound system to provide a positive impact on traditional chasing it would be necessary that the existing Tow Truck Licensing By-law be amended to restrict any tow truck from stopping at the scene of an accident, unless it was dispatched from the vehicle pound facility in that zone.

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A failure to implement an amendment of this type would likely lead to situations whereby, licensed tow trucks choosing not to wait in the zoned queue and continue the current practice of staking out a limited area, would then be placed with a distinct advantage in arriving at a scene first, with the possibility of being directed by the motorist to assist, the equivalent of a hailed tow truck.

The amendment would include the removal of the section which permits a number of tow trucks to stop within 200 metres equal to the number of vehicles that appear to be involved in the accident. Essentially, the proposal would make it necessary to eliminate any tow truck from stopping to render assistance at a motor vehicle accident, unless it was dispatched there through the pound system.

The issue would then become one where the definition of “dispatched” would have to be closely examined. While trucks would be dispatched from the zoned pound, this would not negate the ability of the motorist to request a tow vehicle of their own through cellular phone. A vehicle owner choosing to do this could easily call for a tow, which would then be ‘dispatched’ to the scene. In order to circumvent this scenario, it would become necessary to amend the by-law to require that the vehicle owner utilize the services of the tow truck dispatched from the zoned pound.

The proposal would have a positive effect on expanded definition chasing at the scene of accidents. The requirement that the vehicle initially be taken to the approved pound for initial release, would eliminate ploys such as work orders being signed in place of a permission to tow form and the requirement for cash to release the vehicle at the vehicle owners requested location.

This result would be predicated on significant amendments to the existing Tow Truck Licensing By-law.

### **Integration with the Approved Virtual Pound**

The multiple private pound concept was reviewed with Mobile Licensing staff who are currently developing the approved Virtual Pound system. It was determined that it would be difficult to integrate the two proposals in a meaningful manner.

The Virtual Pound system is designed to work closely with the tow truck industry and the City of Mississauga Tow Truck By-law as currently configured. The adoption now of a multi-pound system, with the requisite changes to the by-law that would be required, would undermine the Virtual Pound initiative.

For example, one component of virtual pound requires that the location of the vehicle be recorded and that this be consistent with the wishes of the vehicle owner. This would not be the

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case with the multi-pound system, which would rely on the vehicle being taken to a predetermined drop off location for storage irrespective of consumer choice.

The proposed multiple pound concept also presents a number of other challenges that are not addressed in the approved Virtual Pound Initiative including:

**Dispatch** - The proposal was clear in its position that the tow trucks wishing to attend motor vehicle collisions would be sequestered at the pound within the zone they wished to operate. It remains unclear as to how these vehicles would be dispatched to the scene of an accident.

Consultation with representatives of Peel Regional Police identified concerns as to whether private “for hire” vehicles staffed by non- first responders could be dispatched to the scene of accidents through the 911 system. They are currently exploring other options that may exist.

**Complexity** - a system of four, eight or more privately operated vehicle pound facilities servicing a defined area could give rise to significant confusion amongst both the public and the tow industry. Zones would vary in the amount of activity and high levels of activity in a single area would necessitate secondary and tertiary protocols for response to a demand that is difficult to predict.

**Industry Resistance** - the requirement that tow truck operators wait in a queue at a vehicle pound to be dispatched to an accident scene where they would then be compelled to tow the customers vehicle back to the same pound, a vehicle pound that is associated with a competitor’s auto repair shop, would likely generate high levels of mistrust and the perception amongst licensees, that the City has favoured certain auto body shops to the detriment of others.

The perception that the City has “approved” certain repair facilities because of their association with designated vehicle pound facilities might also be transmitted to the public by the selected pound operators.

Resistance to the component of the proposal which would require trucks to queue up in compounds for an opportunity to respond to a motor vehicle accident was also highlighted. It has been identified in previous reports that the largest component of towing work is servicing vehicles that have experienced mechanical failure. Sequestration in a zoned pound would prohibit the tow truck from being assigned other work duties while in the queue.

Finally, it was noted that the same benefit related to EDC could be achieved by amending the by-law to prohibit any tow truck from stopping at an accident scene, unless dispatched there by a person with the authority to do so.

This would require that a tow truck driver be able to demonstrate that they had a valid reason to attend at a motor vehicle accident, other than proximity. This option is currently in place in

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Ottawa. It would require that motor vehicle owners make greater preparations in the event that they are involved in an accident, including contacting their insurance agents to identify preferred responders or preselecting tow truck brokerages to provide service.

### **Cost**

The initial cost to set up the system of pounds needed would be substantial, but would be borne primarily by the industry. The establishment of each zone would be based on stakeholder feedback. There would be some increase in staffing resources required to co-ordinate “approved” Vehicle Pound activities.

## **Financial Impact**

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

## **Conclusion**

The City of Mississauga, through the efforts of the Compliance and Licensing Enforcement Section and the Towing Industry Advisory Committee have developed and brought forward a number of amendments to City of Mississauga Tow Truck Licensing By-law. There is both anecdotal and empirical evidence that these amendments have shown positive results with regards to the behaviour exhibited by licensed tow truck drivers operating in the City.

The empirical evidence indicates that licensed tow truck drivers records currently show historically low numbers of highway traffic offences being committed.

The review of driving records of those who are no longer licensed by the City of Mississauga indicates that drivers with poorer driving records are over represented in this group. It can be inferred from this data that these drivers are not only modifying their behaviour but are leaving the industry.

The proposed strategies for reducing traditional chasing, and expanded definition chasing, were reviewed and evaluated. Based on the evaluation, the use of fleet management technology would provide the most effective method of regulating a large number of vehicles engaged in the towing industry and would be the easiest to implement. It was, however, also identified as being the most intrusive, and as such likely to meet significant resistance from the industry. It was also noted that, based on the current low rate of violation, the impact of fleet management technology may not be large enough to offset the disruption to the industry that it would cause.

## **Attachments**

Appendix 1: Amendments to the Tow Truck Licensing By-law 638-93, General Committee Report November 18, 1998

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- Appendix 2: Preliminary Report on Tow Truck Chasing in the City of Mississauga, Council Subcommittee of Towing May 30, 2016
- Appendix 3: The Corporation of the City of Mississauga, The Tow Truck Licensing By-law 638-93 (rescinded)
- Appendix 4: Tow Truck Licensing By-law, General Committee Report April 9, 2001
- Appendix 5: Recommended Changes to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Trucks
- Appendix 6: Amendments to the Tow Truck Licensing By-law 521-04, as amended, requirements for the use of Permission to Tow Vehicle Form
- Appendix 7: Centralized Vehicle Pound Facility Feasibility Study – Recommendation Report
- Appendix 8: Control Group Graph
- Appendix 9: Unlicensed Tow Truck Drivers Graph
- Appendix 10: Licensed Tow Truck Drivers Graph




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

Prepared by: Michael Foley, Acting Manager, Compliance and Licensing Enforcement



Insurance  
Travel  
Roadside  
Rewards

July 7, 2017

**Submitted by e-mail**

Mr. Michael Foley  
Manager, Mobile Licensing Enforcement  
City of Mississauga  
Enforcement Division, Mobile Licensing  
3235 Mavis Road  
Mississauga, Ontario L5C 1T7

**Re: Safety and licensing challenges with CAA service calls in City of Mississauga**

Dear Mr. Foley,

On behalf of CAA South Central Ontario (CAA SCO), a not-for-profit automobile club representing over two million members across our territory (with 125,000 in the City of Mississauga), we are writing to you regarding an urgent challenge that is increasingly impacting CAA's ability to service our approximately 40,000 annual calls in the City of Mississauga in a prompt and safe manner.

Over the past few years, CAA has observed a significant increase in its response times by our providers to service a member in the City of Mississauga, once the call has been placed. In 2017 alone, we have seen the average response time balloon to just over one hour. These delays increase the risk for Mississauga residents who are experiencing extended wait times to receive the service requested from CAA and its providers. Through CAA's operating model, vehicles are dispatched following a service request by members. The majority of CAA's services on Mississauga's roads are concentrated on vehicle breakdowns and roadside assistance, not collisions.

In reviewing our internal data, CAA and its providers in Mississauga (Professional Recovery Equipment and Towtal Roadside Solutions) are increasingly impacted by the City of Mississauga's 2012 decision to place a moratorium on towing licenses. Over the past five years, both call volumes and the city's population have increased, however the number of available towing plates remain frozen at 2012 levels. The result is a growing challenge for CAA to provide service in a reasonable and safe amount of time to its members who have requested service within the city. For CAA, the safety of our members is paramount.

CAA is aware that the moratorium was approved at the July 4, 2012 Council meeting, with a further amendment approved on September 12, 2012. That amendment provided an exemption to the Tow Truck Plates and Tow Truck Driver Licensing moratorium, where tow truck companies could identify driver shortages, and provide justification for new drivers, subject to approval by the city.

Recognizing that the exemptions to the moratorium have been provided, CAA is formally requesting an immediate solution to ensure that our contracted tow providers can service our members in a reasonable amount of time. Doing so would greatly minimize risk to the safety of Mississauga's motorists, by reducing their lengthy wait times and getting them off the road.

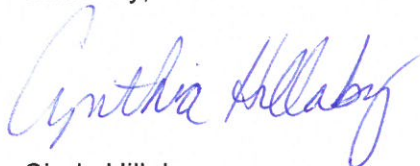
Through a review of service requests in the City of Mississauga, CAA requests that an additional seven (7) tow truck licenses are assigned to Professional Recovery Equipment, along with eleven (11) for Towtal Roadside Services to ensure that both companies can adequately support increasing demands from CAA members. Both Professional Recovery Equipment and Towtal Roadside Services would work with the City



of Mississauga staff to provide the necessary paperwork and details to ensure compliance with City's by-laws and requirements.

On behalf of CAA, we thank you for the opportunity to share our concerns on this issue of importance to our members. We are happy to discuss this subject further at your convenience, should you have any questions or require any clarification.

Sincerely,



Cindy Hillaby  
Vice-President  
Automotive, Government & Community Relations  
CAA South Central Ontario  
e-mail: [ch1@caasco.ca](mailto:ch1@caasco.ca)



Raymond Chan  
Government Relations Specialist  
CAA South Central Ontario  
Telephone: (905) 771-3324  
e-mail: [rc13@caasco.ca](mailto:rc13@caasco.ca)

cc. **Lori Diamond** – Supervisor, Mobile Licensing Enforcement

City	Population	Cap on Plates
Markham	327,000 (2013)	No cap on plates
Vaughan	288,000 (2011)	No cap on plates
Toronto	2,615,000 (2011)	No cap on plates
Caledon	59,500 (2011)	No cap on plates
Oakville	182,520 (2011)	Tow trucks not licenced
Milton	100,000 (2013)	Tow trucks not licenced
Burlington	176,000 (2011)	Tow trucks not licenced
Hamilton	520,000 (2011)	No cap on plates
Oshawa	150,000 (2011)	No cap, limited licensing requirements
Richmond Hill	201,125 (2014)	No cap on plates
<b>Mississauga</b>	<b>713,000 (2011)</b>	<b>Yes</b>

<b>Issue</b>	<b>Last Discussed on</b>	<b>Who</b>	<b>Status</b>
Gross Vehicle Weight Rating (GVWR)	June 18, 2012	Enforcement Office	<b>COMPLETED</b>
Dual-Wheel Trucks	June 18, 2012	Enforcement Office	<b>COMPLETED</b>
Accident tow rate – amending flat rate	October 22, 2012	Enforcement Office	<b>COMPLETED</b>
Compliance and enforcement of Licensed Vehicle Impound Facilities (VPF)	May 5, 2015	Enforcement Office	<b>In progress</b>
Bi-yearly Ontario Drivers Abstract and a Peel Regional Police criminal record search for all drivers	October 22, 2012	Enforcement Office	<b>COMPLETED</b>
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	<b>COMPLETED</b>
Proof of insurance credentials	October 22, 2012	Enforcement Office	<b>COMPLETED</b>
Drivers complete the following – criminal record search every 6 months, drivers abstract every 6 months, and WSIB	October 22, 2012	Enforcement Office	<b>COMPLETED</b>
Towing Practices and Policies for the Peel Regional Police	June 18, 2012	Enforcement Office	<b>COMPLETED</b>
Capping the Number of Tow Truck Licenses	February 28, 2012	Enforcement Office	<b>COMPLETED</b>
Training/qualifications for drivers	May 6, 2014 September 14, 2015	Enforcement Office	<b>COMPLETED</b>
Central City pound facility	February 29, 2016	Enforcement Office	<b>In progress</b>
By-law review – Towing out of City boundaries	February 19, 2013	Enforcement Office	<b>COMPLETED</b>
By-law review – WSIB/Insurance requirements	September 20, 2016	Enforcement Office	<b>In progress</b>
Auto clubs operating without owning a pound facility	December 1, 2014	Enforcement Office	<b>COMPLETED</b>

Bill 15 Update	May 4, 2015	Enforcement Office	<b>On-going</b>
Off-Road Recovery	February 17, 2015	Enforcement Office	<b>COMPLETED</b>
Tow Truck Forms	March 22, 2016	Enforcement Office	<b>COMPLETED</b>
Two-Tier Tow Truck By-law	June 22, 2015		<b>COMPLETED</b>
Centralized Vehicle Pound Facility Feasibility Study	February 29, 2016	Chris Rouse	<b>On-going</b>
Vehicle Tow Digital Photographs	June 22, 2015	Enforcement Office	<b>COMPLETED</b>
Accepting all forms of payment	September 20, 2016	Enforcement Office	<b>In progress - On the March 2017 agenda</b>
Tow truck licensed ceases to engage in business for a period of longer than 30 days	November 22, 2016	Enforcement Office	<b>To be brought back to a future meeting</b>
Tow truck owners to notify Mobile Licensing Enforcement of the name of the licensed driver	November 22, 2016	Enforcement Office	<b>To be brought back to a future meeting</b>
Having all licensed drivers renewed at the same time instead of being renewed by birthdate	November 22, 2016	Enforcement Office	<b>To be brought back to a future meeting</b>
Increase for the re-tows and tow rates	March 21, 2017	Enforcement Office	<b>To be brought back to a future meeting</b>

# N.A.A.A.P.TD

*North American Auto Accident Pictures (Towing Division)*

March 21, 2017

To the City Of Mississauga – Towing Industry Advisory Committee,

On behalf of NAAAP Towing Division and its members, I would like to inform you that under the municipal act the City Of Mississauga shall not establish a system of permits for motor vehicles or trailers as those terms are defined in the highway traffic act (CVOR), as of January 1, 2017.

NAAAP Towing Division has over 1900 members, all with signed contracts of self-regulation and rates in the towing industry to protect the motoring public in Ontario. NAAAP Towing division sits in on MTO meetings and assisting the Ministry Of Goods and Services Towing Committee in creating and amending regulations in the towing industry. NAAAP Towing Division's members include over 200 City of Mississauga Licensed Towing operators.

This is to inform you that NAAAP Towing Division and its members will be challenging the municipal governments across the province in regards to the validity of a City's assumed authority to regulate tow trucks in Ontario.

Sincerely,



Daniel Sanderson  
Provincial Director, NAAAP Towing Division

CC: Mayor Bonnie Crombie