
Towing Industry Advisory Committee

Date

2018/01/22

Time

9:30 AM

Location

Civic Centre, Committee Room A - Second Floor,
300 Civic 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

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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 - December 4, 2017
 5. DEPUTATIONS -Nil
 6. PUBLIC QUESTION PERIOD - 15 Minute Limit
Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended:
Towing Industry Advisory Committee may grant permission to a member of the public to ask a question of TIAC, with the following provisions:
 1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
 2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
 3. The total speaking time shall be five (5) minutes maximum, per speaker.
 7. MATTERS TO BE CONSIDERED
 - 7.1. Parked Tow Truck Owners Licences
 - 7.2. Towing Industry Advisory Committee Action List 2018
 8. OTHER BUSINESS
 9. DATE OF NEXT MEETING - February 20, 2018
 10. ADJOURNMENT

City of Mississauga
Minutes



Towing Industry Advisory Committee

Date

2017/12/04

Time

1:30 PM

Location

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

Members Present

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

Members Absent

Mark Bell, Citizen Member
Armando Tallarico, Citizen Member

Staff Present

Samuel Rogers, Director, Enforcement
Michael Foley, Manager, Mobile Licensing Enforcement
Angie Melo, Legislative Coordinator, Legislative Services
Allyson D'Ovidio, Legislative Coordinator, Legislative Services

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1. CALL TO ORDER – 1:36 PM

2. APPROVAL OF AGENDA

The order of the agenda was amended at the commencement of the meeting. The minutes reflect the order that items were dealt with.

3. DECLARATION OF CONFLICT OF INTEREST - Nil

4. MINUTES OF PREVIOUS MEETING

4.1. Towing Industry Advisory Committee Minutes - September 25, 2017

Approved (M. Mahoney)

8 INFORMATION ITEMS

8.1. Michael Foley, Manager Mobile Licensing, Verbal update with respect to Parked Plates

Michael Foley, Manager, Mobile Licensing Enforcement, spoke to the current status of parked plates, noting the original intent was to provide a short term solution to allow license owners to park plates for 60 days to obtain new trucks however, it has led to plates being parked for months and in some cases, years.

Mr. Foley noted that Legal has advised staff to provide owners of the 72 parked plates with a notice that parked plates will expire within 60 days if unused. Members of the committee engaged in a discussion with respect to how to manage the notification process and an enforcement plan.

RECOMMENDATION

TIAC-0009-2017

1. That the verbal update by Michael Foley, Manager Mobile Licensing, with respect to parked plates, be received;
2. That staff report back to the Towing Industry Advisory Committee at a future meeting on the status of the parked plates and the enforcement plan; and
3. That staff contact plate owners to identify their intentions with respect to the parked plates.

Received (M. Mahoney)

5. DEPUTATIONS

5.1. Todd Keely, TLK Towing, with respect to the Use of Parked Plates

Todd Keely, TLK Towing, spoke about number of parked plates and requested that the City make use of the parked plates and give them to the businesses in need of them.

Members of the committee engaged in a discussion with respect to borrowing plates and how to manage the current number of parked plates.

Robert Fluney, Citizen Member, noted that borrowing plates is in contravention to the Tow Truck licensing by-law and further that this practise should not be accepted.

RECOMMENDATION

TIAC-0010-2017

That the deputation by Todd Keely, TLK Towing, with respect to the Use of Parked Plates be received.

Received (M. Mahoney)

6. PUBLIC QUESTION PERIOD - 15 Minute Limit (5 Minutes per Speaker)

Pursuant to Section 42 of the Council Procedure By-law 0139-2013, as amended: The Towing Industry Advisory Committee may grant permission to a member of the public to ask a question of The Towing Industry Advisory Committee, with the following provisions:

1. The question must pertain to a specific item on the current agenda and the speaker will state which item the question is related to.
2. A person asking a question shall limit any background explanation to two (2) statements, followed by the question.
3. The total speaking time shall be five (5) minutes maximum, per speaker.

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.

*Please note that this report was considered by TIAC at the March 21, 2017 meeting and is listed on this agenda for information purposes.

Councillor Starr noted that no comments have been received since the report was originally put forward.

Mike Foley, Manager, Mobile Licensing Enforcement, spoke about the background of the report with respect to Tow Truck companies accepting multiple forms of payment to release vehicles.

Committee members engaged in a discussion with respect to the provincial requirements through Bill 15; the acceptable forms of payment that should be included in the by-law amendment; and the business practises of individual companies with respect to accepting cheques; and suggested that the report to General Committee should include the addition of paper receipts and further that charges should not be incurred for those paying with debit or credit.

RECOMMENDATION

TIAC-0011-2017

That the Towing Industry Advisory Committee supports the amendments to the Tow Truck Licensing By-law 521-04, as amended, with respect to Accept All Forms of Payment for Towing Services and that staff be directed to report to General Committee.

Approved (R. Fluney)

7.2. Amendments to Tow Truck Licensing By-law 521-04, as amended, to Include "Bill 15: Fighting Fraud and Reducing Automobile Insurance Rates Act" Requirements

Michael Foley, Manager, Mobile Licensing Enforcement, spoke to the amendments to By-law 521-04 required under Bill 15.

Members engaged in a discussion with respect to the amendment to require that towing providers provide disclosure to consumers of direct or indirect relationship with a storage provider or vehicle repair facility. In response to Robert Fluney, Citizen Member, Mr. Foley provided clarification that there should be an indication on the vehicle if there is association with a specific body shop through contractual obligation.

In response to comments made by Councillor Starr, Mr. Foley noted that many of the concerns with respect to requiring companies to provide receipts will be eliminated once the virtual pound technology is in effect.

RECOMMENDATION

TIAC-0012-2017

1. 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 November 10, 2017 and entitled "Amendments to Tow Truck Licensing By-law 521-04, as amended, to Include *Bill 15, Fighting Fraud and Reducing Automobile Insurance Rates Act* Requirements".
2. That a by-law be enacted to amend the Business Licensing By-law 01-06, as amended, to require that vehicle pound facilities:
 - a. Accept multiple forms of payment including cash, credit card and debit card.
 - b. Maintain appropriate insurance.
 - c. Permit the entry of vehicle owners or their representatives to remove private property from their impounded vehicles.
 - d. Disclose to consumers any direct or indirect relationship with a towing provider or vehicle repair facility.

3. That a by-law be enacted to amend the Tow Truck Licensing By-law 0521-2004, as amended, to require that towing providers provide disclosure to consumers of direct or indirect relationship with a storage provider or vehicle repair facility.

Approved (T. Pento)

7.3. Towing Industry Advisory Committee Action List

Members of the Committee engaged in a discussion with respect to the Action List and agreed to remove all items completed during the previous Council term.

RECOMMENDATION

TIAC-0013-2017

That Allyson D'Ovidio, Legislative Coordinator, be requested to remove all items from the Towing Industry Advisory Committee Action Item List that were completed during the previous Council term.

Approved (J. Lyons)

- 7.4. 2018 Meeting Dates - Towing Industry Advisory Committee
Councillor Starr noted that an additional date will be added in February.

RECOMMENDATION

TIAC-0014-2017

That the memorandum dated November 28, 2017 from Allyson D'Ovidio, Legislative Coordinator, entitled 2018 Meeting Dates - Towing Industry Advisory Committee, be received.

Approved (R. Fluney)

9. OTHER BUSINESS

10. DATE OF NEXT MEETING(S)

Monday, January 22, 2018.

11. ADJOURNMENT – 2:38 PM (T. Pento)

City of Mississauga Corporate Report



Date: 2017/01/04

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:
2018/01/22

Subject

Parked Tow Truck Owners Licences

Recommendation

That report from the Commissioner of Transportation and Works titled "Parked Tow Truck Owners Licences" be received for information.

Report Highlights

- In June of 2012, the City of Mississauga amended the Tow Truck Licensing By-law placing an indefinite moratorium on the issuance of new tow truck owner's licences.
- During the ensuing five years tow truck owners were permitted to park licences that were not in use to be reactivated later.
- Currently there are 70 parked licences associated with 11 different licensees.
- The parking of licences is not supported by the by-law and as such, corrective measures are being undertaken to eliminate the practice.

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 owner's licence 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."

On June 18, 2012 the following recommendation was made by TIAC:

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“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.

In the five years following the moratorium, a number of tow truck owners were permitted to park unused tow truck owners licences at the licensing office.

This practice was intended to provide the time required to order and take delivery of a replacement vehicle, a process that might take a number of months. The tow truck owner's licence would be parked and when the new tow vehicle was acquired the licence was reactivated. This was viewed as necessary by some industry members. Had the owner's licence expired during the time necessary to obtain a replacement vehicle, there would be no opportunity to re-licence as this would be viewed as a new licence and prohibited by the moratorium.

Some of these owners' licences 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 owners' licences, prior to the moratorium, have been permitted to park licences and then reactivate them as their business needs dictated. This resulted in an unfair competitive disadvantage to smaller companies that were unable to obtain new owners licences.

There is currently no provision in the Tow Truck Licensing By-law 521-04, as amended, that states that a tow truck owners licence 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.”

Currently there are 70 tow truck owners' licences that are parked at Mobile Licensing. These licences are associated with 11 different licensees. Some of the licences have been parked since 2013.

At the TIAC meeting held on December 4, 2017, staff identified that Mobile Licensing Enforcement would be returning to a practice that is consistent with the By-law. Staff outlined the enforcement plan to bring this about, which included:

- notifying all licensees associated with the parked licences of the by-law requirements.
- providing 60 days for the licensees to renew any or all of the parked owners licences.
- treating any un-renewed owners licences as expired once the 60 days has elapsed.

Members of TIAC requested that staff bring a report to the next meeting providing details regarding the parked owners' licences. It was also requested that staff contact these licensees

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to inform them of the situation and determine what their intentions were with regards to their parked owners licences.

Comments

Staff were able to contact 10 of the 11 licensees associated with the parked tow truck licences. Collectively, these owners represent 69 of the 70 parked licences (99%).

Of the ten licensees contacted, eight were aware that they had tow truck owners licences parked. However, some were unsure as to how many licences they actually had parked.

All ten of the licensees indicated that they would be re-activating at least some parked licences in the immediate future. Combined, the licensees indicated that they would be re-activating a total of 40 tow truck licences of the 69 that were linked to this group (58%).

Nine of the ten licensees contacted indicated that they would reactivate most or all of the tow truck owners' licenses that they had parked. The tenth company estimated that they would only reactivate 10 of the 36 owners licences for which they have an interest in.

Staff estimate that adherence to the requirements of the Tow Truck Licensing By-law will result in the issuance of approximately 40 to 45 additional tow truck licences that have previously been parked.

Mississauga currently licences 381 tow trucks. An additional 40 to 45 owners' licences would represent an increase of 10% - 12% and bring the total number of licenced tow trucks to between 421 and 426. Currently there are only 283 tow truck driver licences that have been issued. The disparity between the number of owners' licences and drivers' licences is likely to continue as industry members have identified a shortage of drivers that meet the current By-law requirements.

Financial Impact

There would be a positive financial impact of approximately \$25,000 in additional revenue for 2018.

Conclusion

It is imperative that those charged with the responsibility of enforcing by-laws be seen as operating in a consistent manner in accordance with the requirements of the by-law. The cessation of the past practice of parking tow truck owners licences supports Mobile Licensing Enforcement's commitment to public safety, consumer protection and fairness in its dealings with the industry.

Staff have identified an enforcement plan that is fair and provides time for each licensee with an interest in a parked owner's licence to take the necessary action to re-activate the licence if that is their wish.

Staff have projected that there will be an increase to the total number of tow truck owners licences of approximately 10% to 12%. While this is not an insignificant increase it should be noted that the current shortage of qualified drivers will likely slow the entry of these vehicles into actual use in Mississauga and many of these vehicles may be licensed as a hedge against future needs by current owners, given the current moratorium on the issuance of new owner's licences. It is also noteworthy that of the 40 to 45 parked licences that will likely be re-issued, only 21 are associated with companies that are linked to chasing activities on the road. This combined with the current paucity of licensed drivers will minimize the overall impact that the licences may have on the industry in total.

The upper projection of total tow truck owners' licences, 426 still represents a significant reduction (-15%) from the 491 tow truck owners' licences in 2012, the year the moratorium took effect.



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

Prepared by: Mike Foley, Manager, Mobile Licensing Enforcement

Towing Industry Advisory Committee Action List

7.2

Issue	Last Discussed on	Who	Status
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 – WSIB/Insurance requirements	September 20, 2016	Enforcement Office	In progress
Auto clubs operating without owning a pound facility	December 1, 2014	Enforcement Office	COMPLETED
Bill 15 Update	May 4, 2015	Enforcement Office	On-going
Off-Road Recovery	February 17, 2015	Enforcement Office	COMPLETED
Tow Truck Forms	March 22, 2016	Enforcement Office	COMPLETED
Two-Tier Tow Truck By-law	June 22, 2015		COMPLETED
Centralized Vehicle Pound Facility Feasibility Study	February 29, 2016	Chris Rouse	On-going
Vehicle Tow Digital Photographs	June 22, 2015	Enforcement Office	COMPLETED
Accepting all forms of payment	September 20, 2016	Enforcement Office	In progress - On the March 2017 agenda
Tow truck licensed ceases to engage in business for a period of longer than 30 days	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Tow truck owners to notify Mobile Licensing Enforcement of the name of the licensed driver	November 22, 2016	Enforcement Office	To be brought back to a future meeting
Having all licensed drivers renewed at the same time instead of being renewed by birthdate	November 22, 2016	Enforcement Office	To be brought back to a future meeting

Towing Industry Advisory Committee Action List

7.2

Increase for the re-tows and tow rates	March 21, 2017	Enforcement Office	To be brought back to a future meeting
Report on Tow Truck Owners Licence Moratorium	September 26, 2017	Enforcement Office	To be brought back to a future meeting
Report on Vehicle Pound Moratorium	June 13, 2017	Enforcement Office	To be brought back to a future meeting
Parked plates and the enforcement plan	December 4, 2017	Enforcement Office	To be brought back to a future meeting