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## Towing Industry Advisory Committee

**Date**

2019/12/16

**Time**

9:30 AM

**Location**

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

**Members**

|                            |                |
|----------------------------|----------------|
| Councillor Ron Starr       | Chair          |
| Councillor George Carlson  | Vice-Chair     |
| Councillor Carolyn Parrish |                |
| Mark Bell                  | Citizen Member |
| Robert Fluney              | Citizen Member |
| Daniel Ghanime             | Citizen Member |
| John C. Lyons              | Citizen Member |
| Tullio (Tony) Pento        | Citizen Member |
| Armando Tallarico          | Citizen Member |

**Contact**

Stephanie Smith, Legislative Coordinator, Legislative Services  
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**Find it Online**

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



1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **DECLARATION OF CONFLICT OF INTEREST**

4. **MINUTES OF PREVIOUS MEETING**

4.1. Towing Industry Advisory Committee Minutes - September 16, 2019

5. **DEPUTATIONS**

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 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. Vehicle Pound Facility Licensing Moratorium

7.2. Towing Industry Advisory Committee Work Plan

7.3. 2020 Towing Industry Advisory Committee Meeting Dates

8. **OTHER BUSINESS**

9. **DATE OF NEXT MEETING** - February 10 2020

10. **ADJOURNMENT**



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## Towing Industry Advisory Committee

**Date**

2019/09/16

**Time**

9:47 AM

**Location**

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

**Members Present**

Councillor Ron Starr (Chair)  
Councillor Carolyn Parrish  
Robert Fluney, Citizen Member  
Daniel Ghanime, Citizen Member (Arrived at 9:50AM)  
John C. Lyons, Citizen Member  
Tullio (Tony) Pento, Citizen Member

**Members Absent**

Councillor George Carlson, (Vice-Chair)  
Mark Bell, Citizen Member  
Armando Tallarico, Citizen Member

**Staff Present**

Samuel Rogers, Director, Enforcement  
Michael Foley, Manager, Mobile Licensing Enforcement  
Stephanie Smith, Legislative Coordinator, Legislative Services

**Find it online**

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

1. CALL TO ORDER □ 9:47AM

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 - June 17, 2019

Approved (Councillor Parrish)

5. DEPUTATIONS

5.1. Guy Battaglini, Resident regarding provisions of the towing by-law

Mr. Battaglini expressed concerns with the business practises of Affordable Towing and Storage, Royal Towing and Future Rent a Car. He spoke to infractions of the City of Mississauga Towing By-laws and the Consumer Protection Act that occurred during a car accident.

Councillors Parrish and Starr and Robert Fluney, Citizen Member enquired about the car accident that Mr. Battaglini was in, total costs accumulated, the role of the insurance company, and noted that staff would review the case.

Samuel Rogers, Director, Enforcement spoke to strengthening the consumer rights at an accident scene.

RECOMMENDATION  
TIAC-0003-2019

That the deputation by Guy Battaglini, Resident regarding provisions of the City of Mississauga towing by-law and concerns with business practices within the towing industry be received.

Received (Councillor Parrish)

6. PUBLIC QUESTION PERIOD □ Nil7. MATTERS CONSIDERED7.1. Virtual Pound Initiative Cancellation

Michael Foley, Manager, Mobile Licensing Enforcement spoke to the cancellation of the Virtual Pound Initiative.

Members of the Committee spoke to an increase presence of by-law officers at an accident scene and noted that staff should request a budget increase for additional by-law officers.

RECOMMENDATION

TIAC-0004-2019

That the report □Virtual Pound Initiative Cancellation□be received by the Towing Industry Advisory Committee for information.

Received (J. Lyons)

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

*(Please note that this report was considered at the September 20, 2016 TIAC meeting and was deferred to a future TIAC meeting TIAC-0012-2016)*

Michael Foley, Manager, Mobile Licensing Enforcement spoke to Tow Truck Drivers and Owners to have and maintain Workers Compensation Insurance.

John Lyons, Citizen Member noted that the City of Mississauga should not be involved with WSIB.

Councillors Starr and Parrish spoke to the complexities of WSIB and enquired what surrounding municipalities are doing and directed staff to create a document to encourage towing companies and drivers to consider obtaining a WSIB certificate.

Robert Fluney, Citizen Member noted that companies should forward copies of a WSIB Certificate to the City of Mississauga.

RECOMMENDATION

TIAC-0005-2019

That the report from the Commissioner of Transportation and Works dated September 8, 2016, entitled  Amendments to the Tow Truck Licensing By-law 521-04, as amended, Requiring Tow Truck Drivers and Owners to have and maintain Workers' Compensation Insurance  be received.

Received (J. Lyons)

7.3. Towing Industry Advisory Committee Work Plan 2019

Councillor Parrish enquired if the new fees had been added to re-tow rates. Michael Foley, Manager, Mobile Licensing Enforcement noted that the fees had been added.

RECOMMENDATION

TIAC-0006-2019

That the Towing Industry Advisory Committee Work Plan 2019 be received.

Received (Councillor Parrish)

8. OTHER BUSINESS  Nil

9. DATE OF NEXT MEETING - November 4, 2019

10. ADJOURNMENT  10:53AM (D. Ghanime)



City of Mississauga  
**Corporate Report**



Date: 2019/11/26

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:

2019/12/16

## Subject

**Vehicle Pound Facility Licensing Moratorium**

## Recommendation

1. That the report "Vehicle Pound Facility Licensing Moratorium" be received for information.
2. That the Towing Industry Advisory Committee provide comment on proposed revisions to the Business Licensing By-law 1-06, as amended, for inclusion in a future report to General Committee on the licensing of Vehicle Pound Facilities.
3. That the Towing Industry Advisory Committee provide comment on the moratorium currently in place limiting the licensing of new Vehicle Pound Facilities.

## Report Highlights

- The moratorium on issuing licenses to new vehicle pound facilities remains in place.
- Complaint investigations have identified a number of challenges related to Vehicle Pound Facility operations.
- A number of possible amendments to the Business Licensing By-law have been identified to strengthen consumer protection and to address the challenges identified.

## Background

At the March 12, 2017 meeting of Council, GC-0197-2017 was passed requiring:

*"That a temporary moratorium be implemented for issuing licenses to new vehicle pound facilities until staff have reported back on the licensing of new vehicle pound facilities."*

## Present Status

There are 23 Vehicle Pound Facility (VPF) Licences active within the City of Mississauga operating at a variety of locations. The majority of these VPFs are associated with Auto Body Repair Garages.

Through a review of complaints received from the public, and informal discussions with members of the towing industry and enforcement staff a number of challenges have been identified related to VPFs, these include:

- Contacting VPFs - whether to retrieve vehicles and personal property or obtain payout amounts, limited hours of operation are problematic.
- Ambiguous documentation - the public often indicates a lack of clarity when presented with forms to sign at a VPF.
- Delays in the release of vehicles - typically driven by inconsistent requirements on the part of VPFs as to necessary documentation.
- Damage to vehicles.
- Administrative Practices- creating hindrances to the investigation of complaints.

## Comments

A number of possible amendments to the Business Licensing By-law have been identified to address the challenges identified.

### Contacting VPFs

The Business Licensing By-law 1-06 in Schedule 27 Section 1 (6) requires that Vehicle Pound Facilities (Appendix 1):

*“Ensure that the Vehicle owner or his or her agent shall be able to obtain the release of the Vehicle at any time (24 hours a day, 7 days a week, 365 days a year), provided payment of the Storage Fee is made.*

Section 1 (8) further requires that VPFs:

*“Ensure that sufficient staff are available during normal business hours as well as after hours, 365 days a year in order to release a Vehicle;*

Despite these requirements, Licensees may rely on Section 2(4) to avoid committing the necessary resources for 24 hour a day response. This Section prohibits Licensees to:

*“Charge a Storage Fee for any period of time that the Vehicle owner or his or her agent was unable to obtain the Vehicle as a result of some fault on the part of the Vehicle Pound Facility Owner or their staff; (178-10)*

This section, in effect, exempts VPFs from providing the necessary staff to effect 24 hour availability as they may assert that no additional storage was claimed after the request for release was made. The repeal of Section 2(4) would permit a stronger enforcement response and would allow for the audit of licensees to determine compliance with the By-law.

### **Ambiguous Documentation**

Enforcement staff regularly investigate complaints related to vehicle owners who have been taken to a Vehicle Pound Facility, have signed what they believed to be innocuous documentation related to the storage of their vehicle only to discover when they attempt to retrieve their vehicle that they have signed a “Work Order” that prevents the release of the vehicle until such time that issues related to the work order are resolved.

Under the current Business Licensing By-law enforcement officers have little latitude in investigating issues of this type in that issues related to the validity of a work order are outside of Enforcement’s jurisdiction.

Consideration should therefore be given to amendments that would strengthen the consumer protection contained in the by-law which might include:

- Limiting VPF licences to locations not associated with Vehicle Repair Facilities.
- Mandated “cooling off” period before a work order can be presented to a vehicle owner for signature.

### **Damage to Vehicles**

Schedule 27 of the Business Licensing By-law does not require that Licensees note the condition or take appropriate care of the vehicle once placed within the confines of the VPF.

The inclusion of requirements in the By-law for VPFs to make a visual record of a vehicle at the time that it is impounded would greatly assist in resolving disputes related to this issue and to evaluate the effectiveness of VPFs.

Consumer protection would be further enhanced through requirements that the visual record be submitted to the regulatory authority at the time the vehicle is impounded.

### **Administrative Practices**

Vehicle Pound Facilities have requirements for the release of vehicles that may differ from location to location. Some VPFs also maintain internal processes that complicate the release of a vehicle once impounded including locations where any staff member may accept a vehicle for storage but only one staff member has the authority to release.

The investigation of complaints is further complicated by weak administrative practices on the part of VPFs, including failing to record the identity of the tow operator bringing the vehicle to the facility, allowing tow truck operators access to VPFs after hours in an uncontrolled or unrecorded manner, failing to record or respond to inquiries from vehicle owners, and failing to respond to requests for vehicle release.

These issues could be more effectively addressed through the introduction of amendments requiring an increased level of diligence on the part of VPFs, which could include requirements to:

- Register electronically with Enforcement all vehicles entering the VPF;
- Collect a copy of the completed Permission to Tow Form where applicable;
- Collect the information of the tow operator for vehicles not requiring a Permission Form;
- Identify any vehicle entering the VPF for which a Work Order has been signed;
- Notify the regulatory authority when a vehicle is released and a copy of the invoice issued; and
- Adopt a standardized release form acceptable to all Vehicle Pound Facilities.

## Financial Impact

There would be minimal financial impact from the adoption of amendments. Some Vehicle Pound Facilities may choose to cease operations due to more stringent requirements which would trigger a reduction in licence fee revenue. This would be offset by a reduction in enforcement requirements.

## Conclusion

Significant and sustained improvements in consumer protection could be achieved through amendments to the Business Licensing By-law Schedule 27 governing Vehicle Pound Facilities.

## Attachments

Appendix 1: Business Licensing By-law 1-06, Schedule 27



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

Prepared by: Michael Foley, Manager Mobile Licensing

**SCHEDULE 27**  
**OWNERS OF VEHICLE POUND FACILITIES**

(amended by 360-07, 427-08, 178-10, 240-11, 38-18)

1. Every person Licensed under this By-law and this Schedule shall:
  - (1) Ensure that the Vehicle owner or his or her agent is aware of the Storage Fee to be charged in association with the storage of the Vehicle prior to the Vehicle entering into the Vehicle Pound Facility, except where the storage of the Vehicle is the result of the Vehicle being seized by a Peace Officer or government authority; (427-08)
  - (2) Before demanding payment for the storage of a Vehicle, present the Vehicle owner or his or her agent an invoice for the storage of the Vehicle, such invoice to detail the time and day the Vehicle first entered the Vehicle Pound Facility and total cost for the storage of the Vehicle;
  - (3) repealed by 427-08
  - (4) Maintain a copy of the invoice referred to above for a minimum of one year from the date the Vehicle is removed from the Vehicle Pound Facility;
  - (5) Comply with all the appropriate provisions of the *Repair and Storage Liens Act* when disposing of an unclaimed Vehicle;
  - (6) Ensure that the Vehicle owner or his or her agent shall be able to obtain the release of the Vehicle at any time (24 hours a day, 7 days a week, 365 days a year), provided payment of the Storage Fee is made.
  - (7) Maintain a sign at the Vehicle Pound Facility, visible from the entrance to the Vehicle Pound Facility, detailing the daily hours of operation of the Vehicle Pound Facility, the telephone number to use for after hours Vehicle release service and the Storage Fee to be charged for the storage of a Vehicle;
  - (8) Ensure that sufficient staff are available during normal business hours as well as after hours, 365 days a year in order to release a Vehicle;
  - (9) Keep all buildings and fences in good repair;
  - (10) Ensure all landscaped areas are well maintained;
  - (11) Keep the Vehicle Pound Facility and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances, including but not limited to tires and Vehicle parts derived from the licensed premises or resulting from the use of the licensed premises;

**SCHEDULE 27  
OWNERS OF VEHICLE POUND FACILITIES**

- (12) Maintain compliance with all aspects of the zoning requirements for a Vehicle Pound Facility;
  - (13) Comply with all relevant legislation pertaining to the storage and disposal of hazardous materials on the premises; and
  - (14) Ensure that where a daily Storage Fee is charged, it shall be based on each 24-hour period that the Vehicle has been held in storage or any part thereof. Charges shall commence from the time the Vehicle is placed in the Vehicle Pound Facility.
  - (15) Accept payment (by way of a functioning device where applicable) for any services provided under this Schedule 27 using a payment method of the Hirer's choice including credit card, debit, cash or any other prescribed method of payment; and (38-18)
  - (16) Provide the Hirer (or his/her agent) with access to the Vehicle that is the subject of the tow and storage services, in order to permit the removal of all property contained in the Vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police force; (38-18)
2. No person Licensed under this By-law and this Schedule shall:
- (1) Charge a Storage Fee in excess of sixty dollars (\$60.00) per twenty-four hour period, plus applicable taxes. (427-08, 240-11)
  - (2) Deposit any snow or ice on any public sidewalk or on any roadway upon which the Licensed premises abut;
  - (3) Permit the premises to be used for the purpose of servicing or repairing Vehicles except while in an enclosed building; (178-10)
  - (4) Charge a Storage Fee for any period of time that the Vehicle owner or his or her agent was unable to obtain the Vehicle as a result of some fault on the part of the Vehicle Pound Facility Owner or their staff; (178-10)
  - (5) Charge a Storage Fee for any Vehicle that is stored at the Vehicle Pound Facility while in transit to the destination of the Hirer's choice as indicated on the Permission to Tow a Vehicle Form; or (178-10)
  - (6) Accept any Work Order, for any Vehicle towed to the Vehicle Pound Facility, that: (178-10)
    - (i) is not signed by the Hirer; or

- (ii) is signed by the Hirer and does not contain an itemized written estimate of the total cost of the work required to repair the Vehicle from the Automobile Service Station to which the Vehicle has been towed.
  - (7) Perform any services under this By-law unless first disclosing to the Hirer any interest (either direct or indirect) that the Licensee has in any location or facility to which a Vehicle may be towed for repair, storage, appraisal or similar purposes in accordance with any prescribed standards; (38-18)
3. No Person shall be licensed as an owner or operator of a Vehicle Pound Facility under this By-law unless: (38-18)
- (1) proof of General Liability insurance is provided showing a minimum of \$2,000,000 coverage, which coverage is endorsed to indemnify the Corporation of the City of Mississauga; and
  - (2) proof of Garage Automobile Insurance (OAP 4) is provided showing a minimum of \$2,000,000 coverage, covering bodily injury and/or property damage arising out of the care, custody, control and storage of customer automobiles which coverage is endorsed to indemnify the Corporation of the City of Mississauga.





## Towing Industry Advisory Committee Work Plan

| Issue  | Action              | Scope  | Target Date                    |
|--|---------------------|--|--------------------------------|
| Re-tows and Collision Tow Rates                      | Staff Report        | <ul style="list-style-type: none"> <li>• Benchmarking comparable jurisdictions</li> <li>• Suggested action(s) and draft by-law, if applicable</li> </ul>             | June 17, 2019 – COMPLETED      |
| WSIB coverage for Tow Truck Drivers                  | Staff Report        | <ul style="list-style-type: none"> <li>• Review of WSIB coverage for drivers</li> </ul>  | September 16, 2019 - COMPLETED |
| Virtual Pound  | Staff Report        | <ul style="list-style-type: none"> <li>• Follow up report</li> </ul>   | September 16, 2019 – COMPLETED |
| Vehicle Pound Moratorium                             | Staff Report        | <ul style="list-style-type: none"> <li>• Benchmarking comparable jurisdictions</li> <li>• Address validity of moratorium for non-safety issue</li> </ul>             | November 4, 2019               |
| Review of Driver Age Requirements                    | Item for Discussion | <ul style="list-style-type: none"> <li>• Benchmarking comparable jurisdictions</li> <li>• Review HTA licence types that could be utilized to open licence</li> </ul> | November 4, 2019               |
| Review the Flexible Cap Model for Tow Truck Licenses | Item for Discussion | <ul style="list-style-type: none"> <li>• Review previously proposed issuance models</li> </ul>   | 2020 Quarter 4                 |

City of Mississauga



# Memorandum

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To: Chair and Members of the Towing Industry Advisory Committee

From: Stephanie Smith, Legislative Coordinator

Date: December 10, 2019

Subject: 2020 Towing Industry Advisory Committee Meeting Dates

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The 2020 meeting dates for the Towing Industry Advisory Committee have been scheduled as follows:

Monday, February 10, 2020  
Monday, April 13, 2020  
Monday, June 22, 2020  
Monday, October 5, 2020  
Monday, December 14, 2020

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

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

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

Stephanie Smith  
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