

AGENDA



TOWING INDUSTRY ADVISORY COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

TUESDAY, NOVEMBER 29, 2011 - 9:00 A.M.

COUNCIL CHAMBERS

SECOND FLOOR, CIVIC CENTRE

300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

www.mississauga.ca

Members

Councillor Ron Starr, Ward 6 (**Chair**)

Councillor Nando Iannicca, Ward 7

Mark Bell, Citizen Member

Daniel Ghanime, Citizen Member

Todd Keely, Citizen Member

John C. Lyons, Citizen Member (**Vice Chair**)

Tullio (Tony) Pento, Citizen Member

Daniel R. Wallace, Citizen Member

Contact: John Britto, Legislative Coordinator

Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181

john.britto@mississauga.ca

CALL TO ORDERDECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTERESTPRESENTATIONS/DEPUTATIONSMATTERS TO BE CONSIDERED1. Minutes of Previous Meeting

Minutes of the Towing Industry Advisory Committee meeting held July 19, 2011.

Recommend Adoption2. Schedule of Meeting Dates for 2012

Memorandum dated November 1, 2011 from John Britto, Legislative Coordinator, Office of the City Clerk, suggesting meeting dates for 2012.

Recommend Approval3. Atlantic Towing – Tow Truck Licensing By-law amendments

Letter dated July 18, 2011 from Evangelista Tolfa, President of Atlantic Towing addressed to Mayor and Members of Council regarding an unsigned letter dated July 7, 2011 from the Transportation and Works Department, Enforcement Division with respect to a July 6, 2011 decision of Council regarding Tow Truck Licensing By-law amendments, and a response dated August 31, 2011, from Mayor Hazel McCallion.

Direction Sought4. Tow Truck Licensing By-law amendments

Joint letter from Mark Bell, Daniel Ghanime, Todd Keely, Tullio (Tony) Pento and Daniel R. Wallace dated July 18, 2011 with respect to an unsigned letter dated July 7, 2011 from the Transportation and Works Department, Enforcement Division regarding a July 6, 2011 decision of Council concerning Tow Truck Licensing By-law amendments.

Direction Sought

5. Lyons Auto Body and Tolfa Auto Work Ltd. & Atlantic Towing

Letter dated August 25, 2011 from Jack Lyons, President, Lyons Auto Body and Evangelista (Ivan) Tolfa, President, Tolfa Auto Work Ltd. & Atlantic Towing with respect to changes in towing rates and effective enforcement of the City of Mississauga By-law governing towing and storage.

Direction Sought6. Amendments to the Tow Truck Licensing By-law 521-04 Mobile Licensing

Corporate Report dated October 5, 2011 from the Commissioner of Transportation and Works with respect to proposed amendments to the Tow Truck Licensing By-law 521-04 Mobile Licensing to reflect the towed vehicle's Gross Vehicle Weight Rating (GVWR), in order to simplify the task of determining a vehicle's weight for a tow truck driver..

Recommend ApprovalINFORMATION ITEMS

DATE OF NEXT MEETING – 9:00 a.m., Tuesday, February 28, 2012, Council Chambers

OTHER BUSINESSADJOURNMENT



Minutes

TOWING INDUSTRY ADVISORY COMMITTEE

THURSDAY, JULY 19, 2011 – 9:00 AM

COUNCIL CHAMBERS
SECOND FLOOR, MISSISSAUGA CIVIC CENTRE, MISSISSAUGA, ONTARIO
www.mississauga.ca

Members Present:

Councillor Ron Starr, Ward 6 (**Chair**)
Councillor Nando Iannicca, Ward 7
Mark Bell (Citizen Member)
Daniel Ghanime (Citizen Member)
Todd Keely (Citizen Member)
John C. Lyons (Citizen Member) (**Vice Chair**)
Tullio (Tony) Pento (Citizen Member)
Daniel R. Wallace (Citizen Member) (arrived: 9:05am)

Staff Present:

Jamie Hinton, Acting Director, Enforcement
James Bisson, Manager, Mobile Licensing Enforcement
John Britto, Legislative Coordinator, Office of the City Clerk

John Britto, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
john.britto@mississauga.ca

CALL TO ORDER – 9:00DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST – NilPRESENTATIONS/DEPUTATIONS

Mr. Allan J. McConnell of Eastgate Towing addressed the Committee and submitted copies of Invoices from Coast to Coast Towing, Irvington, New Jersey, and Jack's Wrecker Service LLC, Ohio as a comparison of towing rates in the United States of America, for information of the Committee.

Responding to a request from the Chair, Councillor Ron Starr, Mr. Mark Lockwood of RBC Insurance stated that the towing rate of \$8.00 indicated by him is from the public website of the State of New Jersey.

MATTERS CONSIDERED1. Minutes of Previous Meeting

Approved as presented (John Lyons)

2. TLK Towing – request for emergency increase in storage rates

A request was received from TLK Towing of 6201 Montevideo Road, Mississauga for an emergency increase in the storage rates allowed in the City of Mississauga.

Councillor Nando Iannicca moved the following motion that was voted on and carried.

RECOMMENDATION

TIAC-0009-2011

That the request from TLK Towing for an emergency increase in storage rates allowed in the City of Mississauga, be received.

RECEIVED (Councillor Nando Iannicca)

3. Amendments to Business Licensing By-law 0001-06 and Tow Truck Licensing By-law 521-04

Mr. James Bisson, Manager Mobile Licensing Enforcement gave a brief overview of the proposed amendments to the Business Licensing By-law 0001-06 and the Tow Truck

Licensing By-law 521-04. Mr. Bisson explained that in response to a request from the Towing Industry Advisory Committee, staff has provided information concerning storage rates charged by surrounding municipalities. Mr. Bisson further explained that, the report also contains suggestions from staff to strengthen existing legislation in order to decrease the incidents of vehicles being unlawfully towed outside the City of Mississauga.

Mr. Bisson explained that staff recommends that the Business Licensing By-Law be amended to increase the Storage Fee to \$40 per day, plus applicable taxes. Staff further recommends that the Tow Truck Licensing By-Law be further amended to prohibit the suggesting or recommending that vehicles be towed and/or stored outside the municipal boundaries of the City of Mississauga.

Mr. Bisson advised that any violations are liable to charges and convictions by the City's Enforcement staff.

Mr. Jamie Hinton, Acting Director of Enforcement advised the Committee that the Business Licensing By-Law 0001-06 was amended by Council Resolution 315-2008 to set the fee for the storage of vehicles at \$25 per day.

In response to a question from Mr. Mark Bell, Citizen Member of TIAC, Mr. James Bisson, Manager Mobile Licensing Enforcement advised that tow truck operators found guilty of either encouraging or coercing the customer to get their vehicle towed outside the City of Mississauga will be liable to charges and/or convictions.

Ms. Dara Carpenter of Intact Insurance addressed the Committee suggesting a review of the Tow Truck Licensing By-law, specifically:

- maximum vehicle weight;
- actual storage rates charged to insurance companies;
- average storage rates of neighbouring municipalities;
- towing of total loss vehicles outside the City of Mississauga;
- storage fee becoming a penalty for moving a vehicle or for non-repairable vehicles

With regard to vehicles being towed outside the City boundaries, Ms. Carpenter advised that this issue is consistent with certain tow truck and body shop operators from outside the City.

Responding to a question from the Chair, Councillor Ron Starr, Mr. James Bisson, Manager Mobile Licensing Enforcement advised that there is no requirement in the Tow Truck Licensing By-Law that a schedule of rates be provided to a customer at the scene of an incident. The By-Law only provides that the Tow Truck Owner is required to show the rate sheet when requested by the customer.

Responding to comments from Mr. Daniel Wallace, Citizen Member of TIAC, Ms. Carpenter advised that in the City of Toronto, only the owner of a public garage with an endorsement to store vehicles, can operate a repair facility or a storage pound facility.

Mr. Mark Lockwood of RBC Insurance inquired as to what would be deemed as a conflict of interest, considering that membership of the Towing Industry Advisory Committee consists of citizen members who are owners and/or operators of tow truck companies, body shops and storage facilities.

Responding to a question from Mr. Daniel Wallace, Citizen Member of TIAC, Mr. Mark Lockwood of RBC Insurance advised that the customer has a choice to decide which tow truck company should be hired to tow a vehicle from the scene of an incident. Mr. Lockwood further advised that according to the Insurance Act, vehicle losses should be reported to the insurance company.

Responding to a question from the Chair, Councillor Ron Starr, Mr. Mark Lockwood advised that major insurance companies usually have a list of preferred vendors.

Mr. Pete Karageorgos, Manager Consumer and Industry Relations, Insurance Bureau of Canada advised that typically, major insurance companies have a preferred vendor list of body shops and storage facilities.

In response to a question from Mr. Allan McConnell of Eastgate Towing as to whether warranties are honoured on repairs carried out by a preferred vendor of RBC Insurance, if the customer changes to another insurance company at the time of renewal of insurance, Mr. Lockwood advised in the affirmative.

Mr. George Habib addressed the Committee with concerns about issuing licences to operators who do not have a pound facility in the City of Mississauga. Mr. Habib also expressed concerns about the low towing and storage rates in the City of Mississauga.

Mr. Robert Fluney of Seneca Towing suggested a storage rate of \$60 per day in the City of Mississauga, similar to that charged in the Greater Toronto Area, the City of Brampton and the Region of Peel.

Councillor Nando Iannicca moved the following amendment motion which was voted on and carried unanimously.

RECOMMENDATION

TIAC-0010-2011

1. That Business Licensing By-Law 0001-06, Schedule 27, section 2(1) be further amended to increase the Storage Fee to sixty dollars (\$60.00) per twenty-four (24) hour period, plus applicable taxes.
2. That Tow Truck Licensing By-Law 521-04, be further amended to prohibit the suggesting or recommending that vehicle(s) be towed and/or stored outside our municipal boundaries.

Amended: (Councillor Nando Iannicca)

INFORMATION ITEMS

1. Copy of letter dated July 18, 2011 from Evangelista Tolfa, President of Atlantic Towing addressed to the Mayor and Members of Council regarding Tow Truck Licensing By-Law Amendments.
2. Letter dated July 18, 2011 from Mark Bell, Daniel Ghanime, Todd Keely, Tulio (Tony) Pento and Daniel R. Wallace, all members of the Towing Industry Advisory Committee, addressed to the Mayor and Members of Council regarding Tow Truck Licensing By-Law Amendments.

RECOMMENDATION

TIAC-0011-2011

That the letter dated July 18, 2011 addressed to the Mayor and Members of Council from Evangelista Tolfa, President of Atlantic Towing, and the letter dated July 18, 2011 addressed to the Mayor and Members of Council from Mark Bell, Daniel Ghanime, Todd Keely, Tulio (Tony) Pento and Daniel R. Wallace, be received and included in the agenda for the next Towing Industry Advisory Committee.

Received: (Councillor Ron Starr)

DATE OF NEXT MEETING – 9:00 a.m Tuesday, September 20, 2011, Council Chambers

OTHER BUSINESS

1. Responding to a question from the Chair, Councillor Ron Starr with respect to the policy for identifying tow truck vehicles, Mr. James Bisson, Manager Mobile Licensing advised that according to the Tow Truck Licensing By-Law, the name and telephone number of the Tow Truck Company should be displayed on the vehicle in lettering no smaller than 3 inches in height in a colour .

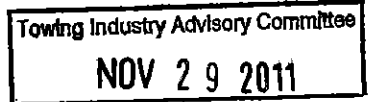
Mr. James Bisson, Manager Mobile Licensing Enforcement advised that tow trucks can be licensed in multiple jurisdictions.
2. Mr. Allan McConnell of Eastgate Towing inquired as to how a tow truck license issued by the City of Mississauga is classified for operating within the Region of Peel, which includes the City of Brampton and the Town of Caledon.
3. Mr. Allan McConnell of Eastgate Towing inquired as to why a tow truck license needs to be issued by the City of Mississauga to operate within the City, if according to a 1998 City Policy, the customer has the right to choose a tow truck operator of his/her choice.

Mr. James Bisson, Manager Mobile Licensing advised the Committee that the customer has the right to call a tow truck company of their choice. The City's Enforcement staff is authorized to lay charges against tow truck operators, not licensed to operate within the City, who are found soliciting customers at the site of an accident.

ADJOURNMENT – 10:25am

DRAFT

Memorandum



DATE: November 1, 2011


TO: Chair and members of the Towing Industry Advisory Committee

RE: 2012 Towing Industry Advisory Committee Meeting Dates
Clerks File No.: MG.33

This is to advise that the following meeting dates for the Towing Industry Advisory Committee (TIAC) have been scheduled for 2012:

Tuesday, February 28, 2012
Tuesday, April 17, 2012
Monday, June 18, 2012
Tuesday, September 25, 2012
Monday, December 10, 2012

Unless advised otherwise, all TIAC meetings will be held at 9:00 a.m. in the Council Chamber, 2nd Floor, Civic Centre, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1.



John Britto

Legislative Coordinator
Legislative Services Division, Office of the City Clerk
Phone: 905-615-3200 Ext. 3795
E-Mail: john.britto@mississauga.ca

Atlantic Towing

A division of Tolfa Auto Work Ltd.,

July 18, 2011

City of Mississauga
300 City Centre Drive,
Mississauga, Ontario,
Canada L5B 3C1

Attention: Mayor Hazel McCallion and the City Council of Mississauga
Re: Tow Truck Licensing By-Law Amendments

Dear Madam Mayor and Council,

We are in receipt of an unsigned letter dated July 7th 2011, regarding a July 6th decision of the Council for the City of Mississauga in respect of Tow Truck Licensing By-law Amendments from the Transportation and Works Department, Enforcement Division

The contents have been read and noted.

The letter states inter alia '...amendments enclosed that reflect the recommendations adopted by the Towing Industry Advisory Committee.'

We have conferred with five of the citizen members of the said committee who have vehemently denied having 'adopted' the said amendments that have been 'enacted' according to the By-Law number 0207-2011.

According to the assertions of the members, what was agreed to was the annual increase au courant with the CPI, however the base rate used was not agreed to.

Atlantic Towing is one of the largest towing and storage companies in Ontario and proud to be the largest such company the city of Mississauga. We have firsthand knowledge of the costs associated with the towing and storage industry and are interested in the information used to establish the rates.

We respectfully request that you provide us with the rationale for the rates that have been enacted into the Bylaw 0207-2011.

If you require any addition information or assistance in this regard -- I shall make myself available at your convenience.

Regards,

Evangelista Tolfa, president
cc - City councilors

6121 Atlantic Drive, Mississauga, Ontario, L5T 1N7
905 564 7072

RECEIVED
REGISTRY No. 2961
DATE JUL 18 2011
FILE No.

MAYORS OFFICE

Towing Industry Advisory Committee
NOV 29 2011



OFFICE OF THE MAYOR

August 31, 2011

Mr. Evangelista Tolfa
 President
 Atlantic Towing
 6121 Atlantic Drive
 Mississauga, Ontario
 L5T 1N7

Dear Mr. Tolfa:

This will acknowledge receipt of your letter dated July 18, 2011 addressed to the Mayor and Members of Council.

I want to confirm that the base rate, as well as the annual increase of the CPI, was adopted by the Towing Industry Advisory Committee. The Committee recommendation was presented to Council at its July meeting and a by-law has been passed confirming the new rates.

I have been advised that your letter will be placed on the next meeting of the Towing Industry Advisory Committee in response to your request for information as to the rationale for the rates that have been enacted.

Once again, thank you for your letter.

Sincerely,

HAZEL McCALLION, C.M., LL.D.
 MAYOR

cc: Members of Council
 Mickey Frost
 Crystal Greer, City Clerk
 Citizen Members of the Towing Industry Advisory Committee



THE CORPORATION OF THE CITY OF MISSISSAUGA
 300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1
 TEL: (905) 896-5555 FAX: (905) 896-5879

NOV 29 2011

July 18, 2011

City of Mississauga
300 City Centre Drive,
Mississauga, Ontario,
Canada L5B 3C1

Attention: Mayor Hazel McCallion and the City Council of Mississauga
Re: Tow Truck Licensing By-Law Amendments

Dear Madam Mayor and Council,

We are in receipt of an unsigned letter dated July 7th 2011, regarding a July 6th decision of the Council for the City of Mississauga in respect of Tow Truck Licensing By-law Amendments from the Transportation and Works Department, Enforcement Division

The contents have been read and noted.

The letter states inter alia '...amendments enclosed that reflect the recommendations adopted by the Towing Industry Advisory Committee.'

We have conferred with five of the citizen members of the said committee who have vehemently denied having 'adopted' the said amendments that have been 'enacted' according to the By-Law number 0207-2011.

According to the assertions of the members, what was agreed to was the annual increase au courant with the **CPI**, however the base rate used was not agreed to.

The members have articulated that in a prior meeting they specifically requested that the rate for towing be set at **\$350.00**.

If the intent of the By Law is to reflect the majority wishes of the TIAC, then this By-Law fails to do so having regards to the assertions of the five citizen members with whom we spoke.

Please clarify this matter.

Regards,

TIAC citizen members

Mark Bell

Daniel Ghanime.....

Todd Keely.....

John c. Lyons.....

Tullio (Tony) Pento.....

Daniel R. Wallace.....

Cc – City councilors

NOV 29 2011

August 25th 2011

City of Mississauga
300 City Centre Drive, Mississauga,
Ontario, Canada L5B 3C1

Dear Honourable Member,

Tolfa Auto Work Ltd., Atlantic Towing and Lyons Auto Body comprise two of the largest and longest serving towing and storage companies in the city of Mississauga specifically.

These two companies are the only two companies who are fully compliant with the by law governing this industry.

Tolfa & Atlantic proudly employ over 450 people and operate 14 collision facilities in the city and surrounding area. We have storage facilities for over 6,000 cars and possess over 100 recovery vehicles.

Lyons Auto Body employs over 100 people and operates one large collision facility. They have storage facilities for over 600 vehicles and possess over 40 recovery vehicles

We are therefore well equipped with the information regarding the costs associated with this industry both directly and indirectly.

In 2008 we appeared in front of this council and proposed changes to the rates and charges relating to towing and storage in the city.

You may ask yourself what has changed in the years since.

In some instances a lot has changed and in others not much has changed.

Following is a list of some of the changes in the operating costs of the towing and storage industry in this city.

	2008	2011
Fuel costs	\$0.81/ltr	1.31/ltr (+62%)
Insurance	Increase by 18% - if there is an accident the rate could increase by as much as 50%; or you may be even deemed uninsurable.	
New vehicle maintenance	\$3,150	\$4,570 (+45%)
Cost of a recovery vehicle (purchase)	\$65,000	\$85,000 (+30%)
Number of accidents reduced	10,000	7,000 (-30%)
City's license	\$188	\$475 (+152%)
Property tax	47,000	57,985 (+23%)

Staffing (24/7/365)

\$200,000 annually

Operating cost increase by 200% for a 24/7/365 operation
Heat / Hydro/ Telephone / Security

On average the cost of operations had increased over 92%.

What has not changed?

- The insurance companies have not passed on the savings to the community
 - Towing and storage rates were drastically reduced with the hope that the insurance companies would pass some of this savings on to the community – this did not occur.
 - A representative of the insurance company advised the TIAC that if towing and storage rates increased there would be a commensurate increase to our citizens by way of higher premiums.

- The requirements that towed vehicles are to remain in the city unless otherwise directed by the hirer.
 - The constant breaching of this requirement of the By-Law constitutes a serious disadvantage to our business and the citizens of Mississauga as, business is directed outside the city limits.
 - One of our postulates in generating our figures was predicated on the enforcement of the by law's requirement that vehicles should not be towed out of the city unless so required by the hirer.
 - This is not being enforced and it is common knowledge that vehicles are being towed outside the boundaries of Mississauga to collect a drop fee of \$1,500.00 per vehicle.
 - Thus, business is being taken away from the taxpayers of Mississauga and being given to businesses outside of Mississauga.
 - For example if a customer is not covered by his insurance for this type of event, then the citizen of Mississauga is responsible for the cost of at least \$1,500.00 plus the storage charges which can be in excess of \$200.00 per day.
 - If, as is common practice, the vehicle is towed on a Thursday then, given the practice, the vehicle may not be released until Monday of the week following accruing storage charges of at least \$800.00.
 - The cost is staggering.
 - The By law governing this area must be enforced to prevent this type of practice.

There should be some form penalty levied for such contravention. It may be suspension after the first offence and removal of licence after subsequent contravention.

- Storage facilities do not comply with the 24/7/365 requirements
 - There are at least 21 storage facilities in Mississauga
 - Of these no more than five companies comply with the city's By-laws governing Vehicle Pound Facilities.
 - This compliance cost each of these companies at least \$300,000 in additional cost which the non-compliant companies do not have.
 - In order to level the playing field either all facilities should comply or, differential rates should apply to those who are in compliance and those who are not.
 - Essentially the rates and charges should be tiered between the compliant and non-compliant operators.
 - The alternative is to change the By Law.

- Customers are unable to recover their vehicles or personal effects, at any time as required by the by law
 - Customers who have vehicles stored on a Thursday will find it difficult to recover their vehicle or personal effects until Monday or Tuesday of the week following
 - This situation is worse on a holiday weekend

Thus while the city on the recommendation of the TIAC implemented a 3% increase on the towing charges, the tangible operating increases specific to this industry is closer to 100%.

As businessmen and taxpayers in our city – we agree with the recommendation of an increase in storage rates to \$60.00 per day if the facilities are in compliance with the by law governing this area.

We disagree with the changes to the towing rates and submit that the rates should be at least commensurate with the increases in the operating costs as shown above.

Additionally we submit that unless the by law is enforced, non-compliant operators will continue to move cars outside the city's boundaries to the detriment of compliant operators like ourselves and our citizens and community as a whole.

Essentially the community of Mississauga is being penalized by the rogue operators.

For any further information or question please contact either Jack or Evangelista at the numbers listed below.

Respectfully,

Jack Lyons, President,
Lyons Auto Body
905 277 1456

Evangelista (Ivan) Tolfa, President
Tolfa Auto Work Ltd. & Atlantic Towing
905 564 7072

Reference to By law Governing towing and storage.

1. Definition - Vehicle pound facility – Page 7
2. Schedule 27 to By-Law 0001-2006 – Page 62
Owners of Vehicle Pound Facility
 - a) Para 1 (6) ensure release of the vehicle AT ANY TIME (24 hours a day, 7 days a week, 365 days a year)
 - b) Para 1 (8) ensure that sufficient staff are available during normal business hours as well as after hours, 365 days to release a vehicle;
 - c) Para 1 (9) keep all buildings and fences in good repair
 - d) Para 1 (10) ensure all landscaped areas are well maintained

Information provided by the TIAC

On July 6th 2011 the City enacted the by-law amendments to reflect the recommendations of the TIAC.
By law number 0207-2011

Four items were enacted:

- | | |
|---|-------------|
| a) Increase in per kilometer rate – \$3.00 – \$3.10 | 3% increase |
| b) Increase in tow rate – \$230 – \$237 | 3% increase |
| c) Increase in re tow rate – \$100 – \$103 | 3% increase |
| d) Increase in winching – \$100 – \$103 | 3% increase |

The members of the TIAC have informed us that the city is contemplating increasing the storage rates from \$25.00 to \$60.00 per day. 140% increase.



Corporate Report

Clerk's Files

Originator's
Files

Towing Industry Advisory Committee NOV 29 2011
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DATE: October 5, 2011

TO: Chair and Members of the Towing Industry Advisory Committee
Meeting Date: November 29, 2011

FROM: Martin Powell, P. Eng.
Commissioner, Transportation and Works Department

SUBJECT: **Amendments to the Tow Truck Licensing By-law 521-04 Mobile Licensing**

RECOMMENDATION: That Tow Truck Licensing By-Law 521-04, Schedule 3 Sections 1, 2, and 5, be amended by deleting the words "six thousand (6000) pounds (2721 kg) in towing weight" and inserting "nine thousand five hundred (9,500) pounds or (4318 kg) of GVWR".

BACKGROUND: A concern was raised by a Citizen Member, at the June 21, 2011 meeting of the Towing Industry Advisory Committee over the interpretation of Schedule 3, Sections 1, 2 and 5 and how to determine the 'towing weight' (curb weight) of a vehicle at the side of the road.

COMMENTS: Every vehicle manufactured for sale in North America has a metal tag attached to the door or to the door post listing the vehicle's Gross Vehicle Weight Rating (GVWR). This weight rating is a combination of the curb weight of the vehicle and the maximum weight that the vehicle can safely carry. By way of example; a two (2) door compact car would have a smaller GVWR than a one (1) ton dual wheel pickup.

The 'towing weight' of a vehicle is the weight of the vehicle without passengers and cargo. This weight may be obtained from the manufacturer or by using a scale to weigh the vehicle.

The towing operators were using the Gross Vehicle Weight Rating (GVWR) incorrectly assuming it was the 'towing weight' of the vehicle. The towing weight is available through the vehicle manufacturer as part of the specifications of the vehicle but is not readily available in the owner's manual or as part of vehicle specifications on the vehicle. The tow operators were also applying this to the three vehicles referenced in the sections below:

1. Section 1 of Schedule 3 – "Every Owner and Driver of a Tow Truck shall charge no more than three dollars and ten cents (\$3.10) per kilometre (\$4.98 per mile) where it is towing a passenger Vehicle, light duty van or truck not exceeding six thousand (6000) pounds (2721 kg) in towing weight."
2. Section 2 of Schedule 3 – "Every Owner and Driver of a Tow Truck who offers to tow or tows a passenger Vehicle, light duty van or truck not exceeding six thousand (6000) pounds (2721 kg) in towing weight from a Collision Scene, shall only charge or cause to be charged an all inclusive flat rate towing fee of two hundred and thirty seven dollars (\$237.00), no more and no less, with no other additional charges other than the applicable federal and provincial taxes."
3. Section 5 of Schedule 3 – "Every Owner and Driver of a Tow Truck who has towed a passenger Vehicle, light duty van or truck not exceeding six thousand (6000) pounds (2721 kg) from a Collision Scene to a Vehicle Pound Facility at the direction of the Hirer, shall only charge or cause to be charged a maximum of one hundred and three dollars (\$103.00) for a re-tow from the Vehicle Pound Facility to any salvage yard, body shop, storage yard or any other public garage, building or place when directed by the Hirer, and may only charge the general mileage rate as set out in Schedule 3 of the by-law when towing outside of the Municipal Boundary."

A vehicle's towing weight is not easily obtained on the vehicle by a tow truck operator making it difficult to determine what a vehicle's towing weight actually is. This difficulty has resulted in instances of incorrect invoices being submitted to the public and the insurance industry.

In researching this matter, staff from Legal Services provided an opinion on whether the towing weight applied to the passenger vehicle, light duty van or truck or only to trucks. It was determined that the six thousand (6000) pounds (2721 kg) limitation pertains only to a truck and it does not pertain to a passenger vehicle or a light duty van.

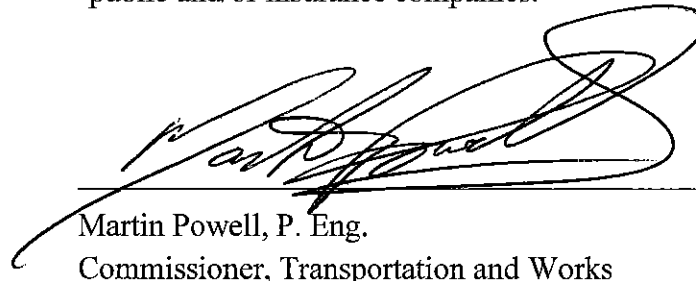
In order to simplify the process of determining whether a towed truck is a heavy tow or a standard tow, it is opinion of the staff that the criteria for determination should be able to be viewed easily by the tow truck driver.

Staff research has shown there is a correlation between "towing weight", as the By-law calls it, and "GVWR". The legislation currently speaks to a truck not exceeding six thousand (6000) pounds (2721 kg) in "towing weight". Six thousand (6000) pounds (2721 kg) in "towing weight" is the approximate equivalent to nine thousand five hundred (9500) pounds or (4318 kg) of GVWR.

For this reason, staff suggest the By-law be amended to reflect the GVWR.

FINANCIAL IMPACT: No direct financial impact would be experienced by The Corporation of the City of Mississauga.

CONCLUSION: Staff recommends amending the current By-Law to reflect the towed vehicle's "GVWR" of nine thousand five hundred (9500) pounds or (4318 kg). The use of the "GVWR" would simplify the task of determining a vehicle's weight for a tow truck driver and result in more accurate towing invoices being prepared and presented to the public and/or insurance companies.



Martin Powell, P. Eng.
Commissioner, Transportation and Works

Prepared By: James Bisson, Manager, Mobile Licensing