

AGENDA



THE CORPORATION OF THE CITY OF MISSISSAUGA

MISSISSAUGA APPEAL TRIBUNAL

TUESDAY, MAY 29, 2012 – 9:30 A.M.

COUNCIL CHAMBERS, CIVIC CENTRE,
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO

www.mississauga.ca

MEMBERS

Lynda Ross, Citizen Member
Rafiq Rokerya, Citizen Member
Roderick Chung, Citizen Member
Leonard Lyn, Citizen Member
Luc Laverriere, Citizen Member

Karen Morden, Mississauga Appeal Tribunal Coordinator
The Corporation of the City of Mississauga
Office of the City Clerk, 2nd Floor, Civic Centre
300 City Centre Drive, Mississauga, ON L5B 3C1
Phone: (905) 615-3200 ext. 5423 Fax: (905) 615-4181 Email: karen.morden@mississauga.ca

CALL TO ORDERDECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTERESTMATTERS TO BE CONSIDERED:1. Amer Hawchar, Revocation of Tow Truck Driver's Licence

Appeal in accordance with the provisions of the City of Mississauga By-law 521-04 as amended, of a Licensing Manager's decision to revoke a City of Mississauga tow truck driver's licence, issued to Amer Hawchar of 4346 Goldenrod Crescent, Mississauga, Ontario, under the City of Mississauga By-law 521-04, as amended, the Tow Truck Licensing By-law. The following are attached for information:

- Acting Licensing Manager's Notice of Decision to revoke a tow truck driver's licence issued to Amer Hawchar, dated February 9, 2012.
- Notice of Appeal from Amer Hawchar, dated February 9, 2012.
- Consolidated version of the City of Mississauga's By-law 521-04, the Tow Truck Licensing By-law, as amended.
- City's Documents Brief **
- Appellant's Documents Brief ***

***Please note that this information is distributed to the Tribunal Members and its Legal Counsel. Any individuals who wish to view a copy may contact the Tribunal Coordinator.*

**** Please note that the Appellant did not file a Documents Brief.*

ADJOURNMENT

City of Mississauga
3235 Mavis Road
MISSISSAUGA ON L5C 1T7

Tel: 905-896-5643
FAX: 905-615-4486
www.mississauga.ca



Leading today for tomorrow

February 9th, 2012

Mississauga Appeal Tribunal

MAY 29 2012

Amer HAWCHAR
4346 Goldenrod Crescent
Mississauga, ON L5V 1E3

Dear Mr. HAWCHAR:

RE: Tow Truck Driver's Licence

I have reviewed your tow truck driver's licence application, examined your driving record, criminal record, reviewed your Mobile Licensing file and have considered your interview conducted on January 16th, 2012. It is my decision to not issue you a City of Mississauga Tow Truck Driver's Licence as you do not meet the requirements of the City's Tow Truck Licensing By-Law. Section 10 of City of Mississauga's Tow Truck Licensing By-Law 521-04 states that an applicant who complies with the provisions of this By-Law is entitled to be issued a licence, providing compliance with subsections 1 through 8 are met. You do not meet the requirements of the City of Mississauga's Tow Truck Licensing By-Law, in particular sections 10 (2), (3) and (6).

Direction from the Council of the City of Mississauga

The Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Tow Trucks for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of passengers, Drivers and Owners, protect the property of passengers, ensure competence of Owners and Drivers in providing Tow Trucks services, promote accountability, ensure consistency in the application of rates charged, and support proper and good business practices.

Manager's Legislative Authority

*THE LICENCE MANAGERS POWER TO REFUSE TO ISSUE, RENEW A LICENCE
OR REVOKE OR SUSPEND A LICENCE*

10. An applicant for a Licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a Licence, except where:

(2) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, shareholder or officer of the Corporation, if the applicant is a Corporation, affords reasonable grounds for

belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or

(3) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or

(6) the conduct of the applicant or of one or more of the Persons referred to in paragraph (2) of this section affords reasonable grounds for belief that the carrying on of the business in respect of which the Licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or

Section 8 (1) of City of Mississauga's Tow Truck Licensing By-Law 521-04 clearly empowers the Licence Manager to refuse to renew, to issue, to revoke or suspend a licence. You do not meet the requirements of the City of Mississauga's Tow Truck Licensing By-Law, in particular sections 8 (2) (a).

THE LICENCE MANAGERS POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

8. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (195-08)

(2) Where the Licence Manager is of the opinion that: (195-08)

(a) an application for a licence or renewal of a licence should be refused. he or she shall make that decision

You fail to meet the requirements of these sections for the following reasons:

Facts or Supported Opinion

Criminal Record

(a) You have an extensive past involvement with the criminal justice system including convictions for the following;

- 1995 Public Mischief
- 1996 Possession of Property Obtained by Crime
- 2006 Fail to Appear
- 2011 Dangerous Driving Causing Bodily Harm
- 2011 Dangerous Driving Causing Bodily Harm

(b) Charges currently before the courts

- 2012 Mischief Over \$5000 (On charge)

It is important to note that authorities allege the fore mentioned charges that you currently face were committed while in a tow truck. On the Monday the 16th Jan 2012 at the conclusion of a lengthy interview Mr. HAWCHAR was reminded that he did not hold a tow license and that a decision as to whether he would be granted a tow license would be made on the 25th Jan 2012 by Manager James Bisson.

On the 20th January 2012 Mr. HAWCHAR, while driving a tow truck is alleged to have thrown a rock(s) at an Atlantic Tow Truck (denting the side of the truck causing approx \$150 in damage) that was parked near Mavis Road and Highway 403. Police investigated, subsequently arrested and charged Mr. HAWCHAR with the criminal offence of Mischief.

(c) During your time as a City of Mississauga licensed tow truck driver you have been convicted of the following 11 Ontario Statutes;

- 3rd Aug 2000 0 Speeding 75 in a 60 zone
- 28th Jun 2002 2 Fail to wear complete belt
- 10th Mar 2003 0 Fail to have proper trailer attachments
- 11th Jun 2003 0 Speeding 75 in a 60 zone
- 2nd Sep 2003 2 Improper drive on divided hwy-lane change
- 24th Nov 2004 2 Unsafe move
- 4th May 2005 4 Speeding 94 in a 60 zone
- 14th Sep 2007 2 Fail to wear seatbelt
- 16th Jan 2008 4 Speeding 124 in a 80 zone
- 19th Dec 2008 2 Fail to stop and yield right of way before turning
- 10th Jan 2012 0 Fail to complete remedial program

The total demerit points accumulated in your driving career as a tow truck driver is 18

{4. (3) No Person shall be Licensed under this by-law as a Driver unless:

(a) a current valid Class 'A', 'B', 'C', 'D', 'E', 'F' and 'G Drivers licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation};

(d) During your time as a City of Mississauga licensed tow truck driver you have had your Ontario driver's license suspended two times;

Total license suspensions accumulated in his driving career is 2

- 1 Unpaid judgment 1st Apr 99 to 15th Dec 1999
- 1 criminal suspension 10th Jan 2011 to 10th Jan 2012

(e) During your time as a City of Mississauga licensed tow truck driver you have been convicted of the following 10 Tow Truck Licensing By-Law 521-04 offences;

- 1c
- 14th Feb 2000 Stop within 200 meters of an collision location
 - 22nd Feb 2001 Stop within 200 meters of an collision location
 - 18th Jun 2003 Fail to produce document
 - 19th Sep 2003 Towed without authorization
 - 6th May 2004 Stop within 200 meters of an collision location
 - 8th Feb 2009 Stop within 200 meters of an collision location
 - 30th Jul 2009 Permission to tow form
 - 17th Dec 2009 Fail to comply with reasonable instructions
 - 4th Mar 2011 Work order offence
 - 4th Mar 2011 Permission to tow form

(f) During your time as a City of Mississauga licensed tow truck driver you have had 5 complaints from the public revolving around your towing professionalism, honesty and integrity.

(g) During your time as a City of Mississauga licensed tow truck driver you have renewed your towing license late for 8 years;

- 2001 - Late 7 days in renewing licence
- 2002 - Late 17 days in renewing licence
- 2003 - Late 8 days in renewing licence
- 2006 - Late 2 days in renewing licence
- 2007 - Late 1 day in renewing licence
- 2008 - Late 3 days in renewing licence
- 2009 - Late 4 days in renewing licence
- 2011 - Late 4 days in renewing licence

Appeal Tribunal

Please be further advised that if you wish to have a hearing before the Appeal Tribunal to appeal my decision to not issue your licence, you are entitled to serve a notice in writing indicating such within seven (7) days of the date of service of this notice and you must pay the Appeal Hearing Fee of \$444.09. Should you choose not to serve such a notice, my decision to not renew your licence shall be final.

Any notice for a hearing before the Appeal Tribunal may be delivered sent registered mail or faxed to:

City Clerk
The Corporation of the City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1
Facsimile: (905) 615-4181

The payment for the Appeal Hearing may be made in person at The Mobile Licensing Office, 3235 Mavis Rd. Mississauga Ontario, L5C 1T7.

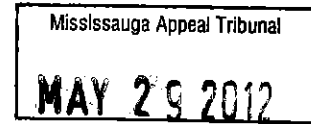
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Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Parliament', written over a horizontal line.

Brad Parliament
Acting Manager, Mobile Licensing Enforcement
(905) 615-3200 Ext. 5679

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Amer A. Hawchar
4346 Goldenrod Crescent,
Mississauga, Ontario
L5V 1E3
(416) 688-6533



February 9, 2012

The Corporation of the City of Mississauga
300 City Centre Drive,
Mississauga, Ontario
L5B 3C1

"RECEIVED"
12 FEB -9 P 2:40
CLERK'S DEPARTMENT
CITY OF MISSISSAUGA

Dear City Clerk,

I, Amer Hawchar, am composing this letter to serve as a notice of appeal. I am appealing the decision made by Brad Parliament on February 9, 2012 to not issue my tow licence. I have been a tow truck driver for sixteen years. Towing is my only means of income and as a result will cause my family and I enormous financial hardship.

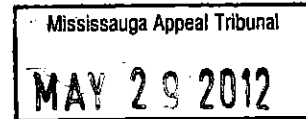
Should you have any questions please do not hesitate to contact me at the above listed telephone number. I have also provided my Agents contact information below:

Dyana Warda
1095 Fewster Drive
Mississauga, Ontario L4W 1A2
(416) 402-0908
wardalegalservices@gmail.com

Thank you,

A handwritten signature in black ink, appearing to read "Amer Hawchar", with a horizontal line drawn through it.

Amer Hawchar



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**THE CORPORATION OF THE CITY OF MISSISSAUGA
TOW TRUCK LICENSING BY-LAW 521-04**

(amended by 347-07, 195-08, 428-08, 210-09, 402-09, 10-10, 177-10, 179-10, 207-11, 241-11)

WHEREAS section 150 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may Licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS section 154 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from a point in the municipality to any point outside the municipality and to provide for the collection of the rates or fares for the conveyance.

AND WHEREAS a by-law licensing or imposing any condition on any business or class of business passed under this section comes into force shall include an explanation as to the reason why the municipality is licensing or imposing the condition and how the reason relates to the purpose;

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Tow Trucks for the purposes of Health and Safety, to enhance and encourage safe maintenance and operational practices for Drivers and Owners, ensure experienced and qualified Drivers are providing services and ensure accountability of industry participants for health and safety issues.

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Tow Trucks for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of passengers, Drivers and Owners, protect the property of passengers, ensure competence of Owners and Drivers in providing Tow Trucks services, promote accountability, ensure consistency in the application of rates charged, and support proper and good business practices.

AND WHEREAS the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Tow Trucks for the purposes of Nuisance Control to promote professional behavior, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, Nuisance or disruption for passengers, Drivers, Owners and the general public.

AND WHEREAS a public meeting was held on December 8, 2004 at which time a report entitled Vehicle Licensing By-laws relating to the licensing of the business was presented and considered;

AND WHEREAS the Council of The Corporation of the City of Mississauga is desirous of enacting such by-laws;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

DEFINITION

1. (1) In this by-law:

"Appeal Tribunal" means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (195-08)

"City" means The Corporation of the City of Mississauga and its physical boundaries as described in the *Regional Municipality of Peel Act*, R.S.O. 1990, c.R.15, as amended;

"Collision" means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

"Collision Scene" means the general location or place where a Collision occurred;

"Collision Towing" means the towing of a disabled Vehicle as the result of a Collision;

"Commercial Motor Vehicle" means a Motor Vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, bus and tractors used for hauling purposes on the highway;

"Corporation" means The Corporation of the City of Mississauga;

"Council" means the Council for The Corporation of the City of Mississauga;

"Driver" means any Person who Drives or operates a Tow Truck;

"Dolly" means a four-wheeled carriage used in towing to support the trailing end of the Towed Vehicle;

"Drop Fee" means any fee or commission paid to the Owner or Driver of a Tow Truck or to a Tow Truck Broker in return for the towing or otherwise conveying of a Vehicle to a particular place, which fee is in addition to the amount which the Owner or Driver of the Tow Truck is authorized to charge to the Hirer;

"Flatbed" means a platform body with a winch for loading;

"Gross Vehicle Weight Rating (GVWR)" means the maximum total Vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

"Hirer" means the Registered Owner of a Vehicle, to be towed or being towed, his/her agent or any Person lawfully in possession of the Vehicle to be towed or being towed;

"Inspector" means an inspection officer duly appointed by Council;

"Licence" means the certificate issued under this by-law as proof of licensing under this by-law;

"Licence Manager" means the Manager of the Mobile Licensing and Enforcement Section of the City's Enforcement Division and includes his or her designates. (195-08)

"Licensing Section" means the Vehicle Licensing Section of the Corporation's Enforcement Division;

"Licence Renewal Sticker" means the coloured consecutively numbered sticker issued with the renewal of the Owner's Licence, to be attached to the Owner's Plate. The sticker indicates the expiry year of the Owner's Licence;

"Licence Sticker" means the stamp or seal issued to an Owner under this by-law;

"Motor Vehicle" includes an automobile, truck, trailer, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow Vehicle or motor-assisted Vehicle;

"Municipal Boundary" means the boundary encompassing the City of Mississauga;

"Nuisance" means:

- (a) the obstruction or interference with Persons involved in a Motor Vehicle Collision or otherwise in need of the service of a Tow Truck,
- (b) the obstruction or interference with emergency services personnel responding to a Motor Vehicle Collision, which personnel would include, but not be limited to peace officers, members of a fire department and members of an ambulance service, and
- (c) the obstruction or interference with other Tow Truck Drivers or Owners and pedestrian or vehicular traffic;

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"Owner" means the holder of the plate portion of the Permit issued under the Highway Traffic Act;

"Owner's Plate" means a number plate issued to an Owner Licensed under this by-law;

"Permission to Tow a Vehicle Form" means a two (2) part form, containing such information as is set out in Schedule 2 to this By-law, and supplied to a Driver by the City which must be completed and signed by the Tow Truck Driver and the Hirer prior to a tow commencing from a Collision Scene where such tow is requested by the Hirer and a copy of which is provided by the Tow Truck Driver to the Hirer;

"Permit" means the Licence or certificate issued under this by-law;

"Person" includes a firm or Corporation to whom the context can apply;

"Registered Owner" means the Person shown to be the Owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicle for the Province of Ontario;

"Tow Bar" means a device for positioning a Towed Vehicle behind a towing Vehicle;

"Tow Sling" means a device used for lifting and towing Vehicles with a partial load supported on rubber belts;

"Tow Truck" means a Vehicle used for towing or otherwise conveying Vehicle(s);

"Tow Truck Broker" means a Person who in pursuance of a trade, calling business or occupation arranges for the provision for hire to a Hirer of the services of a Tow Truck not owned by such Person;

"Towed Vehicle" means a Vehicle or any part thereof towed or otherwise conveyed by a Tow Truck, under an agreement between the Owner of the Vehicle to be towed and the Driver or Owner of a Tow Truck;

"Underlift" means a device used for towing Vehicles by lifting one end of the Towed Vehicle from under the axle or structural member of the Towed Vehicle;

"Vehicle" includes a Motor Vehicle, or Commercial Motor Vehicle;

"Vehicle Pound Facility" means land, buildings or structures or part thereof, used for the temporary storage of impounded Vehicles within a secure area which is fenced and gated or inside a building and where a storage fee is charged and may include property held under police or other government authority. An office shall be located on the property; (347-07)

"Wheel lift" means a device used for towing Vehicles by lifting one end of the Towed Vehicle by the wheels;

"Work Order" includes any for, order, invoice, written authorization or any other document that when signed by a Hirer provides authorization to any Person, Vehicle Pound Facility, Licensed Automobile Service Station, or any other business or Person, to carry out any work to the Hirer's Vehicle, which includes any repair or maintenance to the Vehicle; (177-10)

"Wrecker Body" means a manufacturer's box designed to be attached to the frame of a cab and chassis and used with an Underlift, Tow Bar or Tow Sling or Wheel lift or flat bed carrier or other similar device and which is equipped and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;

- (2) (a) For the purposes of this by-law a Person shall be acting as the Driver or Owner of a Tow Truck if that Person conveys or seeks to convey, for hire, or holds himself out, by his actions or words, as being available to convey, for hire, a Vehicle from a point within the municipality of the City of Mississauga, to either a point also within the municipality of the City of Mississauga or to any point beyond its limits whether such conveyed Vehicles are intact or inoperable;
- (b) Section 1 (2) does not apply where a Vehicle is towed from a point within the municipality of the City of Mississauga to a point beyond its limits with the prior consent of the Owner of the Vehicle or that Person's authorized agent;
- (c) In the absence of any evidence to the contrary, the tow will be deemed to originate in the City of Mississauga.

LICENSING SECTION

- 2. (1) The Licensing Section shall:
 - (a) receive, establish the material to be filed in support of an application for, and process all applications for Licences and for the renewal of Licences to be issued under this by-law; (195-08)
 - (b) issue Licences to and renew Licences for Persons who meet the requirements of this by-law; (195-08)
 - (c) impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition of a Licence should be imposed; (195-08)

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- (d) refuse to issue, renew a Licence or revoke or suspend a Licence, where the Licence Manager is of the opinion that the Applicant is disentitled to a Licence under Section 10; (195-08)
 - (e) enforce the provisions of this by-law; (195-08)
 - (f) generally perform all the administrative functions conferred upon it by this by-law. (195-08)

- (2) When an Owners Plate is defaced, destroyed or lost, the licensed Owner shall apply to the Licensing Section for a replacement and on payment of the appropriate fee under Schedule 1 the Licensing Section shall issue a replacement Owner's Plate as required.

LICENSING

- 3.
 - (1) No Person shall act as or be the Owner of a Tow Truck in the City unless he/she is licensed as an Owner under this by-law.
 - (2) No Person shall drive, or act as the Driver of a Tow Truck in the City unless he is licensed as a Driver under this by-law.
 - (3) Unless provided otherwise in this by-law a Person who is the Owner of more than one Vehicle shall take out a separate Licence for each Vehicle owned by him/her which is to be used in the City.

LICENCE

- 4.
 - (1) No Person shall be licensed under this by-law unless he/she is at least eighteen (18) years of age and a citizen of Canada or a landed immigrant, or has a valid employment authorization issued by the Government of Canada to work as a Driver and has a working knowledge of English.
 - (2) The provisions of subsection 1 do not apply to a Corporation.
 - (3) No Person shall be Licensed under this by-law as a Driver unless:
 - (a) a current valid Class 'A', 'B', 'C', 'D', 'E', 'F' and 'G' Drivers licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - (b) he/she has his/her photograph taken by the Licensing Section.
 - (4) No Person shall be licensed as an Owner unless:
 - (a) he/she produces for each Tow Truck to be used, a current valid Motor Vehicle Permit issued by the Ministry of Transportation issued in the applicant's name; or if a Tow Truck is a leased Vehicle, provides a copy of the lease agreement for the Tow Truck;

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- (b) he/she produces and files with the Licensing Section either:
 - (i) an Ontario Ministry Transportation Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days of this submission; or
 - (ii) a Safety Standard Certificate issued under the Highway Traffic Act within sixty (60) days of this submission.
 - (c) he/she produces and files with the Licensing Section a copy of the certificate of insurance for the Tow Truck for which he/she is the Owner endorsed to provide that the Licence Manager shall be given at least ten (10) days notice in writing of the cancellation or expiration or variation in the amount of the policy and insuring each such Tow Truck in at least the following amounts:
 - (i) in respect to any one claim the amount of at least two million (\$2,000,000) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more Persons and loss or damage to property;
 - (ii) in respect of any one claim in the amount of at least \$100,000 against liability for damage to a customer's Motor Vehicle while in his/her care, custody or control and caused by Collision, upset, fire, lightning, theft or attempt thereat, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water; and
 - (iii) in respect of any one claim cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of his/her legal liability indirect physical loss or damage to Vehicles and other items of property accepted by the applicant for towing or conveyance;
 - (d) he/she states in writing whether he/she has any interest either directly or indirectly, in a Vehicle pound, yard or building used for the storage or impounding of Vehicles, a Vehicle body shop or other kind of public garage or any other yard, shop, building or place used for the storage, repair or servicing of Vehicles, provide and filed with the Licence Manager full information as to the location and the type of facilities in which he/she has an interest and the nature and extent of the interest.

REPRESENTATION

5. No Person shall publish or cause to be published any representation that he/she is licensed under this by-law if he/she is not.

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SUBMISSION OF APPLICATION TO LICENSING SECTION

6. (1) Every Person applying to obtain or renew for a Licence under this By-law shall file with the Licensing Section a duly completed application form provided by the Licensing Section, in which the applicant shall provide all information sought in such application form.
- (2) The applicant shall, at the time of the filing of the application form required under subsection (1), deliver to the Licensing Section the following:
 - (a) a non-refundable payment in the amount of ten (10) per cent of the total Licence fee prescribed in Schedule I to this By-law. The minimum payment due at the time of filing a Licence application shall be ten (10) dollars. The maximum payment due at the time of filing a Licence application shall be one hundred and fifty (150) dollars;
 - (b) The balance of the fee prescribed in Section 1 to Schedule 1 of this By-law, that is the total Licence fee minus the deposit made at the time of filing the Licence application, plus all other applicable charges as established by Section 2 of Schedule 1 shall become due and payable prior to the issuance of the Licence;
 - (c) if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department; and,
 - (d) if the applicant is a registered partnership, a copy of the registered declaration of partnership.
- (3) Every application form shall include a requirement that the applicant provide at least the following information:
 - (a) the name and address of the applicant;
 - (b) the address of the applicant to which the City or its Licensing Section may send or deliver any notice or other document required or authorized by-law;
 - (c) any trade or business description to be used in relation to the business;
 - (d) the address and telephone number used in connection with such business;
 - (e) a record of all offences under any by-law, provincial statute or federal statute of which the applicant, if the applicant is an individual, any of the partners, if the applicant is a partnership, or any of the directors, shareholders and officers of a Corporation, if the applicant is a Corporation, has or have been convicted.

- (4) In addition to the provisions of subsection (1) of an application for renewal of a Licence the previous years Licence and, when required by the Licence Manager, the Owner's Plate, shall be returned to the Licensing Section.
- 7. (1) If the applicant is not an individual, the application form shall be completed and updated from time to time as this By-law requires, by an individual duly authorized by the applicant to execute such form on behalf of the applicant and binding upon it, and the individual completing such form shall sign the form, certifying the truth and completeness of the information provided therein.
- (2) The provisions of this by-law relating to an application for a Licence shall apply, with necessary modifications, to an application for the renewal of a Licence or to amend a Licence or a condition of such Licence, except that where the applicant notifies the Licensing Section that the information on file with the Licensing Section has not changed, the applicant shall not be required to complete a new application form or amendment thereto in respect of an application for renewal.

THE LICENCE MANAGERS POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

- 8. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates. (195-08)
- (2) Where the Licence Manager is of the opinion that: (195-08)
 - (a) an application for a licence ore renewal of a licence should be refused.
 - (b) a reinstatement should not be made,
 - (c) a licence should be revoked,
 - (d) a licence should be suspended, or
 - (e) a term or condition of a licence should be imposed,
 he or she shall make that decision
- 9. (1) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or licence. (195-08)
- (2) The written notice to be given under subsection (1) shall: (195-08)
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;

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- (c) be signed by the Licence Manager; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Appeal Tribunal if the Applicant or Licensee delivers to the Clerk, within seven (7) days after the Notice under subsection (1) is served, a notice in writing requesting a hearing by the Appeal Tribunal and the appeal fee as set out in Schedule 1 of this By-law

- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final. (195-08)

10. An applicant for a Licence who complies with the provisions of this By-law is, subject to the provisions of this By-law, entitled to be issued a Licence, except where:

- (1) there are reasonable grounds for belief that any application or other document provided to the Licensing Section by or on behalf of the applicant contains a false statement or provides false information; or
- (2) the past or present conduct of the applicant, or of any partner, in the case of an applicant which is a partnership, or of any director, shareholder or officer of the Corporation, if the applicant is a Corporation, affords reasonable grounds for belief that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
- (3) there are reasonable grounds for belief that the carrying on of the said business will result in a breach of this By-law or any other law, including any applicable zoning requirement; or
- (4) the financial position of the applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner; or
- (5) there are reasonable grounds for belief that the application does not meet all the requirements of this By-law, or that the business is carried on or intended to be carried on in area of the City where such business is prohibited by this By-law from being carried on, or in respect of which the issuing of a Licence in respect of the business is not permitted by this By-law; or
- (6) the conduct of the applicant or of one or more of the Persons referred to in paragraph (2) of this section affords reasonable grounds for belief that the carrying on of the business in respect of which the Licence is sought would infringe the rights, or endanger the health or safety, of one or more members of the public; or
- (7) the amount payable in respect of the Licence applied for has not been paid; or
- (8) the applicant has failed to pay the fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the City.

THE HEARING BEFORE THE APPEAL TRIBUNAL

11. (1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appoint by By-law. (195-08)
- (2) The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22, as amended shall apply to all hearings conducted by the Appeal Tribunal under this By-law. (195-08)
- (3) When the Applicant or Licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed with the hearing in his absence and the Applicant or Licensee shall not be entitled to any further notice of the proceedings. (195-08)
- (4) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing within fourteen (14) days of the hearing to the Applicant or Licensee and the Licence Manager. (195-08)

TRIBUNAL DECISION FINAL

12. In makings its decision the Appeal Tribunal may uphold or vary the decision of the Licence Manager, or make any decision that the Licence Manager was entitled to make in the first instance. The decision of the Appeal Tribunal issued under this By-law is final.(195-0)
13. REPEAL BY 195-08)
14. A Licence issued under this By-law is personal to the licensee, and cannot be transferred.
15. Where a Licence has been revoked, the licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

NOTICE

16. (1) Any notice required to be given by the City under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the Person to whom delivery is required to be made at the last address for delivery appearing on the records of the Licence Manager.
- (2) Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing, unless the Person on whom service is being made establishes that he/she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice or order until a later date.

CHANGES IN INFORMATION

17. (1) Every licensee shall notify the Licensing Section in writing within seven days after the event, of any change in any of the information contained in the application form.
- (2) Where a change has occurred in the name or business name of a licensee, the licensee shall attend within seven days of the date of the change at the office of the Licensing Section, to have the Licence and Licence records amended accordingly.

ISSUE OF LICENCE

18. (1) Where an application for an Owner's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Licence Manager shall issue a Licence and an Owner's Plate both of which shall set out the expiry date of the Licence and the applicant shall thereby be licensed.
- (2) Where an application for a Driver's Licence is made in accordance with the provisions of this By-law and the applicant meets all the requirements of this By-law, the Licence Manager shall issue a Licence which shall set out the expiry date of the Licence and the applicant shall thereby be licensed.

RENEWAL OF LICENCE

19. (1) Every application for renewal of a Driver's Licence, or an Owner's Licence must be delivered to the Licensing Section before the expiry of the term of Licence.
- (2) Where a Driver's Licence is renewable, the Licence Manager shall issue a Licence which shall set out the expiry date of the Licence and the Driver's Licence is thereby renewed.
- (3) Where an Owner's Licence is renewable, the Licence Manager shall issue a Licence and an Owner's Plate or if applicable a Licence Sticker, all of which shall set out the expiry date of the Licence and the Owner's Licence is thereby renewed.
- (4) No Licence may be renewed more than sixty (60) days after the date upon which it expires.

OWNER LESSEE FROM MOTOR VEHICLE DEALER OR LEASING COMPANY

20. Where the applicant for an Owner's Licence has leased a Vehicle to be used as a Tow Truck from a Motor Vehicle dealership or leasing company, the Owner's Licence shall be issued in the applicant lessee's name provided that a copy of the lease has been filed with the Licence Manager and the applicant shall thereby be licensed.

TERM OF LICENCE

21. (1) Every Licence issued to a Tow Truck Driver, shall be valid for a period of one year effective from the anniversary of his/her birth ("birthday") except where:
 - (a) the initial Licence issued to a Driver, is issued within ninety-one (91) days prior to his/her birthday, such Licence shall be valid until the next following birthday; or
 - (b) the initial Licence issued to a Driver, is issued on a date which is greater than ninety-one(91) days prior to his/her birthday, such Licence shall be valid until the next birthday; or
 - (c) the Driver's birthday is February 29th, the expiry date for such Driver's Licence shall be February 28th, for licensing purposes only.
- (2) Section 21(1) does not apply to a Driver who is also the Owner of a Tow Truck, such Driver's Licence shall expire on the same date as the Owner's Licence.
22. Where the licensed Owner is a Corporation, the individual Person holding the shares carrying at least 51% of the voting rights attached to all shares of the Corporation, shall be deemed to be the Owner and his/her Driver's Licence shall expire on the same date as the Corporation's Owner's Licence.
23. Every Licence issued to an Owner of a Tow Truck shall be valid for a period of one year effective from the first (1st) day of July up to and including the last day of June of the following year.

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

24. (1) When a Licence has been revoked, deemed unrenewable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Unit within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision of the Appeal Tribunal, and the Licence Manager may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence. (195-08)
- (2) When a Person has had his or her Licence revoked or suspended under this by-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1). (195-8)

RIGHT OF INSPECTION OF LICENSED PREMISES OR VEHICLES

25. (1) An Inspector or the Licence Manager may at any reasonable time enter upon and inspect the business premises or Vehicles of any licensee to insure that the provisions of this By-law have been complied with, and an Inspector on completion of an inspection shall complete and file with the Licence Manager a written report on the inspection.
- (2) Upon an inspection under subsection (1), the Person inspecting is entitled access to the invoices, vouchers, appointment books or trip sheets or like documents of the Person being inspected provided such documents are relevant for the purposes of the inspection and the Person inspecting may remove with the licensee's consent any of the aforementioned documents for the purpose of photocopying provided a receipt is given the licensee and the documents are returned to the licensee within forty-eight (48) hours of removal.

VEHICLE INSPECTION

26. (1) The Licence Manager may require an Owner to submit his/her Tow Truck for inspection at any time and at an appointed place and the Owner shall submit each Tow Truck for inspection when required to do so by the Licence Manager.
- (2) When a Tow Truck and its equipment have been examined by the Ministry of Transportation or licensed mechanic and the Tow Truck or its equipment is found to be mechanically defective, the Tow Truck Owner shall not operate the Tow Truck or Permit it to be operated, until the Tow Truck has been reinspected and approved by the Ministry of Transportation or other inspecting authority.
- (3) When a Tow Truck is examined by the Ministry of Transportation or licensed mechanic and a report states that the Tow Truck or equipment is dangerous or unsafe, the Owner shall remove and return to the Licence Manager the Owner's Plate to be held until the Tow Truck and the equipment are certified to be safe by the Ministry of Transportation or licensed mechanic.
- (4) When an Owner is unable to obtain a Safety Standard Certificate issued under the *Highway Traffic Act* for the Tow Truck following an inspection as required under subsection 1, the Owner shall remove and return to the Licence Manager the Owner's Plate and the Owner shall not operate the Tow Truck until he/she obtains and produces a Safety Standard Certificate.

LICENCE PRODUCTION

27. Every Person licensed under this By-law, when requested by an Inspector, the Licence Manager or a peace officer shall produce his/her Licence, photograph and other relevant documents required under this by-law.

OWNER AND DRIVER DUTIES

28. Every licensed Owner and Driver shall:

- (1) take due care of all Vehicles and property delivered or entrusted to him/her for towing;
- (2) comply with all reasonable instructions from the Hirer;
- (3) be civil and behave courteously;
- (4) keep a permanent daily record of work performed by the Tow Truck owned or operated by him/her or his/her behalf either in a continuous log sheet or by consecutively numbered bills or invoices showing:
 - (a) the name and address of every Hirer;
 - (b) a description of the Vehicle towed or conveyed including the Provincial Motor Vehicle Permit number of any such Vehicle;
 - (c) the rate charged, and,
 - (d) the total fee collected.
- (5) keep every Tow Truck and its equipment clean, in good repair, free from exterior body damage with a well maintained exterior paint finish;
- (6) before demanding payment for services, present to the Hirer an itemized bill for the services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the schedule of rates filed by the Owner with the Licence Manager, or as set out in Schedule 3 under this By-law; (347-07, 177-10)
- (7) convey the Vehicle to the Hirer's Vehicle Pound Facility or the Hirer's home and if the Hirer's desired Vehicle Pound Facility is closed, the Tow Truck Owner or Driver must take the Vehicle to the Hirer's home, if desired by the Hirer, or to the Tow Truck Owner's or Driver's Vehicle Pound Facility and may only charge the general mileage rate as set out in Schedule 3 of the By-law for a re-tow from the Tow Truck Owner's or Driver's Vehicle Pound Facility to the Hirer's desired Vehicle Pound Facility when it opens; (347-07, 177-10)
- (8) register with the Licence Manager the name of the licensed Vehicle Pound Facility used by the Owner and Driver where a Vehicle is towed when a Hirer has not directed or instructed the Owner and Driver to tow the Vehicle to a specific Vehicle Pound Facility, the Hirer's home or other location. (177-10)

OWNER AND DRIVER PROHIBITIONS

29. (1) No Licensed Owner or Driver shall operate or Permit to be operated a Tow Truck which lacks any of the following equipment which is in a good state of repair:
- (a) a winching or hoisting device of sufficient capacity to safely lift the Vehicle to be towed;
 - (b) Wheel lift or an Underlift equipped and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed;
 - (c) one device for securing the steering wheel of a Vehicle;
 - (d) two dry chemical fire extinguishers having an effective total rating equivalent to at least 4-B C, and at least each weighing 2.27 kg (approximately 5 lbs);
 - (e) a minimum of two tow safety chains having a minimum length of 2.7432 metres (approximately 9 feet) each with links of at least 7.9375mm steel (5/16 inches);
 - (f) four (4) safety pylons;
 - (g) an intermittent amber warning light system consisting of at least one light which would be clearly visible in all directions for a distance of least 100 metres (approximately 328 feet);
 - (h) a broom;
 - (i) a shovel;
 - (j) a general purpose first aid kit;
 - (k) a crowbar/prybar at least 152.4 cm (60 inches) in length;
 - (l) at least two wheel blocks;
 - (m) flares or reflector kits;
 - (n) wheel wrenches;
 - (o) light bar for a rear extension carrier;
 - (p) and any other provision as may be required under the Highway Traffic Act; and
 - (q) a Dolly.

(2) No licensed Owner or Driver shall:

- (a) interfere with any contract for hiring of a Tow Truck where a Person has hired or has indicated his/her intention to hire a Tow Truck;
- (b) induce any Person to employ or hire a Tow Truck by making any false representation to any Person such as the location of or distance to any place or any other matter;
- (c) use or Permit to be used a Tow Truck which has been found to be unsafe or defective after examination and inspection as required under this By-law;
- (d) demand or request payment for his/her services other than in accordance with the applicable schedule of rates filed with the Licence Manager, or as set out in Schedule 3 under this by-law; (347-07)
- (e) demand, request or receive a Drop Fee;
- (f) charge a Hirer for time lost through defects or inefficiency of the Tow Truck, or the incompetence of the Tow Truck Owner or Driver;
- (g) suggest or recommend to any Hirer that any Motor Vehicle in respect of which his/her services are to be given or requested, be towed, conveyed, driven or delivered to any particular salvage yard, body shop, storage yard, Vehicle Pound Facility, or any other public garage, building or place, unless he/she has been requested to do so by the Hirer, and may at no time suggest or recommend a salvage yard, body shop, storage yard or any other public garage, building or place located outside of the Municipal Boundary; (241-11)
- (h) Permit a Person to be a passenger in a Tow Truck, except under the following circumstances:
 - (i) the passenger is the Hirer of the Tow Truck; or
 - (ii) the passenger is either the spouse, son, daughter or parent or similar relation in law of the Tow Truck Driver and in such cases the Driver is not to solicit a tow, engage in any form of towing or have his or her Tow Truck within 200 metres (approximately 653 feet) of the scene of a Collision nor shall the Driver cause or Permit his or her passenger to solicit a tow or take any actions to engage in any form of towing while the passenger is in the Tow Truck; or

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(iii) the passenger has filed any application with the Licensing Section for a Tow Truck Driver's License, or has recently been issued his or her initial Tow Truck Driver's License, and in either of these circumstances is receiving instructions on Driver training as to the operation of a Tow Truck while a passenger.

- (i) operate or Permit to be operated a Tow Truck with a Gross Vehicle Weight Rating of less than 4,536 kg (10,00 lbs);
- (j) operate or Permit to be operated a Tow Truck without a Wrecker Body;
- (k) operate or Permit to be operated a Tow Truck without the Owner's Plate;
- (l) operate or Permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Owner's Plate; (177-10)
- (m) keep any Work Orders in the Tow Truck; (177-10)
- (n) provide any Work Orders to a Hirer; (177-10)
- (o) induce, pressure, suggest, recommend or in any way cause a Hirer to sign or agree to a Work Order or otherwise induce, pressure, suggest, recommend or in any way cause a Hirer to agree to any work to the Hirer's Vehicle, which work includes any repairs or maintenance. (177-10)

DRIVERS DUTIES

30. Every Licensed Driver shall:

- (1) drive the Tow Truck which is towing or otherwise conveying a Vehicle by the most direct route to the destination requested by the Hirer, and in the most expeditious manner, unless otherwise directed by the Hirer;
- (2) clean up any debris, fragments of glass, Vehicle parts or other materials (excluding loads dumped during the Collision) and which may be a danger to the public from any highway or roadway prior to towing the Vehicle from the Collision Scene;
- (3) be properly dressed, neat and clean in personal appearance;
- (4)
 - (a) retain all Permission to Tow a Vehicle Form for at least ninety (90) days from the tow date indicated on the Permission to Tow a Vehicle Form and make them available for inspection upon request by a Police Officer, the Licence Manager or an Inspector; and
 - (b) where the Hirer refuses to sign the Permission to Tow a Vehicle Form, the Driver must indicate such on the form and retain this form for at least ninety (90) days from the tow date indicated on the Permission to Tow a Vehicle Form and make it available for inspection upon request by a Police Officer, Licence Manager or an Inspector.

DRIVER PROHIBITION

31. No Licensed Driver shall:

- (1) commence to tow or otherwise convey or move any Vehicle, or hook, lift or connect the Vehicle to the Tow Truck, or perform any other services unless first requested so to do by a Hirer, or a peace officer or any member of a municipal fire department, or any Person authorized by law to direct the removal of the Vehicle from private or public property;
 - (a) where the request to tow a Vehicle outlined in Sub-Section (1) is from a Hirer, and where the tow is required as a result of a Motor Vehicle Collision, the Driver shall not commence to tow or otherwise convey or move any Vehicles, hook, lift or connect the Vehicle to the Tow Truck unless the Tow Truck Driver has a completed Permission to Tow a Vehicle Form and it has been dated and signed by the Hirer and he/she has provided a copy thereof to the Hirer;
 - (b) alter or provide any information on the Permission to Tow a Vehicle Form;
- (2) stop, or park within 200 metres (approximately 653 feet) of a Collision location but this does not apply where the Tow Truck Driver has been summoned to the location of the Collision by one of the Persons referred to in sub-section (1) or where there are fewer Tow Trucks at the Collision location than Vehicles apparently requiring the services of a Tow Truck;
- (3) ask or seek out a Hirer or allow or direct an agent to ask or seek out a Hirer, at a Collision location or within 200 metres (approximately 653 feet) of a Collision location, where the actions of the Driver or agent constitutes a Nuisance;
- (4) tow or otherwise convey or move any Vehicle which is to be towed outside the Municipal Boundary unless requested by the Owner or operator of the Vehicle or a peace officer or member of the municipal fire department;
- (5) drive or act as a Driver unless the Registered Owner or where applicable, the lessee, of the Tow Truck is licensed under this by-law; and
- (6) commence to Driver or act as a Driver for any Registered Owner or, where applicable, any lessee, without first providing the Licence Manager with a letter from that Person stating that the Owner or, where applicable, the lessee consents to the Driver operating their Licensed Tow Truck(s).

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OWNERS

TRAINEES-TRAINING INSTRUCTION

32. (1) Where a Person who is permitted to be a passenger pursuant to Subsection 29(2)(h)(iii) of this By-law is receiving instructions on driver training such passenger shall not be:
- (a) trained for more than one (1) thirty (30) day period commencing from the date the application for a Driver's License was submitted to the Licensing Section;
 - (b) permitted more than one (1) such thirty (30) day training session regardless of the number of applications from a Driver's License the applicant may have made to the Licensing Section;
 - (c) a Nuisance, hindrance or create a disturbance while in the process of receiving such training.

OWNER DUTIES

33. Every Licensed Owner shall:
- (1) immediately notify the Licence Manager in writing when he/she gives possession and control of the Tow Truck for which he/she is licensed under this By-law to another Person or Permits the use of said Tow Truck by another Person other than through a bona fide contract of hiring for a period greater than one day;
 - (2) charge a flat rate for Collision Towing as set out in Schedule 3;
 - (3) file with the Licence Manager a schedule of rates to be charged to Hirers for the towing or other conveyance of Vehicles and for other services offered or to be performed by him/her or his/her Driver for towing services other than Collision Towing;
 - (4) charge the rates, as set out in the schedule of rates filed with the Licence Manager for towing and services other than Collision Towing;
 - (5) keep in the Tow Truck and show to the Hirer a copy of a tariff card showing the Schedule 3 flat rate, the applicable schedule of rates filed with the Licence Manager in accordance with section 35 of this By-law, and also showing, if applicable that the Hirer may be charged additional fees for storage by the operator of any storage facility or business to which the Hirer's Vehicle is to be towed; (347-07)

- (6) in the carrying out his/her business use only stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication, which has printed therein in clearly legible figures and letters his/her name and address, and, if applicable, the name of any Tow Truck Broker offering the services of the said Tow Truck;
- (7) retain for a period of sixty (60) days copies of all advertising matter used by him/her and shall produce the same to the Licence Manager if and when requested;
- (8) have attached to or painted on both sides of the body of the Tow Truck in a location approved by the Licence Manager, in letters and figures not less than eight centimetres (approximately three inches) in height the name and telephone number of the business as shown on the Owner's Licence, and where the Owner owns more than one truck a number identifying each Tow Truck;
- (9) only use the service of a Tow Truck Driver who is licensed as a Driver under this by-law;
- (10) have affixed to the Tow Truck in a location approved by the Licence Manager the Owner's Plate issued for that Tow Truck;
- (11) notify forthwith the Licence Manager in writing of the particulars of such agreement or arrangement to transfer possession and control of a Tow Truck for which he/she has an Owner's Plate to another Person and where such agreement or arrangement is in writing shall file it with the Licence Manager;
- (12) give written notice of the sale or other disposition of a Tow Truck to the Licence Manager within seven (7) days of any such sale or disposition.

OWNER PROHIBITION

34. No Owner shall:

- (1) permit any Owner's Plate issued to him/her under this by-law to be affixed to any Tow Truck, other than the Tow Truck for which the Licence was issued under this By-law;
- (2) alter or amend the schedule of rates filed with the Licence Manager under Section 35 without first giving at least 30 days written notice to the Licence Manager

SCHEDULE OF RATES

35. (1) The schedule of rates filed with the Licence Manager for all types of towing, except for those set out in Schedule 3 shall be based only on the following factors or a combination thereof: (347-07)
- (a) Time:
 - (i) time required to perform services;
 - (ii) standby time;
 - (b) Distances:
 - (i) distance to travel to reach scene after hiring;
 - (ii) distance Vehicle is towed or conveyed;
 - (c) Additional Services:
 - (i) changing more than one wheel;
 - (ii) disconnecting drive shaft;
 - (iii) moving Vehicle to towing position;
 - (iv) opening locked Vehicles without keys;
 - (v) provision and use of Dolly;
 - (vi) other specified services where a fee is charged.
- (2) Where rates vary according to time of day or geographical zones or a combination of different factors, the exact formula for determining the rate shall be set out in the schedule of rates filed with the Licence Manager.
36. Notwithstanding the provisions of any other section of this By-law, where an estimate is given to the Hirer of the cost of services or equipment to be provided by a Tow Truck Owner or Driver, the charge to the Hirer shall not exceed the charges indicated in the schedule of rates filed with the Licence Manager under this By-law or the amount of the estimate, which ever is lower.
37. The provisions of Section 34 of this by-law do not prohibit the Owner of a Tow Truck from entering into a written agreement with a Tow Truck Broker, an automobile association, motor league, a government, government agency or local board thereof, or any limited Corporation, for the provision of towing services (hereinafter described in this section as a "towing contract") provided that:

- (1) the Tow Truck Owner provides a copy of all such towing contracts to the Licence Manager prior to supplying any services thereunder.

New and Replacement Vehicle Approval

38. An applicant for an Owner's Licence or an Owner licensed under this by-law who disposes of the Tow Truck or otherwise ceases to use his/her Tow Truck for the purpose permitted under this By-law, shall before using the newly acquired Tow Truck under this By-law:

- (1) attend at the Licensing Section and produce a copy of the current Motor Vehicle Permit in good standing issued by the Ministry of Transportation issued in the plate Owner's name, Owner's Licence, a copy of the current Motor Vehicle Liability Insurance Card endorsed to show the change of Vehicle;
- (2) if an applicant, submit the newly acquired Tow Truck for inspection and approval by the Licensing Section forthwith;
- (3) if a licensed Owner, submit the newly acquired Tow Truck for inspection by the Licensing Section within 24 hours of replacement;
- (4) produce and file with the Licensing Section either:
 - (i) an Ontario Ministry of Transportation Vehicle Inspection report showing that the Tow Truck has been accepted within the previous sixty (60) days, or
 - (ii) a Safety Standard Certificate issued under the *Highway Traffic Act* within sixty (60) days of this submission.
- (5) before using the newly acquired Tow Truck, and immediately after obtaining approval from the Licensing Section, file with the Licensing Section all documents required to report the change.

39. Notwithstanding the provisions of Sections 35, 36 and 37, the Collision Tow Rates as set out in Schedule 3 to the By-law shall be the rate charged for Vehicles being towed from the Collision Scene.

PENALTY

40. (1) Fine - for contravention

Every Person who contravenes any provision of this By-law, and every director or officer of a Corporation who concurs in such contravention by the Corporation, guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

- (2) Fine - for contravention - Corporation

Despite subsection (1) every Corporation which is convicted of an offence under the provisions of this By-law is liable to a fine not exceeding \$50,000.00.

SCHEDULES

41. All schedules referred to in this by-law and attached to this by-law shall be deemed to be a part of the by-law

SEVERABILITY

42. Notwithstanding that any section or sections of this By-law, or any part or parts thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent therefrom and enacted as such.

INTERPRETATION

43. The provisions of the *Interpretation Act* R.S.O. 1990, c.I.11, shall apply to this By-law as required.

REPEAL

44. By-law 638-93, as amended, is hereby repealed.

SHORT TITLE

45. This By-law may be known as the Tow Truck Licensing By-law.

ENACTED AND PASSED this 15th day of December, 2004

Signed By: Nando Iannicca, Acting Mayor Crystal Greer, City Clerk

**THE CORPORATION OF THE CITY OF MISSISSAUGA
TOW TRUCK LICENSING BY-LAW**

**Schedule 1 to By-law
Relating to Fees**

(amended by 402-09, 10-10)

1. <u>TYPE OF LICENCE</u>	<u>ORIGINAL</u>	<u>RENEWAL</u>
Tow Truck Driver's	\$ 142.00	\$ 138.00
Tow Truck Owner's	\$ 460.00	\$ 460.00
2. <u>OTHER FEES</u>		
Appeal Hearing Fee	\$ 369.00	
Driver's photo identification card replacement	\$ 12.00	
Photographs	\$ 22.00	
Replacement fee for loss of Driver's or Owner's Licence	\$ 12.00	
Replacement fee for lost Owner's Licence Sticker	\$ 6.00	
Replacement fee for lost Owner's Licence renewal Sticker	\$ 3.00	
Search of Ontario Driving Record	\$ 12.00	

***NOTE:** These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year, starting in 2010, by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12 month period ending on October 1 in the year immediately preceding the rate increase date. The fees as listed in this Schedule will be subject to Provincial Sales Tax (P.S.T), Goods and Service Tax (G.S.T) and/or Harmonized Sales Tax (H.S.T), where applicable.

THE CORPORATION OF THE CITY OF MISSISSAUGA TOW TRUCK LICENSING BY-LAW SCHEDULE 2

(amended by 210-09)

Permission to Tow a Vehicle



City of Mississauga
Enforcement Division
Mobile Licensing Unit
3235 Mavis Road
MISSISSAUGA ON L5C 1T7

The personal information on this form is collected under the authority of Section 150 of the Municipal Act, 2001 S.O. 2001, c.25 and City of Mississauga By-law 0621-2004, and will be used in connection with towing of vehicles from a collision scene. Questions about the collection of this personal information only should be directed to the City of Mississauga Enforcement Division, Manager of Mobile Licensing 905-895-6643, 3235 Mavis Road, Mississauga, Ontario, L5C 1T7.

In accordance with the Municipal By-laws, the owner/operator of the vehicle to be towed from the collision scene and the authorized Tow Truck Operator MUST BOTH SIGN THIS FORM before the commencement of the tow.

1. Completed by vehicle owner or driver

This permission is for towing only and is in no way approval to initiate repairs.

I, _____ have authorized the said named tow truck operator

to tow my vehicle bearing Provincial Permit number/ _____

to the location of _____

at the inclusive Collision Tow Rate (shown to me) as set out in the City of Mississauga Tow Truck By-law.

2. Completed by tow truck operator

Date _____

Operator's Name _____ Municipal Plate _____

Tow Company _____

Collision Location _____

3. Permission to tow the vehicle

Signature (Vehicle Owner/Agent) _____

Signature (Tow Truck Operator) _____

Date _____

Date _____

Form 2165 (Rev. 04/04) Distribution: WHITE: Tow Truck Operator; WHITE/CARD: Vehicle Owner (including survey)

Tow Rate

Vehicle Owner Survey

Your feedback is important to us. Your answers and comments will help us to serve you better in the future.

The towing industry in the Region of Peel thanks you for your participation with this survey.

Simply complete and detach this portion of the form and drop it into a mailbox ... postage paid.

Date of tow _____ Vehicle towed from _____

1) How would you rate the service of the tow truck operator? ☹ ☐ 1 ☐ 2 ☺ ☐ 3 ☐ 4 ☺ ☐ 5

2) Did the operator show you the Collision Tow Rate Sheet? ☐ Yes ☐ No

3) Did the operator explain your options to you? ☐ Yes ☐ No

4) Any additional comments?

Name (optional)

Daytime Telephone (optional)

**THE CORPORATION OF THE CITY OF MISSISSAUGA
TOW TRUCK LICENSING BY-LAW**

**SCHEDULE 3
TOW RATES**

(amended by 347-07, 428-08, 177-10, 179-10, 207-11)

General Rates

1. Every Owner and Driver of a Tow Truck shall charge no more than three dollars and ten cents (\$3.10) per kilometer (\$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.

Collision Tow Rates

- 1.1 Where a Hirer requests a Driver or Owner of a Tow Truck to tow his or her Motor Vehicle to a point beyond the municipal boundary of the City of Mississauga, the Driver or Owner of the Tow Truck shall charge no more than the mileage rate set out in Section 1 of this Schedule for the portion of the conveyance from the municipal boundary to the point requested by the Hirer beyond the municipal boundary.
2. 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.
- 2.2 Where a Vehicle is located off the traveled portion of the highway and must be winched to a towing position the Driver or Owner may charge a maximum fee of up to one hundred and three dollars (\$103.00) for the act of winching the vehicle to a towing position.
3. The fee described in Section 2 above shall not be charged or cause to be charged when the Vehicles are damaged as a result of:
 - (a) mechanical failure, or
 - (b) non moving Vehicle fires,

Unless in either case the damage to the Vehicle is considered to be a reportable incident to the Vehicle Owners insurance carrier.

4. Where section 3 of this Schedule applies, an Owner and Driver of a Tow Truck may only charge or cause to be charged a fee in accordance with the schedule of rates filed with the Licence Manager.

Re-tow rates from Vehicle Pound Facilities

5. 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.