



MINUTES

TOWING INDUSTRY ADVISORY COMMITTEE

MONDAY, OCTOBER 22, 2012 – 9:05 AM

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

Members Present: Councillor Ron Starr, Ward 6 (**Chair**)
John C. Lyons (Citizen Member) (**Vice Chair**) (arrived: 9:56am)
Councillor Nando Iannicca, Ward 7
Mark Bell (Citizen Member)
Daniel Ghanime (Citizen Member)
Todd Keely (Citizen Member)
Tullio (Tony) Pento (Citizen Member)
Daniel R. Wallace (Citizen Member)

Staff Present: Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Stephanie Smith, Legislative Coordinator, Office of the City Clerk

Stephanie Smith, Legislative Coordinator
Office of the City Clerk 905-615-3200 ext. 3795 Fax 905-615-4181
Stephanie.Smith@mississauga.ca

CALL TO ORDER – 9:05 a.m.

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST - Nil

PRESENTATIONS/DEPUTATIONS

Karen Spencer, Advisor addressed Towing Industry Advisory Committee (TIAC) regarding the current City Committee Structure Review that is currently undergoing. Ms. Spencer advised that the review is currently in the information gathering phase. The purpose of the structure review is to see how effectively committees meet their purpose and whether it aligns with the City's Strategic Plan. Key information gathering will come from an online survey that Council has already participated in but there will be a chance for all Citizen Members to participate and provide comments.

Recommendation

TIAC-0015-2012

That the deputation made by Karen Spencer, Advisor, City Manager's Office, with respect to the City Committees of Council Structure Review be received.

Received (M.Bell)

MATTERS CONSIDERED

1. Minutes of Previous Meeting

That the minutes of the Towing Industry Advisory Committee meeting held June 18, 2012 be approved as presented.

Approved (Councillor Iannicca)

2. Amendments to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Truck Drivers

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the matter of Amendments to the Tow Truck Licensing By-law 521-04, as amended, for the Licensing of Tow Truck Drivers. Mr. Bell outlined that the corporate report outlines that tow truck driver applicants, on initial application and each year on renewal, provide a clear current Criminal Record Search, possess a valid driver's license and provide a current driver abstract with three demerit points or less. Drivers would be given 2 years to obtain a criminal pardon and 2 years from the last charge for the demerit points system. The demerit point system would take place from the conviction date prior to the bylaw.

Daniel Wallace expressed concern that tow truck drivers could receive a traffic ticket for driving 20 over on their own personal time and that would result in losing their job. Mr. Wallace asked if any consideration losing demerit points during working mode versus personal driving would be considered. Mr. Bell responded by stating that we cannot leave the driving charge open for interpretation between working mode and personal driving. If a driver was charged and their license was revoked they have the right to bring their argument to the Tribunal Committee. Mr. Wallace stated that tow truck drivers should not be any more restricted than a Peel Regional Police officer or a Fire Fighter being charged.

Mickey Frost, Director, Enforcement addressed the Committee and stated that staff have reviewed the points system thoroughly and stated that minor accidents are 2 points or more and a significant accident are 4 or more points.

Todd Keely addressed TIAC and shared different types of accidents a driver may be charged with and the point penalty associated with them.

Councillor Starr enquired about that City policy in regards to employees having demerit points and their ability to do their job. Mr. Bell responded that it would need to be looked into but indicated when a City employee is initially hired a driver needs to supply a clean drivers abstract. Mr. Frost also commented that any new transit operators have to have a clean background and if charged with an offence after being hired by the City the consequence would depend on the type of charge.

Daniel Ghanime made reference to Metro where they follow a points system that includes various types of criminal and driving infractions.

Councillor Iannicca spoke to the Committee and stated that the report should be received for information and come back to a later TIAC meeting for further discussion and input. Councillor Starr agreed with Councillor Iannicca and asked the Committee to send any additional comments to either the Chair or to the Office of the City Clerk. He noted that the industry needs to be effectively regulated.

Recommendation

TIAC-0016-2012

That the Corporate Report prepared by Licensing and Enforcement staff with respect to amendments to the Tow Truck Licensing By-law 521-04, as amended, be referred back to Licensing and Enforcement staff for further review and brought back to a future Towing Industry Advisory Committee meeting.

Received (Councillor Iannicca)

3. Amendments to the Tow Truck Licensing By-law 521-04, as Amended, for Off-Road Winching and Accident Tow Rates

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the matter of off-road winching and accident tow rates. Mr. Bell indicated that they compared various municipalities and the City of Mississauga is the second highest in regards to the flat tow rate. In addition to off-road winching charges the fee is being charged to accidents where it is not necessarily applicable. It is recommended to remove the off-road winching fee of \$103.00 and raise the current flat tow rate to \$250.00.

Daniel Ghanime addressed the Towing Industry Advisory Committee (TIAC) expressed concern about the statement that the City is the 2nd highest in regards to the flat rate tow. Mr. Wallace indicated that a tow and a re-tow in Mississauga is approximately \$400.00 and anywhere else a tow and a re-tow is approximately \$700.00. This is due to the additional charges of dollies and other measures that need to be charged. Daryl Bell responded to Mr. Wallace and stated that the flat rate fee being referred to is cross boarder charges but this report is only dealing strictly with towing within the City of Mississauga.

Daniel Wallace addressed TIAC and stated that he is still surprised Halton Region is still not on the comparison chart. Mr. Wallace made note that the issue of winching did not come from TIAC members rather than the Committee looking for a flat rate.

Mark Bell outlined various fees at Halton Region. Mark Bell indicated that changing the flat rate tow to \$250.00 and only charging \$103.00 for a re-tow you are simply doing the same tow as the original tow just at a reduced price. He indicated that the industry has asked for a flat rate that covers everything and is easy for businesses and insurance companies to follow.

Councillor Starr stated that the report is focusing on the off-road winching. He reminded TIAC this issue was brought up at a previous meeting and members indicated only 1 in 10 tow require winching. Cross board towing is a separate issue and needs to be addressed at a separate meeting.

Daryl Bell addressed TIAC and noted that Halton Region is not included on the chart due to the fact that they did not supply staff with their rates.

George Clark, JP Towing, spoke to the matter and indicated that winching occurs approximately 1 in every 10 tows.

Joey Gagne, Abraham Towing, President addressed TIAC and compared Toronto's fees and indicated when winching is applied to accidents. He indicated that off road recovery requires a certain set of skills and feels insurance companies do not value the services provided by operators. He explained that there is a methodology to properly removing a vehicle from a property without creating damage to the property. Councillor Starr asked

how many off road tows are considered normal. Mr. Gagne responded that there are many variables to consider including the number of centre lanes and curbs but feels that the number is higher than 1 in 10 tows.

Al McConnell, East Gate Towing spoke to the matter and indicated that recoveries that occur on highways have not been considered in this report as well various seasonal weather conditions. He indicated that 7 in 10 tows require winching in the winter months. Mr. McConnell stated that in the end, insurance companies have the final say to whether or not the bills are going to be paid. He expressed that rates should be set at \$300.00.

Councillor Iannicca stated that uniformity needs to be brought to the industry and if the industry wants the off-road winching and collision tow rates to be looked at this matter should be referred back to staff for further review.

Councillor Starr suggested finalizing this matter today by supporting this report and a review could be completed and brought back to the Committee in the following months.

Daniel Ghanime indicated that winching and recovery is a separate issue and should be considered separately.

Barry Tompson, Peel Regional Towing, addressed TIAC and stated that off-road winching should be charged only if applicable and that an all-inclusive rate does not make sense.

Recommendation

TIAC-0017-2012

1. That Section 2 of Schedule 3 Tow Rates of the Tow Truck Licensing By-law 521-04, as amended, be revised to read 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 (6,000) pounds (2,721 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 fifty dollars (\$250), no more and no less, with no other additional charges other than the applicable federal and provincial taxes.
2. That Section 2.2 of Schedule 3 Tow Rates of the Tow Truck Licensing By-law 521-04, as amended, be deleted.

Received (Councillor Iannicca)

4. Vehicles Being Towed from Private Property

Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the matter of vehicles being towed from private property. He stated that complaints have been received and staff have investigated all incidents and have found a number of concerns. Letters have been sent out stating the by-laws to rectify the situation.

Mark Bell noted that City staff need to have clear direction when providing towing companies phone numbers for vehicles to be towed from private property. Daryl Bell responded by stating staff have clear direction following the letter being sent out.

Recommendation

TIAC-0018-2012

That the Correspondence from Daryl Bell, Manager Mobile Licensing Enforcement regarding vehicles being towed from private property be reviewed for information.

Received (Councillor Iannicca)

5. Compliance and Enforcement of Licensed Vehicle Pound Facilities

Daryl Bell, Manager, Mobile Licensing Enforcement provided a verbal update regarding compliance and enforcement of licensed vehicle pound facilities. He noted that staff have investigated all pound facilities within the City of Mississauga and all except for 4 are compliant. Staff are also directed to check pound facilities at various times to ensure they are compliant with being open 24/7.

Councillor Iannicca made reference to the City of Mississauga owning a pound facility and inquired if the time has come to have one and if the industry actually wants one. This issue should be addressed at a later meeting. Councillor Starr agreed with staff looking into a City owned pound facility.

6. Proof of Insurance Credentials

Daryl Bell, Manager, Mobile Licensing Enforcement provided a verbal update regarding proof of insurance credentials. Mr. Bell indicated that letters have been sent out to everyone in the licensing industry in Mississauga and noted that every company now has to submit an original copy of insurance documents. This is to be done for the future on renewal of the license.

7. Action List – Towing Industry Advisory Committee Meeting Held on June 18, 2012

Members of the Towing Industry Advisory Committee (TIAC) reviewed the action list.

Daniel Wallace inquired about the current status of the moratorium that has been placed on tow truck licenses. Daryl Bell responded that once the bylaw regarding the requirements for licensing a tow truck is approved the moratorium will be lifted.

Mark Bell inquired about the additional tow truck drivers that had their license suspended and want to know the conditions around the suspensions. Daryl Bell responded by stating the offences that occurred were related to activities while using their tow trucks and exceeded 7 demerit points. It was mentioned that once suspended, licenses are taken away on site and companies are notified of the suspension.

Adjournment 10:29a.m