



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Tow Truck Licensing

#### By-law 0521-2004

(Amended by 0347-2007, 0195-2008, 0428-2008, 0210-2009, 0402-2009, 0010-2010, 0177-2010, 0179-2010, 0207-2011, 0241-2011, 0054-2013, 0130-2013, 0011-2014, 0152-2014, 0163-2014, 0130-2015, 0156-2015, 0169-2015, 0257-2015, 0287-2015, 0087-2016, 0166-2016, 0039-2018, 0141-2018, 0211-2018, 0116-2019, 0305-2020, 0251-2021)

**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:

***“Administrative Fees”*** means any fees specified in the Licensing Administrative Penalty By-law and listed in Schedule “B” thereto; (0156-2015)

***“Administrative Penalty”*** means a monetary penalty as set out in Schedules “A” and “B” to the Licensing Administrative Penalty By-law for a contravention of a Designated By-law; (0156-2015)

***“Appeal Tribunal”*** means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law; (0195-2008)

***“Applicant”*** means a person applying for a new Licence or the renewal of a Licence under this By-law; (0305-2020)

***“City”*** means The Corporation of the City of Mississauga; (0156-2015)

***“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 Reporting Centre”*** means a collision reporting centre (as designated by Peel Regional Police or other police service in Ontario) that an Owner or operator of a Vehicle is directed to go to following a Collision to file an accident report. For greater certainty, a Collision Reporting Centre does not include a Collision Scene.

**"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;

**"Designated By-law"** means a by-law or provision of a by-law that is designated under the Licensing Administrative Penalty By-law or any other by-law, as a by-law or provision of a by-law to which the Licensing Administrative Penalty By-law applies; and (0156-2015)

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

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

**"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;

**"Licensee"** means a person licensed under this By-law to act as or be the Owner of a Tow Truck or to drive or act as the Driver of a Tow Truck; (0305-2020)

**"Licence Manager"** means the Manager of the Mobile Licensing and Enforcement Section of the City's Enforcement Division and includes his or her designates. (0195-2008)

**"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;

**"Licensing Administrative Penalty By-law"** means the City's Licensing Administrative Penalty By-law 0135-2014, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting those who have failed to comply with any part of a system of business licenses established by the City; (0156-2015)

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

**"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;

**"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;

**"Penalty Notice"** means a notice given to a Person pursuant to section 4 of the Licensing Administrative Penalty By-law; (0156-2015)

**"Permission to Tow a Vehicle Form"** means a form supplied to a Driver or Owner by the City which must be completed and signed by the Tow Truck Driver and the Hirer prior to a tow commencing in the City where such tow is requested by the Hirer; (0257-2015, 0087-2016)

**"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) which shall include a Wrecker Body; (0130-2015)

**"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;

**"Training Course"** means a training course provided by the Licensing Section which provides knowledge and training on a variety of issues including but not limited to by-law orientation, defensive driving and sensitivity training; (0287-2015)

**"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; (0347-2007)

**"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; (0177-2010)

**"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 with a winching and hoisting mechanism and maintained in a manner to ensure the safe lifting and conveying of a Vehicle to be towed; (0130-2015)

- (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; (0195-2008)
  - (b) issue Licences to and renew Licences for Persons who meet the requirements of this by-law; (0195-2008)
  - (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; (0195-2008)
  - (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; (0195-2008)

- (e) enforce the provisions of this by-law; (0195-2008)
  - (f) generally perform all the administrative functions conferred upon it by this by-law. (0195-2008)
  - (g) issue a conditional Licence for a term of not more than six (6) months, to be reviewed by the Licence Manager with the possibility of renewal, when an applicant has met all the requirements of Section 4 of this by-law and is awaiting decision from the Parole Board of Canada for a record suspension in accordance with Subsection 4(3)(d). (0130-2013)
  - (h) issue a conditional Licence for a term of not more than six (6) months, to be reviewed by the Licence Manager with the possibility of renewal, when an Applicant or Licensee does not comply with subsections 4(3)(c) and 10(10) of this By-law as a result of a conviction under the *Highway Traffic Act*, but the Applicant or Licensee provides the Licence Manager with a copy of a notice of appeal related to the disqualifying conviction with proof that it has been filed with the Ontario Court of Justice; (0305-2020)
  - (i) revoke a conditional Licence issued pursuant to subsection 2(1)(h) if the conviction under the *Highway Traffic Act* is sustained on appeal and the conviction remains on the driver's abstract. (0305-2020)
- (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 the applicable City User Fees and Charges By-law, the Licensing Section shall issue a replacement Owner's Plate as required. (0251-2021)

### **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) (a) No person shall be licensed under this by-law unless he/she: (0163-2014)
  - (i) has at least five years driving experience after completing the requirements of a full Ontario "G" driver's licence; (0141-2018)

- (ii) is 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
  - (iii) has a working knowledge of English.
- (b) Any Driver who does not meet the requirements as stated in subsection 4(1)(a) of this By-law on or before the date that subsection 4(1)(a) was enacted and passed shall be grandfathered, provided that they maintain a clear driver abstract until they have fulfilled the requirements of subsection 4(1)(a). (0163-2014)
- (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) has a current valid Class A, B, C, D, E, F and G Driver Licence issued by the Province of Ontario; (0130-2013)
  - (b) a criminal record search issued within the past sixty (60) days by the Peel Regional Police, or other police service in Ontario, which contains no convictions for five (5) years prior to the date of application or renewal. (0130-2013)
  - (c) a driver's abstract issued within the past sixty (60) days which contains not more than six (6) demerit points or any one *Ontario Highway Traffic Act* conviction with a value of four (4) or more demerit points or similar convictions from outside of the Province of Ontario. (0130-2013)
  - (d) he/she produces documentation proving a current application to the Parole Board of Canada for a record suspension in accordance with the *Criminal Records Act*, is actively being pursued. (0130-2013)
  - (e) he/she has his/her photograph taken by the Licensing Section. (0130-2013)
- (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;
  - (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.

**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 the applicable City User Fees and Charges 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; (0251-2021)

- (b) The balance of the fee prescribed in the applicable City User Fees and Charges 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 the City's User Fees and Charges By-law shall become due and payable prior to the issuance of the Licence; (0251-2021)
  - (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/renewal form shall include a requirement that the applicant provide at least the following information: (0130-2013)
- (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 this 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 (including a contravention under the Licensing Administrative Penalty By-law and the affirmation of a Penalty Notice); 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. (0156-2015)
  - (f) a Driver's History from the Ministry of Transportation at the applicant's expense. (0163-2014)
- (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. (0195-2008)
  - (2) Where the Licence Manager is of the opinion that: (0195-2008)
    - (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. (0195-2008)
  - (2) The written notice to be given under subsection (1) shall: (0195-2008)
    - (a) set out the grounds for the decision;
    - (b) give reasonable particulars of the grounds;
    - (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 the applicable City User Fees and Charges By-law (0251-2021)

- (3) Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final. (0195-2008)
  - (4) No Person shall re-apply with the Licence Manager to obtain or renew a Licence for a minimum of one year from the later of: (0152-2014)
    - (a) the date of the Licence Manager's decision to refuse to issue, renew or revoke a Licence; or
    - (b) where the decision of the Licence Manager is appealed, the date of the Appeal Tribunal's decision if the Appeal Tribunal upholds the decision to refuse to issue, renew or revoke 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:
- (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.

- (8.1) the applicant has failed to pay an Administrative Penalty imposed by the City arising from a contravention of a Designated By-law. (0156-2015)
- (9) An applicant with any criminal conviction which is more than five (5) years but less than ten (10) years from the date of application and appears in Schedule 4 will not be approved to be licensed. All convictions older than ten (10) years including any convictions for offences listed in Schedule 4 will be reviewed by the License Manager. (0211-2018)
- (10) Any driver's abstract which indicates more than six (6) demerit points or contains any one (1) conviction with a value of four (4) or more demerit points will not be approved to be licensed. (0130-2013)

### **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. (0195-2008)
  - (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. (0195-2008)
  - (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. (0195-2008)
  - (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. (0195-2008)

### **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. (0195-2008)
13. Section Repealed by by-law (0195-2008)
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.
- (3) Contrary to section 18(1), no new applications for Owner's Licences shall be approved by the Licence Manager. (0130-2013)

### **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 unrenovable, 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. (0195-2008)
- (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). (0195-2008)

### **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; (0347-2007, 0177-2010)
- (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; (0347-2007, 0177-2010)
- (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. (0177-2010)
- (9) accept payment (by way of a functioning device where applicable) for any services provided under this By-law using a payment method of the Hirer's choice including credit card, debit, cash or any other prescribed method of payment; and (0039-2018)

- (10) provide the Hirer (or his/her agent) with access to the Vehicle that is the subject of the tow services, in order to permit the removal of all property contained in the Vehicle, including money, valuables, documents and records, unless otherwise directed by a member of a police force; (0039-2018)

### **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; (0166-2016)
  - (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; (0347-2007)
  - (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; (0241-2011)
  - (h) permit a Person to be a passenger in a Tow Truck, except under the following circumstances; (0166-2016)
    - (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 (0166-2016)
    - (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); (0166-2016)
- (j) operate or permit to be operated a Tow Truck without a Wrecker Body; (0166-2016)
- (k) operate or permit to be operated a Tow Truck without the Owner's Plate; (0166-2016)
- (l) operate or permit to be operated a Tow Truck without the Licence Renewal Sticker attached to the Owner's Plate; (0177-2010, 0166-2016)
- (m) keep any Work Orders in the Tow Truck; (0177-2010)
- (n) provide any Work Orders to a Hirer; (0177-2010)
- (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. (0177-2010)
- (p) operate or permit to be operated a Tow Truck where the windshield or any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the Tow Truck when viewed from outside the Tow Truck except where the windshield or windows are tinted as per the original manufacturer specifications for the Motor Vehicle; (0166-2016)

### **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) At all times be neat and clean in personal appearance and properly dressed which must include but is not limited to: (0011-2014)

- (a) a blaze orange, a blaze yellow or a combination of both orange and yellow safety vest with two fluorescent stripes, five centimetres in length in the shape of an “X” on both the front and the back of the vest;
  - (b) patch green safety boots;
  - (c) pants with a silver reflective stripe down the side of both legs or a silver reflective band encircling each leg; and
  - (d) an identification badge showing the Driver’s first initial and last name.
- (4) (a) retain all signed 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 (0087-2016)
- (b) make available to the Licence Manager a copy of all signed Permission to Tow a Vehicle Form to the Licence Manager within thirty (30) days of the 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 at any time. (0087-2016)
- (5) take a minimum of four (4) photographs, digital or otherwise, of every Vehicle before commencing a tow and said photographs shall: (0287-2015)
- (a) capture all angles of the Vehicle include the front, back and sides of the Vehicle to identify all damage; and
  - (b) be kept by the Driver for a minimum of six (6) months which shall be made available to the Licence Manager upon request.
- (6) where the Hirer refuses to sign the Permission to Tow a Vehicle Form, indicate such on the form and comply with subsection 30(4) of this By-law. (0087-2016)

**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).
- (7) commence to tow or otherwise convey or move any Vehicle or perform any other services unless first disclosing to the Hirer any interest (either direct or indirect) that the Driver has in any location or facility to which a Vehicle may be towed for repair, storage, appraisal or similar purpose in accordance with any prescribed standards; (0039-2018)

### **OWNERS AND DRIVER TRAINING**

- 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.

- (2) Notwithstanding subsection 32(1), all Drivers shall: (0287-2015)
  - (a) complete the Training Course within ninety days of the Licence Manager issuing a new Licence or a renewal Licence to the Driver, and
  - (b) Re-take the Training Course once every five (5) years following the successful completion of the Training Course.
- (3) Notwithstanding the Training Course requirements in subsection 32(2), the Licence Manager may require a Driver at any time to complete the Training Course because of complaints received against the Driver, relevant convictions registered on the Driver's provincial driving record or if the Licence Manager is of the opinion that it would be in the public interest to require the Driver to complete the Training Course. (0287-2015)
- (4) The successful completion of the Training Course as described in subsections 32(2) and 32(3) require the Driver to obtain a mark of at least seventy-five (75%). The Driver will have three attempts to obtain the minimum mark of seventy-five (75%) and if after three attempts the Driver has failed to obtain the required mark, the Licence will be revoked and the Drive will not be eligible to re-apply for one (1) year. (0287-2015)

### **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; (0347-2007)
- (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, address, phone number and the name of any Tow Truck Broker (as approved by the Licence Manager) offering the services of said Tow Truck. (0257-2015)

- (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 close to the middle of the body panels or as near as possible and as approved by the Licence Manager, the name and telephone number of the business as shown on the Owner's Business Licence. The letters and figures for the name and telephone number shall be: (0054-2013, 0163-2014)
  - (a) of solid contrasting colour to the colour of the vehicle;
  - (b) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and
  - (c) a minimum of eight centimetres ( approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness.
- (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 rear window, on the driver's side, the Owner's Plate issued for that Tow Truck and have the municipal licence number painted or attached to both front fenders in letters and figures which shall be: (0054-2013, 0163-2014)
  - (a) of solid contrasting colour to the colour of the vehicle;
  - (b) a minimum of eight centimetres ( approximately three inches) in height and a minimum of two centimetres (approximately .78 inch) in thickness;
  - (c) of material which will be visible in low light conditions from a distance of 15 metres (approximately 50 feet); and
  - (d) include a designation with the letters "ML" as a precursor to the number.
- (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: (0347-2007)
    - (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, whichever 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 Ontario *Highway Traffic Act* within thirty-six (36) days of this submission. (0130-2013)
  - (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.

40.1 Every Person who contravenes any provision of this B-law, when given a Penalty Notice, is liable to pay to the City and Administrative Penalty in the amount specified in the City's Licensing Administrative Penalty By-law and shall be liable to pay to the City Administrative Fees pursuant to the City's Licensing Administrative Penalty By-law and shall follow the procedures for payment or review/appeal as outlined in the City's Licensing Administrative Penalty By-law. (0156-2015)

40.2 Notwithstanding section 40.1, every Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, including the fines set out in this By-law, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time. (0156-2015)

## **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 there from 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 15<sup>th</sup> day of December, 2004

Signed By Nando Iannicca, Acting Mayor and 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 0402-2009, 0010-2010, 0287-2015, 0251-2021)

**This Schedule has been deleted by By-law 0251-2021.**

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

**SCHEDULE 2**

(Amended by 0210-2009, 0257-2015)

**This Schedule has been deleted by By-law 0257-2015.**

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

**SCHEDULE 3  
TOW RATES**

(Amended by 0347-2007, 0428-2008, 0177-2010, 0179-2010, 0207-2011, 0054-2013, 0169-2015, 0287-2015, 0116-2019)

**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. (1) Every Owner and/or Driver of a Tow Truck who offers to tow or tows a Vehicle from a Collision Scene may charge a flat-rate towing fee up to a maximum of three hundred dollars (\$300.00) in addition to applicable taxes where it is towing a Vehicle not exceeding six thousand (6,000) pounds or 2721 kg in towing weight. (0169-2015, 0287-2015, 0116-2019)
- (2) Notwithstanding subsection 2(1) of this Schedule, every Owner and/or Driver of a Tow Truck who offers to tow or tows a Vehicle from a Collision Scene to a Collision Reporting Centre (at the direction of Peel Regional Police or other police service in Ontario) may charge a flat-rate towing fee up to a maximum of four hundred dollars (\$400.00) in addition to applicable taxes where it is towing a Vehicle not exceeding six thousand (6,000) pounds or 2721 kg in towing weight. (0116-2019)
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.



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

**SCHEDULE 4**

**Criminal Code Convictions Not Acceptable**

<b><u>Criminal Code Offences</u></b>	<b><u>Description</u></b>
Explosives	Using explosives; possession.
Terrorism	Providing or collecting property for certain activities; providing or making available property or services for terrorist purposes; using or possessing property for terrorist purposes; participation in activity of terrorist group; facilitating terrorist activity; instructing to carry out activity for terrorist group; instructing to carry out terrorist activity.
Firearms and weapons	Using firearms (including imitation) in commission of offence; careless use of firearm; pointing a firearm; possession of weapon for dangerous purposes; carrying weapon while attending public meeting; carrying concealed weapon; unauthorized possession of firearm; possession of firearm knowing its possession is unauthorized; possession at unauthorized place; unauthorized possession in motor vehicle; possession of prohibited or restricted firearm with ammunition; possession of weapon obtained by commission of offence; breaking and entering to steal firearm; robbery to steal firearm; weapons trafficking; possession for purpose of weapons trafficking; transfer without authority; making automatic firearm; discharging firearm with intent; causing bodily harm with intent — air gun or pistol.
Sexual offences against Minors	Sexual interference; invitation to sexual touching; sexual exploitation; sexual exploitation of person with disability; incest; making child pornography; parent or guardian procuring sexual activity; householder permitting sexual activity; corrupting children; luring a child; prostitution of person under eighteen.
Sexual offences against persons other than minors	Sexual exploitation of person with disability; incest; indecent acts; sexual assault.
Criminal Negligence	Causing death by criminal negligence; causing bodily harm by criminal negligence.
Murder	Murder; manslaughter; infanticide; attempt to commit murder; accessory to murder.

Operation of vehicles, vessels, or aircraft	Dangerous operation of motor vehicles, vessels and aircraft; flight; causing death by criminal negligence (street racing); causing bodily harm by criminal negligence (street racing); dangerous operation of motor vehicle while street racing; failure to stop at scene of accident; operation while impaired; operation while disqualified.	
Harassment and threats	Criminal harassment; uttering threats; intimidation.	
Assault	Assault; assaulting a peace officer.	
Confinement	Kidnapping; Trafficking in persons; Hostage taking; Abduction of person under sixteen; Abduction of person under fourteen; Abduction in contravention of custody order; Abduction.	
Theft over, forgery and fraud	Theft over; destroying documents of title; fraudulent concealment; theft and forgery of credit card; theft from mail; forgery; uttering forged document; drawing document without authority; fraud; using mails to defraud; arson for fraudulent purpose.	
Robbery and extortion	Robbery; extortion.	
Breaking and entering	Breaking and entering.	
Possession of property obtained by crime	Possession of property obtained by crime; possession of property obtained by excise offences.	
Arson	Arson.	
Counterfeit money	Making counterfeit money.	
Participation in criminal organization	Participation in criminal organization; Commission of offence for criminal organization; instructing commission of offence for criminal organization.	
Trafficking	Trafficking in a controlled substance	-Schedule I or II -Schedule III -Schedule IV
Importing and exporting	Importing and exporting of a controlled substance	-Schedule I or II -Schedule III -Schedule IV

Production

Production of a controlled substance -Schedule I or II (except marihuana)  
-Schedule III  
-Schedule IV