

Authority: Licensing and Standards Committee Item LS21.1, adopted as amended, by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

BY-LAW 1238-2017

To amend City of Toronto Municipal Code Chapter 545, Licensing to introduce new regulated tow rates and make other amendments to regulations governing tow truck owners and drivers.

Whereas section 8 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Schedule A, as amended, authorizes the Council of the City of Toronto to pass by-laws related to business licensing and the protection of persons and property, including consumer protection; and

Whereas City of Toronto Municipal Code Chapter 545, Licensing requires a licence of and regulates the businesses of tow truck owners and drivers, and public garages; and

Whereas Council wishes to amend the regulations governing tow truck owners and drivers to align them with the requirements of the amended *Consumer Protection Act, 2002*, to introduce new regulated towing rates, to require tow truck drivers to obtain written authorization from hirers prior to towing a vehicle, and to make other amendments; and

Whereas Council wishes to amend the regulations governing public garages to align them with the requirements of the amended *Consumer Protection Act, 2002*, to require public garages to file a schedule of rates to be charged to consumers for vehicle storage, to require public garages to obtain written authorization from consumers prior to charging for vehicle repair or storage services, and to make other amendments; and

Whereas Council wishes to restructure, consolidate, and simplify the regulations in Toronto Municipal Code Chapter 545, Licensing that govern tow truck owners and drivers in order to improve their readability;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 545, Licensing is amended by replacing Article VI, Owners and Drivers of Tow Trucks with Schedule A to this by-law.
2. City of Toronto Municipal Code Chapter 545, Licensing is amended as follows:
 - A. By deleting § 545-264 and replacing it with the following:

§ 545-264. Owner and operator to file schedule of storage rates.

 - A. Every owner or operator of a public garage that charges for the storage of a motor vehicle shall file a schedule of rates for such storage with the Municipal Licensing and Standards Division.
 - B. Every owner or operator of a public garage shall give a copy of the schedule of rates filed under this section to the owner of a motor vehicle stored at the public garage upon request.

- C. No owner or operator of a public garage shall change the schedule of rates filed under this section unless the owner or operator gives 15 days' written notice of such changes to the Municipal Licensing and Standards Division.
 - D. No owner or operator of a public garage shall demand, request or accept payment for the storage of a motor vehicle other than in accordance with the schedule of rates filed under this section.
- B. By adding the following sections:

§ 545-264.1. Owner and operator to obtain authorization for repair or storage.

Every owner or operator of a public garage that charges for vehicle repair or storage services shall obtain written authorization from the owner of the motor vehicle or a person authorized to act on behalf of the motor vehicle owner before providing or charging for such repair or storage services.

§ 545-264.2. Final bill when estimate of costs provided.

No owner or operator of a public garage that charges for vehicle repair or storage services shall, where an estimate of the cost of such services is given to a motor vehicle owner or person authorized to act on behalf of the motor vehicle owner, charge an amount more than 10 percent above the estimated cost.

§ 545-264.3. Owner and operator to allow access to personal property.

Every owner or operator of a public garage that provides vehicle repair or storage services shall allow the owner of a motor vehicle or a person authorized to act on behalf of the motor vehicle owner access to the vehicle during regular business hours for the purpose of removing any personal property it contains at no additional cost or fee.

3. This by-law shall come into force on the day it is enacted.

Enacted and passed on November 9, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

ARTICLE VI
Owners and Drivers of Tow Trucks

§ 545-67. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCIDENT TOWING FEE - The maximum fee for accident tows set by the Executive Director or designate, determined by adjusting the 2017 fee of \$250.00 to account for annual changes in the Consumer Price Index for the Toronto Census Metropolitan Area as reported by Statistics Canada in CANSIM Table 326-0021 or any successor table, plus applicable taxes.

DRIVER - A driver of a tow truck who is licensed or is required to be licensed under this chapter, including a tow truck owner who drives a tow truck he or she owns.

GROSS VEHICLE WEIGHT RATING (GVWR) - The maximum total vehicle rated capacity, as rated by the manufacturer specification stamp on the vehicle, which includes the weight of the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo.

HIRER - The owner of a towed vehicle or, in the absence of such owner:

- A. An agent of the owner of a towed vehicle, duly authorized by such owner to exercise control over the vehicle on the owner's behalf; or
- B. Any person having lawful custody or the legal right to possession of a towed vehicle.

MECHANIC - An inspecting mechanic at a motor vehicle inspection station.

OWNER - An owner of a tow truck who is licensed or required to be licensed under this chapter.

RECOVERY SERVICES - A service carried out to relocate or reposition a vehicle that involves the use of a winch or a specialized extraction device and that must be performed to prepare a vehicle for attachment or towing, but does not include the use of a hoisting device, a hook, a dolly, a flat bed, or other standard equipment used in the towing of a vehicle.

TORONTO POLICE SERVICE CONTRACT RATE - The fees to be charged for regulated tows from private property, including release on scene fees and storage fees, set by the Executive Director or designate, and determined in accordance with the rates specified in the Toronto Police Services Towing and Storage Contracts or any equivalent successor contracts or agreements, as most recently approved or amended by the Toronto Police Services Board.

TOW/TOWING - The tow, removal, or conveyance of a vehicle by a tow truck, and towing shall have a corresponding meaning.

TOWED VEHICLE - A vehicle:

- A. Towed by a tow truck; and
- B. In respect of which an agreement is made or intended to be made for the towing of such vehicle or the provision of related services, by the owner or driver of a tow truck.

TOW TRUCK BROKER - A person who, in pursuance of a trade, business or occupation, arranges for the provision to a hirer of the services of a tow truck not owned by such person.

§ 545-68. Separate owner's licence required for each tow truck.

Every owner shall take out a separate licence for each tow truck he or she owns.

§ 545-69. Application requirements for owner's licence.

Every person applying for a tow truck owner's licence shall:

- A. Attend the offices of the Municipal Licensing and Standards Division in person;
- B. Complete the prescribed forms and furnish to the Municipal Licensing and Standards Division such information as the Executive Director may direct; and
- C. Produce the Provincial motor vehicle permit issued with respect to the tow truck.

§ 545-70. Insurance requirements.

- A. Every person applying for a tow truck owner's licence under this chapter shall, before receiving such licence, take out a policy or policies of insurance from an insurer licensed under the *Insurance Act* endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of the cancellation or expiration of the policy or policies, and insuring each tow truck in at least the following amounts:
 - (1) In respect of any one accident, to the limit of at least \$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 of or damage to property;
 - (2) Insurance in the amount of at least \$100,000 against legal liability for damage to customers' vehicles while in the care, custody, or control of the applicant or licensee as the case may be, caused by collision, upset, fire, lightning, theft or attempted theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion, or flood;
 - (3) Cargo.
 - (a) Cargo liability insurance of at least \$50,000 to indemnify the licensee if found liable for direct physical loss or damage to vehicles and goods accepted by the licensee for towing caused by:

- [1] Fire, lightning, self-ignition, explosion.
 - [2] Flood.
 - [3] Cyclone, hurricane or tornado.
 - [4] Collision, i.e., accidental collision of the tow truck or towed vehicle with any other vehicle or object.
 - [5] Overturning of the tow truck or the towed vehicle, or jack-knifing of a vehicle or combination of vehicles.
 - [6] Collapse of bridges, docks or culverts.
 - [7] Theft of a vehicle or its parts or of goods left in the towed or conveyed vehicle.
- (b) It shall be permissible to exclude the insured's legal liability in respect of cargo arising from loss or damage:
- [1] To money, notes, securities, stamps, accounts, bills, deeds, evidence of debt, letters of credit, passports, documents, railroad or other tickets, valuable papers, original plans, original drawings and specifications, books of account (except for blank value), or similar valuables.
 - [2] To furs, jewels, jewellery, watches, pearls, precious and semi-precious stones, gold, silver, platinum or other similar valuables.
 - [3] To paintings, statuary, or other works of art and articles of virtue (except against absolute, total loss in specie).
 - [4] To live animals or birds, except from death or from injury rendering death immediately necessary in consequence of a peril listed in Subsections A(3)(a)[1] to [7].
 - [5] Caused by, or resulting from, delay, loss or use or loss of market or any other consequential or indirect loss of any kind, however caused.
 - [6] Caused by breakage of eggs.
 - [7] Caused by, or resulting from, strikers, locked-out workers or persons taking part in labour disturbance, riots, or civil commotion.
 - [8] Caused by war, invasion, act of a foreign enemy, hostilities, civil war, rebellion, revolution, insurrection or military power.

[9] Caused by, or resulting from, contamination by radioactive material.

- B. A certified copy of the applicable insurance policy or policies, or a certificate covering the same, shall be filed with the Municipal Licensing and Standards Division.

§ 545-71. Owners to ensure drivers are licensed.

No owner shall permit any person to use his or her tow truck to tow a vehicle unless that person holds a tow truck driver's licence under this chapter.

§ 545-72. Application requirements for driver's licence or driving endorsement.

- A. An owner who is an individual person and who has been granted a driving endorsement on his or her tow truck owner's licence may drive any tow truck the owner owns.
- B. Every applicant for a tow truck driver's licence or for a driving endorsement on his or her tow truck owner's licence shall:
- (1) Produce with the application a Provincial driver's licence of a class authorizing the owner to drive a tow truck; and
 - (2) Submit with the application three photographs of himself or herself, one to be attached to the licence and the others to be filed, and, upon application for renewal of any licence, shall submit new photographs if required to do so by the Municipal Licensing and Standards Division.

§ 545-73. Drivers to ensure owners are licensed; Drivers to maintain control of tow truck.

- A. No driver shall use a tow truck to tow a vehicle unless the owner of the tow truck holds a valid tow truck owner's licence in respect of the tow truck issued under this chapter.
- B. No driver, while having the care and control of a tow truck, shall permit any person to use it to tow a vehicle unless that person holds a tow truck driver's licence under this chapter.

§ 545-74. Driver's licence required; licence suspended if driver's licence suspended.

- A. Every driver shall have and maintain in good standing an Ontario driver's licence of a class authorizing the driver to drive a tow truck.
- B. If a person's Ontario driver's licence is suspended or revoked, the person's tow truck driver's licence or owner's driving endorsement shall be deemed suspended for the entirety of the period that the Ontario driver's licence is suspended or revoked.

§ 545-75. Owner's licence non-transferable.

No owner shall by an arrangement or agreement permit the use of his or her tow truck owner's licence or driving endorsement in respect of any tow truck he or she does not own.

§ 545-76. Presentation of identification and licence upon request.

Every driver and every owner carrying on the trade, business or occupation to which this article relates shall provide his or her name, residential address, business address, and their tow truck owner's or driver's licence, if one has been issued under this chapter, to the Municipal Licensing and Standards Division or any police officer upon request.

§ 545-77. Annual return to be filed.

On or before April 30 of each year, every limited company owning or having direct or indirect interest in a tow truck shall file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.

§ 545-78. Licences held by limited companies; transfer of shares and issuance of new shares; reporting requirements.

- A. Where a limited company holds any tow truck owner's licence, it shall immediately notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the company.
- B. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its tow truck owner's licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence shall be revoked or have conditions placed on it.
- C. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division determines that the controlling interest in a limited company holding a tow truck licence is sold, transferred or acquired, such licence shall be terminated immediately, and the Municipal Licensing and Standards Division may issue a new licence upon payment of the prescribed fees.
- D. Where the shares in a corporate owner are owned in whole or in part by any other limited company, such other company shall file with the Municipal Licensing and Standards Division, at the same time as the owner, an annual return as required by § 545-77 of this article, and if the return discloses that the shares in such other company are in turn owned in whole or in part by a third limited company, then such third limited company shall likewise file an annual return under § 545-77, and so on until the names of individual persons not being limited companies are shown and identified as the shareholders of any and all companies having an interest, direct or indirect, in any tow truck owner's licence.
- E. Every limited company that holds a tow truck owner's licence shall immediately notify the Municipal Licensing and Standards Division of all transfers of existing shares and of

the issue of all new shares of the capital stock of every company referred to in Subsection D.

§ 545-79. Information to be provided concerning vehicle storage yards.

- A. Every owner and driver who owns or has any interest, either directly or indirectly, in a pound, yard, shop, public garage, or any other type of premises used for the storage, impounding, repair, or servicing of motor vehicles, shall, before receiving a licence as an owner or driver, provide and file with the Municipal Licensing and Standards Division full information as to the location and size of such premises and its facilities, the kind and extent of his or her interest in the premises, and full particulars of any contract, arrangement, agreement, or understanding giving such interest.
- B. Where the owner of a tow truck resides, or has a head office or any other business office outside the City of Toronto, or owns or has an interest in any type of premises referred to in Subsection A located outside the City of Toronto, the owner shall notify the Municipal Licensing and Standards Division of the number and type of any licenses issued to him or her by any other municipality or licensing authority.

§ 545-80. Notice of changes in address.

- A. Every owner or driver licensed under this chapter shall give his or her new address to the Municipal Licensing and Standards Division within 48 hours of any change in address.
- B. A limited corporation licensed as a tow truck owner shall give the Municipal Licensing and Standards Division the new address of any person owning 50 percent or more of the outstanding issued shares in such corporation, within six days of any change in address.

§ 545-81. Notice of sale or disposal of tow truck; return of number plate.

Within six days of selling, replacing, or otherwise disposing of a tow truck he or she owns, an owner shall give written notice of the transaction to the Municipal Licensing and Standards Division and return any tow truck number plate issued in respect of that tow truck.

§ 545-82. Termination of owner's licence upon sale of tow truck.

No tow truck owner's licence shall be transferred but, subject to the provisions of this chapter, an owner may sell the tow truck and its equipment to any person, and upon such sale the owner's licence issued in respect of such tow truck shall be terminated, and the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser.

§ 545-83. Owner to maintain tow truck and equipment; notice to comply.

- A. Every owner shall keep his or her tow truck and its equipment clean and in good repair.
- B. If an owner receives a notice from the Municipal Licensing and Standards Division giving brief reasons why his or her tow truck or its equipment is not in a fit or proper

condition for use, the owner shall remedy the defects within the time prescribed in such notice.

§ 545-84. Equipment to be kept in tow trucks.

- A. Every owner shall provide and maintain on or in every tow truck owned by him or her the following equipment, which equipment shall be kept in good working order at all times:
- (1) A hoisting device of sufficient capacity to safely lift the vehicle to be towed, and a tow cradle, tow bar, or tow sling equipped and maintained to ensure the safe lifting and conveying of towed vehicles;
 - (2) One device for securing the steering wheel of a vehicle;
 - (3) At least one fire extinguisher of the following description: 1.25 kilogram dry chemical of a type capable of functioning at - 40 degrees Celsius;
 - (4) At least two safety chains having a minimum length of 2.7432 metres, each comprised of links of at least 7.9375 millimetres steel;
 - (5) An audible warning system connected to the tow truck's backup lamps that is automatically activated when the tow truck is in reverse gear;
 - (6) A lamp that produces intermittent flashes of amber light installed on the roof;
 - (7) A functioning digital camera or camera-enabled mobile phone; and
 - (8) A high-visibility, fluorescent safety vest for use by drivers.
- B. No owner shall permit his or her tow truck to be used for hire and no driver shall use a tow truck for hire unless it is fully equipped as required by this section.

§ 545-85. Identification of tow trucks; use of tow truck number plates.

- A. Every owner shall at all times have a valid and subsisting tow truck number plate issued by the Municipal Licensing and Standards Division for that tow truck prominently affixed to the rear portion on the outside of the tow truck in a clearly visible position.
- B. Every owner shall have on both sides of the body of his or her tow truck in a clearly visible position:
- (1) A sign showing the owner's name in letters and figures of not less than eight centimetres in height; and
 - (2) The number on the tow truck plate referred to in Subsection A painted in numbers at least 15 centimetres high in a contrasting colour to the sides of the tow truck.

- C. Every owner who permits a tow truck number plate supplied to him or her to be affixed to a tow truck other than in accordance with this article shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not the owner's licence should be revoked.

§ 545-86. Hoisting device to be kept lowered.

Every owner and driver shall keep the hoisting device required by § 545-84A(1) lowered at all times when the tow truck is in motion, unless it is towing a vehicle.

§ 545-87. Dolly affixed to tow truck not to obstruct view.

- A. Every owner shall ensure that any dolly affixed to his or her tow truck is affixed in a manner that does not obstruct the driver's view to the rear of the tow truck.
- B. No driver shall use any tow truck that is equipped with a dolly if such dolly is affixed in a manner that obstructs the view to the rear of the tow truck.

§ 545-88. Maintenance of tow truck and equipment.

No owner shall permit his or her tow truck to be driven or operated and no driver shall drive or operate a tow truck unless the tow truck and its equipment are:

- A. Clean as to its exterior;
- B. In good repair as to its exterior;
- C. Free from mechanical defects; and
- D. Equipped with a plate supplied by the Municipal Licensing and Standards Division securely affixed as required by § 545-85A.

§ 545-89. Inspection of tow truck and equipment by mechanic; failure to comply.

- A. Every owner shall submit his or her tow truck and its equipment for examination by a mechanic before being issued a corresponding owner's licence, and once a year afterward.
- B. Where there are reasonable grounds to believe that a tow truck or its equipment is mechanically or physically defective, the Municipal Licensing and Standards Division shall give written notice to the owner or driver requiring him or her to submit the tow truck for examination by a mechanic within 48 hours.
- C. Where there are reasonable and probable grounds to believe that a tow truck or its equipment is dangerous or unsafe, the Municipal Licensing and Standards Division may remove its tow truck number plate from the vehicle and shall require the owner or driver to submit the tow truck for examination by a mechanic immediately.

- D. An owner or driver who fails to submit a tow truck and its equipment for examination by a mechanic as required by this section is guilty of an offence.
- E. When a tow truck is examined by a mechanic who reports in writing that the tow truck or its equipment is mechanically defective, the owner shall not drive or operate the tow truck or permit it to be driven or operated until the mechanic certifies in writing that the reported physical or mechanical defects have been corrected.
- F. When a tow truck is examined by a mechanic who gives reasons in writing that the tow truck or its equipment is dangerous or unsafe, and until the mechanic certifies in writing that the tow truck and its equipment are no longer dangerous or unsafe:
 - (1) The Municipal Licensing and Standards Division shall immediately remove its tow truck number plate from the vehicle, and keep it in its custody; and
 - (2) The owner of the tow truck shall not permit the tow truck to be used.

§ 545-90. Suspension of licence if tow truck not examined.

Where a tow truck and its equipment are not produced for examination by a mechanic within the applicable period required by § 545-89, the Executive Director or designate may, notwithstanding anything else in this chapter, suspend the related tow truck owner's licence until the tow truck and its equipment have been examined and approved.

§ 545-91. Return of number plates.

Every tow truck number plate furnished by the Municipal Licensing and Standards Division shall be returned to the Municipal Licensing and Standards Division immediately upon demand.

§ 545-92. Owner to keep copy of licences and schedule of maximum rates in tow truck.

- A. Every owner shall, while his or her tow truck is operating as such, keep in the vehicle copies of any licences issued under this chapter in relation to the tow truck.
- B. Every owner shall keep in his or her tow truck a copy of the applicable schedule of maximum rates filed in accordance with § 545-110.

§ 545-93. Owner to provide run-sheets.

- A. Every owner shall provide run sheets made in duplicate, dated and numbered consecutively, and in a form approved by the Municipal Licensing and Standards Division to any driver in charge of his or her tow truck.
- B. Every owner shall keep the original copy of all run sheets referred to in Subsection A for at least one year after the services recorded in them are provided, and shall make them available for inspection by the Municipal Licensing and Standards Division, which shall be permitted to remove and retain such records for a reasonable time.

§ 545-94. Owner to display notice concerning recommendation of repair facilities.

- A. Every owner shall display in his or her tow truck a notice clearly visible to persons in the passenger seat of the tow truck displaying the words "The tow truck driver may not recommend a body shop or other vehicle repair facility – Municipal Code Chapter 545. Failure to comply may result in a hearing to determine whether the tow truck operator's licence should be suspended, revoked or have conditions placed on it."
- B. No owner shall permit the operation of his or her tow truck and no driver shall operate such tow truck unless the notice required by Subsection A is properly displayed.

§ 545-95. Daily records to be kept by owner.

Every owner shall keep a permanent daily record of work performed by the owner and his or her tow truck with the name and address of every hirer, a description of the vehicle towed including its Provincial vehicle permit number, the rate charged, and the total fee collected, and give the Municipal Licensing and Standards Division access to such records at all times.

§ 545-96. Requirements of advertising material; retention by owners.

- A. Every owner shall ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any advertisement in a newspaper, periodical, directory or other publication used by such owner in the course of such business, bear in clearly legible text the name, address, and Toronto licence number of such owner, and the name of any tow truck broker offering the services the owner's tow truck.
- B. Every owner shall retain copies of all matter used to advertise his or her tow truck for 60 days and shall produce it to the Municipal Licensing and Standards Division upon request.

§ 545-97. Owners to notify of agreements to transfer control of tow truck.

Every owner who, by any agreement or arrangement, gives to another person the right to control and possession of the tow truck he or she owns for a period of more than one normal driver's shift or permits the use of the said tow truck by any other person, other than through a bona fide contract of hiring, for a period longer than one day, shall immediately notify the Municipal Licensing and Standards Division in writing of the particulars of the agreement or arrangement and, where it is in writing, file it with the Municipal Licensing and Standards Division.

§ 545-98. Drivers to carry licence.

Every driver shall carry his or her tow truck driver's licence or driving endorsement all times while driving a tow truck and shall produce it for inspection when requested to do so by the Municipal Licensing and Standards Division, a police officer, or a by-law enforcement officer.

§ 545-99. Drivers to examine tow truck before and after each shift.

Every driver shall, before starting and after finishing each work shift, examine the tow truck he will use or has used for the shift, and every driver shall report any defects in the tow truck to its owner immediately upon becoming aware of them.

§ 545-100. Drivers to wear personal protective equipment.

Every driver shall wear personal protective equipment while performing services on any municipal road or highway.

§ 545-101. Driving in reverse.

No driver shall drive any tow truck in reverse gear unless:

- A. The audible warning system required by § 545-84A(5) is activated; and
- B. The flashing amber light required by § 545-84A(6) is activated.

§ 545-102. Drivers to fill out run-sheets.

Every driver shall, for every vehicle towed, record on the run sheet referred to in § 545-93 the name and address of the tow truck owner, the name of the hirer, the date, origin and destination of each trip or service to be performed, the permitted rate or fee under this article, and the towed vehicle's Provincial motor vehicle permit number.

§ 545-103. Drivers to use most direct route; prohibition of intermediate stops.

- A. Every driver shall tow a vehicle by the most direct route reasonably possible in the circumstances and in the most efficient manner, unless otherwise directed by the hirer.
- B. No driver shall make any intermediate stop when towing a vehicle to a collision reporting centre as directed by a police officer or to a destination specified by a hirer.

§ 545-104. Duties of owners and drivers upon being hired; solicitation of tow truck services.

- A. No driver shall tow any vehicle, or hook, lift, or connect the vehicle to a tow truck, or perform any related services, unless first requested so to do by one of the following:
 - (1) A hirer;
 - (2) Any peace officer, as defined in the Criminal Code of Canada;
 - (3) Any member of a municipal fire department;
 - (4) Any person authorized by law to direct the removal of the vehicle from municipal property; or

- (5) Subject to Subsection G, any person authorized by law to direct the removal of the vehicle from private property.
- B. Every owner or driver, upon being hired to tow a vehicle or to perform any services in respect of such vehicle, shall comply with all reasonable instructions from the hirer or other person requesting the owner's or driver's services, and, without limiting the generality of the foregoing, shall tow or convey the vehicle to the place designated by such person.
- C. No driver shall suggest or recommend to any hirer or other person requesting the driver's services that the vehicle be towed, driven or delivered to any particular salvage yard, body shop, storage yard, or any other public garage, building or place.
- D. No owner or driver shall solicit or permit any other person to solicit the hiring or use of the services of such driver or his or her tow truck, within 60 metres of the scene of an accident or any vehicle that appears to have been involved in an accident.
- E. For the purposes of Subsection D, "to solicit" includes to offer or make available in any way, or to communicate to any person the availability of, the services of a tow truck or the services of an owner or driver of a tow truck, and "solicit" has a corresponding meaning.
- F. Parking or stopping of tow trucks within 60 metres of scene of an accident.
- (1) Subject to Subsection F(2), no owner or driver shall stop a tow truck within 60 metres of the scene of an accident or a vehicle that appears to have been involved in an accident, for the purpose of receiving a request referred to in Subsection A.
- (2) Subsection F(1) shall not prohibit the stopping of any tow truck if, at the time of stopping, there are fewer tow trucks within the distance referred to in that subsection than the number of vehicles for which the services of a tow truck are required.
- (3) Subsection F(2) shall not prohibit the stopping of a tow truck summoned to the scene of an accident by one of the persons referred to in Subsection A.
- G. No driver shall commence to tow any vehicle from private property or hook, lift, or connect the vehicle to the tow truck, or perform any related services in relation to such vehicle without the consent of the owner of the vehicle, unless:
- (1) Subject to Subsection H, a penalty notice has been issued and served in accordance with Chapter 610, Penalties, Administration of;
- (2) A Toronto Police Services tow card has first been issued by the municipal law enforcement officer who issued the penalty notice, or by a police officer, police cadet or a municipal law enforcement officer employed by the Toronto Police Service;

- (3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsections 77, 78, and 80 of the *City of Toronto Act, 2006*, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws; and
 - (4) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsections 77, 78, and 80 of the *City of Toronto Act, 2006*, as amended.
- H. Subsection G(1) does not apply to vehicles that do not bear a number plate issued under the *Highway Traffic Act*, as amended.

§ 545-105. Removal of vehicles at scene of police investigation.

- A. No driver shall remove any vehicle from the scene or immediate vicinity of an accident in respect of which a report is required by law to be made to a police officer, until the report has been made and the investigating officer has completed the investigation, or has stated that the presence of such vehicle is no longer required for the investigation.
- B. Notwithstanding Subsection A, a driver may remove or relocate a vehicle for the purpose of preventing injury or damage to any person or property, or for the purpose of avoiding undue interference with traffic on a highway.

§ 545-106. Drivers to comply with directions of police officers at accidents.

Every driver who tows or conveys a vehicle from the scene or immediate vicinity of an accident shall comply with all lawful instructions or directions made by a police officer.

§ 545-107. Deposit of vehicles by drivers at collision reporting centre.

- A. Every driver who tows a vehicle to a collision reporting centre shall:
 - (1) Leave the vehicle in a designated area of the collision reporting centre;
 - (2) Secure the vehicle by ensuring all doors are locked, all windows are closed, and headlights, hazard lights, and interior lights have been turned off;
 - (3) Immediately return the vehicle's keys to the hirer or to the staff of the collision reporting centre if the hirer is not present;
 - (4) Present his or her valid tow truck owner's or driver's licence issued under this chapter to collision centre staff before receiving payment for towing the vehicle; and
 - (5) Upon satisfying the requirements of this section and receiving payment, immediately leave the premises of the collision reporting centre.

- B. No driver who tows a vehicle from the scene or immediate vicinity of an accident shall suggest or recommend to the hirer in any manner whatsoever that the vehicle be taken to any body shop or vehicle repair facility prior to being taken to a collision reporting centre.

§ 545-108. Additional operating requirements of owners and drivers.

- A. Every owner and driver shall take due care of all vehicle and property delivered or entrusted to him or her for towing or safekeeping.
- B. Every owner and driver shall, in carrying on the trade, business or occupation, be properly dressed and shall be civil and well behaved.
- C. Every owner and driver shall ensure that his or her tow truck is appropriately sized for the type of vehicle being towed.
- D. No owner or driver shall knowingly interfere in any way with the hiring or use of another owner's or driver's tow truck or services where a consumer has hired or indicated an intention to hire such tow truck, except where a police officer directs the towing of a vehicle by a specific owner or driver to assist in an investigation.
- E. No owner or driver shall induce any person to employ or hire a tow truck by knowingly misleading or deceiving such person as to the location or distance of any place, or by making any false representation to such person.

§ 545-109. Payment of drop-fees prohibited.

No owner or driver of a tow truck shall directly or indirectly pay or give to any owner or operator of a public garage, vehicle repair facility, or insurance company, or the agents or representatives thereof, any charge, gift, payment, commission or other consideration in respect of or in consideration for the towing or conveying of a motor vehicle by such owner or driver.

§ 545-110. Schedule of maximum rates to be filed and charged to hirers; rate changes.

- A. Every owner shall file with the Municipal Licensing and Standards Division a schedule of maximum rates to be charged to all hirers of a tow truck for the towing of vehicles and other services performed by any person in relation to such tow truck.
- B. No owner or driver shall demand, request, or be entitled to receive payment for services other than in conformity with the applicable schedule of maximum rates filed under Subsection A, except as provided by §§ 545-112, 113, 114 and 115.
- C. Every owner shall file an up-to-date schedule of maximum rates with the Municipal Licensing and Standards Division:
 - (1) When any changes are made to the schedule; and

- (2) Upon renewal of the owner's licence, even if no changes have been made to the schedule.
- D. Every owner and driver shall, upon request, provide a hirer or potential hirer a copy of the applicable schedule of maximum rates filed under Subsection A as required by this section.

§ 545-111. Basis for schedule of maximum rates.

- A. The schedule of maximum rates filed in accordance with § 545-110 shall specify only maximum rates that are based solely on one or more of the following factors:
 - (1) Time:
 - (a) Time required to reach scene after hiring;
 - (b) Time required to perform services; and
 - (c) Stand-by time.
 - (2) Distance:
 - (a) Distance to travel to reach scene after hiring; and
 - (b) Distance vehicle is towed or conveyed.
 - (3) Additional services provided:
 - (a) Changing more than one wheel;
 - (b) Disconnecting drive shaft;
 - (c) Moving vehicle to towing position;
 - (d) Opening locked vehicles without keys;
 - (e) Provision and use of dolly; and
 - (f) Other specified services, but not including recovery services.
- B. Where maximum rates vary according to time of day or geographical zones, the basis for such variance shall be clearly set out in the schedule of maximum rates.
- C. Where a combination of different factors or items may determine the maximum rate to be charged, the exact formula for determining the rate shall be set out in the schedule of maximum rates.

§ 545-112. Agreement for lower rates.

- A. Despite § 545-110, an owner may enter into a written agreement with a tow truck broker, automobile association, motor league, government or local board, or limited corporation for the provision of towing services at maximum rates lower than those contained in the schedule of maximum rates filed in accordance with § 545-110, provided that:
- (1) The agreement includes a schedule of maximum rates that is based on the same factors and is determined in the same manner as the schedule filed under § 545-110;
 - (2) A copy of the agreement, including the corresponding schedule of maximum rates, is filed with the Municipal Licensing and Standards Division at least 30 days before any services to which such contract or agreement applies are to be provided;
 - (3) At the time tow services are provided to a hirer under the agreement, the hirer is a party to the agreement or is a member or employee of such party;
 - (4) The provisions of § 545-110 relating to the filing and amending of schedules of rates shall apply to the schedule of maximum rates included with the agreement.
- B. No owner or driver to whom an agreement under this section applies shall demand or request payment for services provided under such agreement other than in accordance with the schedule of maximum rates included with such agreement.

§ 545-113. Towing of vehicles less than 6,000 kilograms from private property; maximum towing and storage fees.

- A. This section applies to the towing and storage of vehicles with a GVWR of 6,000 kilograms or less, parked or left standing on private property without the consent of the "property owner" or "occupant", as those terms are defined in Chapter 915, Parking on Private or Municipal Property.
- B. Where an owner or driver is hired to perform services to which this section applies:
- (1) No owner or driver shall charge or request a towing fee other than the applicable Toronto Police Service contract rate.
 - (2) Where a vehicle is released to its owner or driver after it has been attached to a tow truck but before it has been towed, no owner or driver shall charge or request a release fee other than the applicable Toronto Police Service contract rate; and
 - (3) No owner or driver shall charge, request, or permit any person to charge or request a vehicle storage fee other than the applicable Toronto Police Service contract rate.

- C. Except when a vehicle is released as described in Subsection B(2), an owner or driver hired to perform a service to which this section applies shall tow the vehicle to a premises or business in respect of which a licence has been issued under this chapter.

§ 545-114. Towing of vehicles less than 3,175 kilograms from accidents; maximum fees.

- A. This section applies to the towing of motor vehicles with a GVWR of 3,175 kilograms or less from the scene of a motor vehicle accident to a collision reporting centre or the first destination specified by a hirer but not any subsequent tow.
- B. No owner or driver shall charge or request a fee exceeding the accident towing fee for services to which this section applies and without restricting the generality of the foregoing no owner or driver shall charge or request any additional fees for or relating to:
- (1) Any clean-up of the scene of the accident;
 - (2) The use of any equipment in relation to the towing of the vehicle; and
 - (3) Any service incidental to the towing of the vehicle.
- C. Despite Subsection B, where a hirer specifies a final destination more than five kilometres outside city limits, an owner or driver may charge an additional fee for each kilometre of travel outside city limits of up to \$3.25 per kilometre, plus applicable taxes, but no owner or driver shall charge or request any other fee based on the distance a vehicle is towed.

§ 545-115. Additional charge for recovery services.

- A. Despite §§ 545-110, 112 and 114, an owner or driver may charge a hirer a fee of \$100.00, plus applicable taxes, for recovery services performed at the scene of an accident.
- B. Every driver shall take a minimum of two clear photographs that demonstrate the need for recovery services each time they are performed.
- C. Every owner shall promptly collect the photographs referred to in Subsection B from the drivers of his or her tow truck, retain them electronically for at least one year after the recovery services are performed, and make the photographs available for inspection by the Municipal Licensing and Standards Division upon request.

§ 545-116. Written authorization to tow required.

- A. Every driver shall obtain written authorization from a hirer, completed as prescribed by this section, before providing or charging the hirer for any towing services, except when providing services to which § 545-113 or Subsection E applies.
- B. The written authorization shall include the following:

- (1) The name and contact information of the towing company, if any;
 - (2) The tow truck driver's licence number as issued by the Municipal Licensing and Standards Division;
 - (3) The number of the tow truck plate attached to the tow truck as issued by the Municipal Licensing and Standards Division;
 - (4) The date and time the tow truck arrived on scene;
 - (5) The name and contact information of the hirer;
 - (6) The make, model, year, Vehicle Identification Number, and licence plate number of the vehicle to be towed;
 - (7) The location where the tow originated;
 - (8) The destination of the tow as directed by the hirer or, where applicable, a police officer;
 - (9) An itemized bill listing the services to be provided, the charge or estimated charge for each service, and the total cost of all such services,
 - (10) The name, badge number, and detachment of the police officer leading the accident investigation, where applicable;
 - (11) The signature of the hirer or, where applicable, the police officer leading the accident investigation;
 - (12) The signature of the tow truck driver; and
 - (13) Information about the roles, rights, and responsibilities of hirers, drivers, and collision reporting centres under applicable municipal and provincial laws, as determined by and in a format acceptable to the Municipal Licensing and Standards Division.
- C. The written authorization shall be made in duplicate and administered as follows:
- (1) Every driver shall provide one copy of the written authorization to the hirer or police officer at the time it is completed and shall retain a copy; and
 - (2) Every owner shall collect from drivers operating his or her tow truck all such written authorizations, retain them for at least one year after the date the towing services are provided, and make them available to the Municipal Licensing and Standards Division for inspection, upon request.
- D. No owner or driver shall make any change to the written authorization after it has been signed by the hirer.

- E. Every driver shall, where the final destination specified by a hirer is unable to accept the hirer's vehicle, contact the hirer and obtain the hirer's consent to tow the vehicle to an alternate destination.

§ 545-117. Final bill when estimate of costs provided.

No owner or driver shall, where an estimate is given to a hirer of the cost of towing or related services, charge the hirer an amount more than 10 percent above the estimated amount.

§ 545-118. No charge for lost time.

No owner or driver shall make any charge under this chapter for time lost through defects or inefficiency of the tow truck, or the incompetence of its owner or driver.

§ 545-119. Hirer access to personal property; no charge to be made.

Every owner and driver shall, during business hours, permit a hirer reasonable access to the hirer's vehicle to remove any personal property at no additional cost or fee.

§ 545-120. Credit and debit card payments to be accepted.

Every owner and driver shall accept payment for towing and related services by credit card, debit card and cash.

§ 545-121. Records may be retained electronically.

Any form, document, or other record required to be retained by an owner or driver under this article may be kept electronically, without the need to retain its original, so long as the electronic copy clearly reproduces the original in its entirety and without alteration to its contents.