

CITY OF TORONTO

Bill 909

BY-LAW -2023

To amend City of Toronto Municipal Code Chapter 545 to transition the licensing of towing and storage operators to the provincial government.

Whereas authority is given to Council by the *City of Toronto Act, 2006* to pass by-laws regarding business licensing and the protections of persons and property, including consumer protection, and to pass by-laws regulating the parking and removal of vehicles on land;

Whereas Council has adopted by-laws to licence and regulate the owners and drivers of tow trucks and public garages where vehicles are stored, and by-laws that regulate the parking and removal of vehicles from municipal and private property;

Whereas the Province of Ontario has recently passed the *Towing and Storage Safety Enforcement Act 2021*, which provides for provincial licensing and regulation of tow truck operators, tow truck drivers, and vehicle storage facilities that receive towed vehicles;

Whereas on January 1, 2024, the *City of Toronto Act, 2006* will be amended to prohibit the City from providing for a system of licences with respect to tow and vehicle storage operators;

Whereas Council wishes to amend Toronto Municipal Code, Chapters 150, 441, 545, and 915 to delete business licensing requirements that pertain to the owners and drivers of tow trucks, public garages that exclusively receive tows, and collision reporting centres, but to retain certain provisions that regulate the towing of vehicles from municipal and private property;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code, Chapter 915, is amended by:

A. Adding the following definition of “Public Garage” to § 915-1:

PUBLIC GARAGE – A building or place that receives or stores towed motor vehicles.

B. Moving the definitions of “Gross Vehicle Weight Rating (GWVR)”, “Hirer”, and “Toronto Police Services Contract Rate” from § 545-67 to § 915-1.

C. Adding a new section § 915-5.1, as follows:

§ 915-5.1. Towing of vehicles by tow truck operators.

No tow truck operator shall tow any vehicle from private property, connect the vehicle to a tow truck, or perform any services in relation to such vehicle without the consent of the vehicle owner, unless:

- A. A penalty notice has been issued and served in accordance with Chapter 610, Penalties, Administration of, except where the vehicle does not bear a number plate issued under the Highway Traffic Act, as amended;
 - B. A Toronto Police Services tow card has 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;
 - C. All pre-conditions to the removal of vehicles contained in any applicable by-law 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
 - D. Signs are posted at the property from which the vehicle is to be removed in accordance with any applicable by-law enacted pursuant to subsections 77, 78, and 80 of the City of Toronto Act, 2006, as amended.
- D.** Adding a new section § 915-6.1 as follows:
- § 915-6.1. Maximum towing and storage fees for vehicles less than 6,000 kilograms.
- Where a tow truck operator is hired to perform services related 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, no tow truck operator shall:
- A. Charge or request a towing fee other than the applicable Toronto Police Service contract rate.
 - B. Charge or request a fee for the release of a vehicle before it is towed other than the applicable Toronto Police Service contract rate; and
 - C. Charge, request, or permit any person to charge or request a vehicle storage fee other than the applicable Toronto Police Service contract rate.
- E.** Renumbering the existing Article IV, Offences and Penalties, as Article V.
- F.** Renumbering § 915-7 as § 915-10.
- G.** Creating a new Article IV, Storage of Towed Vehicles, with the following provisions:
- § 915-7. Conditions precedent to receiving vehicles towed from private property.

No operator of a public garage shall store, park, or receive at their public garage any vehicle towed from private property without the consent of the vehicle owner unless:

- A. The vehicle bears a penalty notice issued in accordance with Chapter 610, Penalties, Administration of, except where the vehicle does not bear a number plate issued under the Highway Traffic Act, as amended;
- B. A Toronto Police Services tow card issued by the municipal law enforcement officer who issued the penalty notice, or by a police officer, police cadet, or municipal law enforcement officer employed by the Toronto Police Service, is provided to operator of the public garage at the time the vehicle is first received at their public garage; and
- C. A sign approved by the Executive Director, bearing letters and numbers not less than 7.5 centimetres in height, and bearing a representation of a penalty notice and a Toronto Police Service tow card, has been posted at the said public garage in a clearly visible location, stating:
 - (1) The name, address, telephone number, and hours of operation of the public garage;
 - (2) A twenty-four-hour phone number for the operator of the public garage by which persons may receive an immediate response to complaints in respect of the public garage;
 - (3) All fees that may be charged or received by the said public garage in relation to stored vehicles; and
 - (4) That the public garage has no lien on the vehicle arising from the towing or storage of the vehicle unless a Toronto Police Service tow card has first been issued in relation to the vehicle.

§ 915-8. Garage operator to notify Parking Enforcement Unit upon receipt of vehicle.

Every operator of a public garage that stores, parks, or receives at their public garage a vehicle towed from private property without the consent of the vehicle owner shall, immediately upon receipt of such vehicle, forward the Toronto Police Service tow card issued in relation to the vehicle, or the information it contains, to the Toronto Police Service Parking Enforcement Unit by facsimile or such other method or form of transmission approved by the Parking Enforcement Unit.

§ 915-9. Conditions precedent to garage operator charging vehicle owner.

No operator of a public garage shall demand any payment for services provided in relation to a vehicle that has been towed from private property without the consent of vehicle owner unless:

- A. Section § 915-7 has been complied with;
 - B. The Toronto Police Services tow card issued in relation to the vehicle is first provided to the vehicle owner; and
 - C. The vehicle owner has been provided with a statement, in a form approved by the Executive Director, containing the information set out in the sign referred to in § 915-7.
2. City of Toronto Municipal Code, Chapter 545, is amended by:
- A. Deleting the definition of “tow truck” found in § 545-1.
 - B. Deleting § 545-2(47).
 - C. Deleting Article VI, Owners and Drivers of Tow Trucks, and all its provisions.
 - D. Deleting the words “and a collision reporting centre” from the definition of “public garage” found in § 545-1.
 - E. Deleting § 545-263G.
 - F. Deleting § 545-273.
 - G. Deleting Appendix E, Accredited Vehicle Repair Facilities Standards and Specifications.
3. City of Toronto Municipal Code, Chapter 441, Appendix C – Schedule 12, is amended by deleting lines 39, 241, 242, 383, and 384.
4. City of Toronto Municipal Code, Chapter 150, is amended by deleting § 150-12.
5. This by-law shall come into force on January 1, 2024.

Enacted and passed on October , 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)