

City of Toronto Act, 2006 Public Notice

Municipal Licensing and Standards is proposing that the Council of the City of Toronto adopt amendments to Chapter 545, Licensing, Article VI, Owners and Drivers of Tow Trucks, and Article XXII, Public Garages.

At its meeting to be held in Committee Room 1 in Toronto City Hall on September 18, 2017 at 9:30 a.m., or as soon as possible thereafter, Licensing and Standards Committee of Toronto City Council will hear in person or by his or her counsel, agent or solicitor, any person who wishes to speak to the matter.

The proposed amendments are subject to the decision of Licensing and Standards Committee and the decision of Toronto City Council. Consequently, the proposed amendments may be modified. Additional or other amendments to the above-noted by-laws, including amendments not contemplated or considered in the proposal by Municipal Licensing and Standards, may occur as a result of the decisions of Licensing and Standards Committee and Toronto City Council.

It is proposed that the by-laws be amended at the Council meeting to be held on October 2, 2017 or at a subsequent meeting.

Municipal Licensing and Standards is proposing that the Council of the City of Toronto:

1. Approve amendments to Toronto Municipal Code, Chapter 545, Licensing, Article VI, Owners and Drivers of Tow Trucks, and Article XXII, Public Garages, as follows:

Tow Truck Owners and Drivers

Towing Rates

Private Property Towing Rate

1. City Council increase the private property towing rate from \$88 to \$108 (plus applicable taxes), inclusive of all services that may be performed in relation to the tow.

Accident Towing Rate

2. City Council remove differentiated towing rates for the towing of vehicles from City streets (currently \$166) and from highways (currently \$188), and set a harmonized accident towing rate of \$250 (plus applicable taxes), inclusive of all services that may be performed in relation to the tow, with the exception of any additional fees for recovery services and mileage, where required.
3. City Council direct that the private property and accident towing rates shall automatically increase, annually, based on the Consumer Price Index for the Toronto Census Metropolitan Area.

Recovery Services

4. City Council permit tow truck owners and drivers to charge a fee of \$100 (plus applicable taxes) should the performance of recovery services be required when towing a vehicle from an accident scene on a City street or highway.
5. City Council direct that tow truck owners and drivers be required to take a minimum of two clear photographs to justify charging for recovery services.
6. City Council add a definition of "recovery services" to mean: "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."
7. City Council delete the section that permits tow truck owners to charge and include a fee on their schedule of rates (which must be filed with Municipal Licensing and Standards) for the uprighting of an overturned vehicle and winching, as these services are included in the City's proposed regulated rate for recovery services.

Second Tow from a Collision Reporting Centre

8. City Council delete the current restriction on re-tows and permit tow truck owners and drivers to charge a fee for towing a vehicle from a collision reporting centre to a destination as directed by a consumer, provided that the fee is agreed upon in advance by the consumer.

Mileage

9. City Council permit tow truck owners and drivers to charge a fee of \$3.25 per kilometer (plus applicable taxes), for each kilometre of travel beyond 5 km outside the City, when directed by a consumer to tow his or her vehicle from an accident scene to a final destination more than 5 km outside City limits.

Schedule of Rates

10. City Council direct that the schedule of rates that tow truck owners must file with Municipal Licensing and Standards, list maximum charges for specific towing and storage services, rather than listing ranges containing a minimum and maximum charge, and that towing rates set by the City of Toronto need not be filed.
11. City Council direct that tow truck owners be required to file a current and up-to-date schedule of rates with Municipal Licensing and Standards, when any changes occur or upon licence renewal.

Vehicle Weight

12. City Council add a definition of "Manufacturer's Gross Vehicle Weight Rating (GVWR)" to mean: "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."

13. City Council increase the regulated vehicle weight to which regulated towing rates apply from 6,000 lb to 3,175 kg (7,000 lb), to ensure that the majority of passenger vehicles are subject to regulated rates for private property and accident towing.
14. City Council amend all weights specified in the bylaw, from imperial units to metric units.

Written Authorization

15. City Council direct that:
 - a. tow truck owners and drivers receive written authorization from a consumer or someone acting on the consumer's behalf before providing or charging for towing and storage services; which authorization must include:
 - i. information explaining the roles, rights and responsibilities of the tow truck owner/driver and the consumer;
 - ii. the date/time the tow truck arrived on scene;
 - iii. the origin/location of the tow;
 - iv. the final destination of the tow as directed by the consumer (or where applicable, a police officer);
 - v. the name and contact information of the towing company;
 - vi. the tow truck operator's ML&S tow truck driver licence number and ML&S tow truck number plate;
 - vii. information of the vehicle being towed (make, model, year, VIN #, licence plate)
 - viii. the name and contact information of the consumer;
 - ix. the name, badge number, and detachment of the police officer leading the accident investigation (where applicable);
 - x. an itemized bill listing services provided, the cost for each service and the total cost charges (and any estimated charges);
 - xi. the signature of the consumer (or the police officer in charge of the accident investigation) giving consent to perform the listed towing services; and
 - xii. the signature of the tow truck owner or driver.
 - b. the written authorization be completed in duplicate, with one copy provided to the consumer and the other copy retained by the tow truck owner;
 - c. tow truck owners and drivers be prohibited from altering any information on the written authorization, once the tow truck owner or driver and consumer have agreed upon and signed-off on the written authorization; and
 - d. in the event that the agreed upon final destination is not able to accept a consumer's vehicle, that the tow truck owner or driver obtain authorization from the consumer (or someone acting on the consumer's behalf) for an alternate destination.

Deviation in Final Bill of Services

16. City Council prohibit tow truck owners and drivers from charging an amount more than 10% above the estimated amount authorized by a consumer, to align with provincial amendments to the Consumer Protection Act, and delete the current provision which prohibits tow truck owners and drivers from charging an amount that exceeds the amount

indicated in their filed schedule of rates, or, the original estimate amount plus 15% (whichever is less).

Payment Methods

17. City Council direct that tow truck owners and drivers accept credit card payments, in addition to cash.

Stops during Towing Service

18. City Council direct that tow truck owners and drivers be prohibited from making any intermediate stops when towing a vehicle to a collision reporting centre or specified location, as directed by a consumer or a police officer.

Consumer Access to Personal Property in Vehicle

19. City Council direct that tow truck owners and drivers be required to permit a consumer access to his or her vehicle to remove personal property, at no additional cost or fee.

Procedure for Dropping a Vehicle at a Collision Reporting Centre

20. City Council direct that tow truck owners and drivers dropping or depositing a vehicle at a collision reporting centre, be required to:

- i. park the vehicle in the designated area of the collision reporting centre;
- ii. secure the vehicle (e.g., doors are locked, windows closed, lights and hazards are off, etc., as applicable);
- iii. immediately return the vehicle's keys to the consumer or to collision reporting centre staff if the consumer is not present;
- iv. present proof of a valid ML&S tow truck owner or driver licence to collision reporting centre staff, in order to receive payment for depositing/dropping a vehicle; and
- v. collect payment and exit the premises as soon as the vehicle has been deposited/dropped according to the above requirements.

Tow Truck Vehicle Weight

21. City Council direct that all tow trucks have a minimum Gross Vehicle Weight Rating (GVWR) of 4,536 kg and be registered with the Ministry of Transportation for their weight rating.

Tow Truck Equipment

22. City Council direct that tow truck owners be required to maintain the following equipment in every tow truck owned by him or her:

- i. a functional digital camera or a mobile phone with functional camera (for use in justifying the performance of recovery services); and
- ii. a high visibility florescent safety vest, to be used/worn by tow truck owners and drivers when working on a City street or highway.

Record Keeping

23. City Council direct that tow truck owners be permitted to keep records electronically or in hard copy.

Drop-Fees

24. City Council delete restrictions that prohibit an owner or driver of a tow truck or a tow truck broker to demand and/or receive a payment of a drop fee or commission in return for towing a vehicle to a particular place, to align with provincial amendments to the Consumer Protection Act.

Other Amendments

Tow Truck Vehicle Inspections

25. City Council authorize Municipal Licensing and Standards to suspend a tow truck owner's licence for failing to have their tow truck examined by a designated mechanic, or, when a mechanical inspection certificate is not provided.

Use of Hoisting Devices

26. City Council direct that tow truck owners and drivers be required to ensure that hoisting devices are lowered at all times when a tow truck is in motion, except when a vehicle is being towed.

Referral of Billing Disputes to Police

27. City Council delete the section that directs tow truck owners and drivers to refer disputes with consumers related to amounts and rates to be paid to the Police.

Stylistic Amendments

28. City Council approve amendments to Toronto Municipal Code Chapter 545, Licensing, Article VI, Owners and Drivers of Tow Trucks, to reflect the recommendations and authorize the City Solicitor and Executive Director, Municipal Licensing and Standards, to re-structure, consolidate and simplify all existing requirements to improve the readability of the Bylaw.

Public Garages

Schedule of Rates

29. City Council direct that all vehicle storage providers be required to file a schedule of rates containing their charge(s) or fee(s) for storage; with requirements consistent with the schedule of rates required to be filed by vehicle repair facilities and collision reporting centres.

Written Authorization

30. City Council direct that all vehicle repair and storage providers be required to receive written authorization from a consumer or someone acting on the consumer's behalf before providing or charging for repair and storage services.

Consumer Access to Personal Property in Vehicle

31. City Council direct that vehicle repair facilities and storage providers be required to permit a consumer access to his or her vehicle to remove personal property, at no additional cost or fee, if access is requested during regular business hours.

Deviation in Final Bill of Services

32. City Council direct that vehicle repair and storage providers be prohibited from charging an amount more than 10% above the estimated payment amount authorized by a consumer, to align with provincial amendments to the Consumer Protection Act.

Drop-Fees

33. City Council delete the restriction that prohibits the operator of a public garage from paying a tow truck owner, driver or broker a drop fee or commission for towing a vehicle to their public garage or any other particular place, to align with provincial amendments to the Consumer Protection Act.

Technical/ Stylistic Amendments

34. City Council approve amendments to Toronto Municipal Code Chapter 545, Licensing, Article XXII, Public Garages, to reflect the recommendations, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards.

Review of Collision Reporting Centres

35. City Council direct the Executive Director, Municipal Licensing and Standards to undertake a review of the City's collision reporting centres to ensure consumer protection, in consultation with the Toronto Police Service, and report back on any further recommendations to the Licensing and Standards Committee.

Implementation

36. City Council direct that the changes to Toronto Municipal Code Chapter 545, Licensing, Article XXII, Tow Trucks and Public Garages, come into force on November 1, 2017.

To view copies of the report outlining and explaining the proposed amendments you may view the Licensing and Standards Committee agenda at:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1037#Meeting-2017.LS21>

current as of September 11, 2017. To obtain copies of the report at no cost, or to submit comments or make a deputation to Licensing and Standards Committee, please contact the following City official no later than 12:00 p.m. on September 15, 2017:

Licensing and Standards Committee
City Clerk's Office
Toronto City Hall, 100 Queen Street West

10th Floor, West Tower, Toronto, Ontario, M5H 2N2
Telephone: 416-397-4592
Fax: 416-392-1879
Email: lsc@toronto.ca

To ask questions regarding the content of the report, respecting the above items, contact:

Carleton Grant
Director, Policy and Strategic Support
Municipal Licensing and Standards
Toronto City Hall, 100 Queen Street West
16th Floor, West Tower, Toronto, Ontario, M5H 2N2
Telephone: 416-338-5576
Email: Carleton.Grant@toronto.ca

Any comments received after the Committee meeting will be processed to Council.

If this matter is deferred at the Committee meeting or Council meeting or considered at a subsequent Committee or Council meeting, no additional notice will be provided other than the information on the subsequent Committee or Council agenda. Please contact the above City officials if you require notice in these cases.

ADDITIONAL INFORMATION:

Personal information (written and oral submissions) received by the City of Toronto is collected under the authority of the *City of Toronto Act, 2006* and will be used to process the proposal, and may become part of a public record. Questions about the collection of this information may be directed to Julie Lavertu, City Clerk's Office, Toronto City Hall, 100 Queen Street West, 10th Floor, West Tower, Toronto, ON M5H 2N2, Telephone: 416-397-4592, Fax: 416-392-1879, Email: lsc@toronto.ca

This Notice is dated this 11th day of September, 2017.

Ulli S. Watkiss
City Clerk