

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Towing and Vehicle Storage – Transition to Provincial Oversight (MTO) and
Associated By-Law Amendments

Date: October 24, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken:

- (a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on November 7, 2023, to amend Schedules by **deleting** ‘19’, ‘19A’, ‘19B’ and ‘20’ in By-law No. L.-131-16, being the Business Licensing By-law; and
- (b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on November 7, 2023, to amend Schedule “A-5” by **deleting** items “134” through to “154” in By-law No. A-54, being the Administrative Monetary Penalty System (AMPs) By-law.

Summary

As a result of the recent passing of the *Towing and Storage Safety and Enforcement Act* (TSSEA) on January 1, 2024, oversight of towing and vehicle storage businesses will fall under Provincial jurisdiction. The TSSEA requires tow operators, tow truck drivers, and vehicle storage operators across Ontario to obtain a Provincial certificate to operate. The purpose of this report is to remove all references to these types of businesses in the Business Licensing and Administrative Monetary Penalty System (AMPs) By-laws. Civic Administration advised Council of this new legislation in February 2023.

Background Information

1.1 Previous Reports Related to this Matter

- Community & Protective Services Committee: September 10, 2019; December 3, 2019; October 6, 2020; March 2, 2021; February 22, 2023.

1.2 Strategic Plan

The 2023-2027 Strategic Plan provides direction to improve emergency services, and in particular motor vehicle collision response. This amendment is consistent with the Strategic Plan.

1.3 The Towing and Storage Safety and Enforcement Act (TSSEA)

The Provincial oversight under the TSSEA is intended to replace all municipal licensing regulations for tow operators, drivers, and storage yards. The TSSEA requires that all tow trucks obtain a Commercial Vehicle Operator's Registration certificate (CVOR). Operators must also monitor the safety performance of their drivers, their hours of service and renew their CVOR accordingly. The province has been clear in numerous consultations that enforcement of the TSSEA will be undertaken by Provincial Officers.

In January 2024, the Provincial 'online portal' will be available to municipalities to share information such as public complaints regarding towing services. This will assist in identifying problematic operators that may result in additional sanctions or conditions as directed by the Ministry of Transportation's Director of Towing and Vehicle Storage Standards.

3.0 Conclusion

The purpose of this report is to amend the relevant by-laws to accommodate the transition of the towing and storage industry from municipalities to the province with an implementation date of January 1, 2024.

Prepared by: Mark Hefferton, MURP, RPP, MCIP
Development Policy Coordinator, Municipal Compliance

Submitted by: Nicole Musicco
Manager, Policy & Special Operations
Municipal Compliance

**Reviewed and
Concurred by:** Orest Katolyk, MLEO (C)
Director, Municipal Compliance

Recommended by: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic
Development

Appendix "A"

Bill No. _____
2023

By-law No. - _____

A by-law to amend By-law No. L.-131-16, entitled "a By-law to provide for the Licensing and Regulation of Various Businesses".

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council on December 12, 2017, passed By-law No. L.-131-16 "A by-law to provide for the licensing and regulation of various business;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. That Schedule '19' – Unsolicited Motor Vehicle Towing and Storage of By-law No. L.-131-16 be amended be DELETED in its entirety.
2. That Schedule '19A' – Maximum Towing and Storing Rates of By-law No. L.-131-16 be amended be DELETED in its entirety.
3. That Schedule '19B' – Storage Location Operating Hours of By-law No. L.-131-16 be amended be DELETED in its entirety.
4. That Schedule '20' – Tow Truck Business & Impound Yard Storage Business of By-law No. L.-131-16 be amended by DELETING in its entirety.
5. This by-law shall come into force and effect on **January 1, 2024**.

PASSED in Open Council on November __, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November __, 2023
Second Reading – November __, 2023
Third Reading – November __, 2023

Appendix “B”

Bill No. _____
2023

By-law No. - _____

A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London”.

WHEREAS section 434.1 of the Municipal Act and Section 15.4.1 of the Building Code Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019, passed By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London”;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to contraventions of designated by-laws under the Administrative Monetary Penalty System By-Law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1.) That Schedule “A-5”, referred to as the “Penalty Schedule for Business Licensing By-law” be amended to **DELETE** items from #134 through to item #154 and renumber items #155-185 accordingly.

2.) This by-law shall come into force and effect on **January 1, 2024**.

PASSED in Open Council on November __, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November __, 2023
Second Reading – November __, 2023
Third Reading – November __, 2023