

**SCHEDULE (X)**  
**UNSOLICITED MOTOR VEHICLE TOWING AND STORAGE**

**1.0 DEFINITIONS**

1.1 In this Schedule:

**“Motor Vehicle Storage Business”** means any person who, in carrying on the business of storing motor vehicles, stores any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle;

**“Parking Lot”** means any parking area, structure or building intended for the use of parking motor vehicles

**“storage of a motor vehicle”** means the storage of any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle.

**“Tow truck”** means a vehicle designed or adopted for use as a means of towing other vehicles;

**“Towing Business”** means a person who, in carrying on the business of towing motor vehicles, tows any motor vehicle without the prior consent of the vehicle owner or operator from a Parking Lot.

1.2 For the purpose of interpreting the phrase **“without the consent of the owner or operator”** in reference to a motor vehicle in this Schedule:

(a) the consent to the towing of a motor vehicle is given in any circumstance where the consent of the owner or operator is given in either oral or written form directly to the towing company or its employee prior to the towing of the motor vehicle;

(b) in any circumstance other than mentioned in paragraph (a) above, the owner or operator shall be taken not to consent to the towing of the motor vehicle;

(c) without restricting the generality of paragraph (b) above, the circumstance mentioned in paragraph (a) does not include any circumstance where a consent to towing is attributed to or is deemed to be given by the owner or operator of the motor vehicle as a condition or consequence of the motor vehicle being admitted to or being parked in the Parking Lot or where a consent to towing is given by the owner or operator of the Parking Lot as agent of the owner or operator of the motor vehicle.

## **2.0 APPLICATION OF THIS SCHEDULE - EXEMPTIONS**

- 2.1 This Schedule does not apply to a lane located on private property where the lane is used or intended for the purpose of gaining access by a motor vehicle to all or some portion of the property and where signs are posted on the lane prohibiting the parking of motor vehicles thereon.

## **3.0 LICENCE CATEGORIES:**

- 3.1 The following categories motor vehicle towing and storage licences are hereby established:
- (a) Towing Business; and
  - (b) Motor Vehicle Storage Business.

## **4.0 POWERS OF THE LICENCE MANAGER**

- 4.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:
- (a) prescribing signage that must be posted in a Parking Lot as a condition for towing a motor vehicle under subsection 4.3(a) including without limitation, the manner, form, size, location and content of such signage;
  - (b) prescribing the information that a Towing Business licence holder must provide to the London Police Service under section 4.1 of this Schedule prior to towing a motor vehicle from a Parking Lot without the consent of the owner or operator;
  - (c) prescribing the form, content, media and information for the log book that a Towing Business licence holder must maintain under section 4.2 of this Schedule.

## **5.0 PROHIBITIONS**

- 5.1 No person shall operate a Towing Business without a current valid licence issued under this By-law.
- 5.2 No person shall operate a Motor Vehicle Storage Business without a current valid licence issued under this By-law.

## **6.0 REGULATIONS**

- 6.1 Every holder of a Towing Business licence shall immediately prior to towing a motor vehicle from a Parking Lot without the consent of the owner or operator provide the London Police Service with all of the information prescribed by the Licence Manager.
- 6.2 Every holder of a Towing Business licence shall maintain a log book in the form and containing the information prescribed by the Licence Manager of all motor vehicles towed without the consent of the owner or operator from a Parking Lot.
- 6.3 No holder of a Towing Business licence shall:
- (a) tow any motor vehicle without the consent of its owner or operator from a Parking Lot which is not posted with one or more signs prescribed by the Licence Manager;
  - (b) charge or accept from any person any amount for the removal or towing of a motor vehicle without the consent of the owner or operator from a Parking Lot other than the amount set out in Schedule "X";
  - (c) charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting in respect of removing or towing a of a motor vehicle without the consent of the owner or operator from a Parking Lot;
  - (d) charge or accept from any person any amount for a service not mentioned in Schedule "X" in respect of the removal or towing of a motor vehicle without the consent of the owner or operator from a Parking Lot.
- 6.4 No holder of a Motor Vehicle Storage Business licence shall:
- (a) charge or accept from any person any amount for the storage of a motor vehicle other than the amount set out in Schedule "X";
  - (b) charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting;
  - (c) charge or accept from any person any amount for a service not mentioned in Schedule "X" in respect of the care or storage of a motor vehicle;
  - (d) close the premises used for the storage of a motor vehicle during any time the premises is required to remain open in accordance with Schedule "X" for the

purpose of enabling an owner or operator to recover possession of their motor vehicle.

6.5 Despite the *Repair and Storage Liens Act*, no person who tows a motor vehicle without the consent of the owner or operator from a Parking Lot and no person who stores that motor vehicle shall be entitled to retain possession of the motor vehicle or to a lien for the costs and charges of the removal, towing, care or storage of the motor vehicle:

(a) unless immediately before being towed the motor vehicle was parked in the Parking Lot for a continuous period of 24 hours or more; or

(b) unless the motor vehicle is stored for a continuous period of 7 days or more.

**SCHEDULE 'X' – MAXIMUM TOWING AND STORING RATES**

1. Subject to section 6.4(a), the charge for the cost of towing and storage of a motor vehicle towed from a parking lot without the consent of the owner or operator of the vehicle shall be:

SERVICE	MAXIMUM CHARGE
Towing	\$75.00
Daily Storage	\$10/day
Storage Fee	\$70

## SCHEDULE "X" – STORAGE LOCATION OPERATING HOURS

DAY	HOURS
Monday through Sunday, unless the day is observed as a holiday	9 am to 10 pm

For clarification purposes, "holiday" means New Year's Day, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.