



March 18, 2021

His Worship Mayor Ed Holder and Members of Council
City of London
300 Dufferin Avenue
London ON, N6A 4L9

Sent by e-mail

Dear Mayor Holder and Members of Council,

RE: CAA’s position on municipal licensing of tow trucks

On behalf of the Canadian Automobile Association (CAA), I am pleased to submit comments for the City of London’s proposed towing by-law. CAA remains committed to voicing the concerns of our 2.5 million Ontario Members, and to being an advocacy leader on issues relating to road safety, infrastructure, and transportation.

Since 2019, CAA has met with London City Councillors Lewis, Helmer, Hillier and Pelozo, London Police Service’s Sergeant Robert Tubrett, and civic administration’s Orest Katolyk and Nicole Musicco regarding concerns about the towing industry. Most recently, we have submitted letters to civic administration (February 10, 2021) and to the Community and Protective Services Committee (February 26, 2021) about the City of London’s proposed towing by-law.

CAA cannot support the proposed by-law as written because it is our belief that it fundamentally encourages tow truck “chasing,” the very behaviour that London’s by-law staff and Members of Council wish to eliminate. This is because, unlike the Ontario Highway Traffic Act, the draft London by-law allows for tow trucks to both “park, stop, stand” and to “make or convey an offer of Towing Services, within two hundred (200) metres” of a collision, if there is not already a sufficient number of tow trucks on scene.

Ontario Highway Traffic Act

Proposed London by-law

Tow truck services

171 (1) No person shall make or convey an offer of services of a tow truck while that person is within 200 metres of,

- (a) the scene of an accident or apparent accident; or
 - (b) a vehicle involved in an accident,
- on the King’s Highway. R.S.O. 1990, c. H.8, s. 171 (1).

Idem

(2) No person shall park or stop a tow truck on the King’s Highway within 200 metres of,

- (a) the scene of an accident or apparent accident; or
 - (b) a vehicle involved in an accident,
- if there is a sufficient number of tow trucks already at the scene to deal with all vehicles that apparently require the services of a tow truck. R.S.O. 1990, c. H.8, s. 171 (2).

3.0 PROHIBITIONS:

[...]

3.3 No holder of a Tow Truck Business Licence shall permit a Tow Truck to safely park, stop, stand, make or convey an offer of Towing Services, within two hundred (200) metres of an Accident Scene unless directed by a police officer, a firefighter, or person involved in the accident, or if there is not a sufficient number of tow trucks already at the Accident Scene to deal with all vehicles that apparently require the services of a Tow Truck.

Based on the excerpts above, London’s proposed by-law is written in a more permissive way than the Ontario Highway Traffic Act, which does not permit tow trucks to “make or convey an offer of services within 200 metres” of a collision, regardless of the number of tow trucks on scene. CAA believes that this additional permissiveness in London’s proposed by-law will continue to encourage unscrupulous tow truck operators to rush to the scene. It is well-documented that chasing leads poor road safety outcomes, such as secondary collisions, property damage, physical injuries and in some cases, death, as cited in and attached to CAA’s February 26, 2021 letter to the Community and Protective Services Committee.

We appreciate that Members of Council and by-law staff are compelled to take municipal action to protect the consumer rights of London's motorists from predatory tow operators. It is difficult to justify waiting for provincial action, while the number and severity of predatory towing transactions and experiences reported by motorists continue to grow. Consequently, CAA's proposal for a towing by-law in the City of London is as follows:

- Implement a tow truck non-solicitation clause at the municipal level, without permitting n tow trucks to make or convey an offer of towing services within 200 metres of a collision, where n is the number of vehicles in need of a tow
- Ensure consistent and robust enforcement of the municipal non-solicitation by-law by London Police Service
- Support the [Ontario provincial towing task force](#)'s efforts to improve oversight of the towing industry. The task force's mandate is to develop a provincial regulatory model to increase safety and enforcement for consumers and industry alike.

Please reach out to me directly should you have any questions or concerns about the above comments. CAA looks forward to continued collaboration with the City of London, in the interest of consumer protection for London's motoring public.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tina Wong', written in a cursive style.

Tina Wong
Government Relations Specialist
CAA South Central Ontario (CAA SCO)

cc: City Clerk's Office (askcity@london.ca)