

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 187-2020

A By-law of the Corporation of the City of Vaughan to amend Licensing By-law 315-2005, as amended.

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 11(2)6 of the *Municipal Act*, S.O. 2001, c.25 provides that a municipality may pass By-laws respecting the health, safety and well-being of persons;

AND WHEREAS subsection 11(3)11 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass by-laws respecting matters within business licensing;

AND WHEREAS the Council of The Corporation of the City of Vaughan has enacted Bylaw 315-2005, as amended, to provide for the licensing, regulating and governing of certain businesses, activities and undertakings in the City of Vaughan;

AND WHEREAS the Council of The Corporation of the City of Vaughan has determined that it is desirable to make amendments to By-law 315-2005, as amended;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Licensing By-law 315-2005, be amended as follows:
 - (a) Repeal section 29.0(30) and replace it with the following:
 - (30) The maximum *Drop Fee* that may be requested from a *Hirer* by a *Tow Truck Driver* or *Tow Truck Owner* for his *Services* shall be no more than one hundred (100.00) dollars.
 - (b) Repeal subsection 29.0(42)a) and replace it with the following:
 - a) a copy of the schedule of rates filed with the *Licensing Officer* in accordance with this subsection shall be posted in a conspicuous place in the licensed vehicle at all times and made available upon request of every *Hirer* or *Person* authorized to enforce the provisions

of this By-law;

- (c) Add section 29.0(42.1) to read as follows:

(42.1) Every *Tow Truck Owner* shall file with the *Licensing Officer* a schedule of rates to be charged to *Hirers* for towing and all other additional *Services* provided to the vehicles with *Gross Vehicle Weight Rate* over 11794kg and all corresponding additional fees may not be charged to *Hirers* for towing until they have been approved by the *Chief Licensing Officer*.

- (d) Add a definition of *Gross Vehicle Weight Rate* to read as follows:

“Gross Vehicle Weight Rate” means the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers;

- (e) Repeal section 29.0(47) and replace it with the following:

(47) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle with a *Gross Vehicle Weight Rate* not exceeding two thousand two hundred and seventy-one (2271) kilograms from a *Collision Scene* in the *City* to any point within the *City* or any point outside the *City*, shall only charge or cause to be charged:

- (a) an all-inclusive, flat-rate fee of two hundred and eighty (280.00) dollars, with no additional charges other than applicable federal and provincial taxes;
- (b) a maximum additional fee of one hundred (100.00) dollars for an *Off-Road Recovery*, the mileage rate in subsection 29.0 (47.2) of this By-law, or the Collision Reporting Centre wait time rate in subsection 29.0 (48) of this By-law;
- (c) a maximum additional fee of no more than forty-five (45.00) dollars, if a vehicle requires the use of dollies;
- (d) a maximum additional fee of no more than one hundred and fifty (150.00) dollars, if a vehicle requires the use of a second

truck;

- (e) a maximum additional winch fee of no more than forty-five (45.00) dollars per 1/4 hour;
- (f) a maximum fee of no more than twenty (20.00) dollars, if a vehicle requires tarping;
- (g) a maximum fee of no more than ten (10.00) dollars for a bag of absorbant material (oil dry);
- (h) any other additional fees shall be approved by the *Chief Licensing Officer*.

- (f) Repeal section 29.0(47.1) and replace it with the following:

(47.1) No *Tow Truck Owner* or *Tow Truck Driver* shall, where an estimate is required to be given to a *Hirer* of the cost of towing or related *Services*, charge the *Hirer* an amount more than 10% above the estimated amount. No *Tow Truck Owner*, *Tow Truck Driver* or storage provider shall charge a *Hirer* for any tow and other *Services* unless the *Hirer* or a *Person* acting on behalf of the *Hirer*, if the *Hirer* is unable to give authorization in circumstances provided for in *O. Reg. 17/05 of the Consumer Protection Act, 2002*, authorizes the *Services*.

- (g) Add section 29.0(47.3) to read as follows:

(47.3) Every *Tow Truck Owner* and every *Tow Truck Driver* who tows or otherwise conveys a vehicle with a *Gross Vehicle Weight Rate* exceeding two thousand two hundred and seventy-one (2271) kilograms but less than eleven thousand seven hundred and ninety-four (11794) kilograms from a *Collision Scene* in the *City* to any point within the *City* or any point outside the *City*, shall only charge or cause to be charged:

- (a) an all-inclusive, flat-rate fee of three hundred and seventy-three (373.00) dollars, with no additional charges other than applicable federal and provincial taxes;
- (b) a maximum additional fee of one hundred (100.00) dollars for

an *Off-Road Recovery*, the mileage rate in subsection 29.0 (47.2) of this By-law, or the Collision Reporting Centre wait time rate in subsection 29.0 (48) of this By-law;

- (c) a maximum additional fee of no more than seventy-five (75.00) dollars, if a vehicle requires driveshaft pulled;
- (d) a maximum additional fee of no more than two hundred and fifty (250.00) dollars, if a vehicle requires the use of a second truck;
- (e) a maximum additional winch fee of no more than seventy-five (75.00) dollars per 1/4 hour;
- (f) a maximum fee of no more than twenty (20.00) dollars, if a vehicle requires tarping;
- (g) a maximum fee of no more than ten (10.00) dollars for a bag of absorbant material (oil dry);
- (h) any other additional fees shall be approved by the *Chief Licensing Officer*.

- (h) Repeal section 29.0(48) and replace it with the following:

(48) Where an *Tow Truck Owner* or *Tow Truck Driver* is ordered to tow or otherwise convey a vehicle from a *Collision Scene* in the *City* to a Collision Reporting Centre, the *Tow Truck Owner* or *Tow Truck Driver* may charge no more than sixty-eight (68.00) dollars for the first hour or part thereof, and every fifteen (15) minutes after the first hour of wait time calculated at the Collision Reporting Centre shall cost no more than seventeen (17.00) dollars.

- (i) Add section 29.0(49.1) to read as follows:

(49.1) Every *Tow Truck Owner* of a *Tow Truck* or a *Tow Truck Broker*, that had entered into a written contract or agreement with a government agency, is exempt from the schedule of rates referred to in sections 29.0(47) and 29.0(47.3), provided that a copy of such written schedule of rates and the contract or agreement relating thereto is filed with the *Licensing Officer* at least thirty (30) days

before any *Services* to which such contract or agreement applies are to be provided.

- (j) Amend Schedule I by adding section 4.A. to read as follows:

Tow Trucks

4.A. If an applicant has:

- 1) Any code 01 convictions;
- 2) Any code 02 convictions within the last ten (10) years;
- 3) Any code 03 convictions in the last seven (7) years;
- 4) Two or more code 03 convictions in the last ten (10) years;
- 5) Any code 04 convictions within the last three (3) years;
- 6) Two or more code 04 convictions within the last five (5) years;
- 7) Any code 05 or 07 convictions within the last year;
- 8) Any code 06 convictions within the last three (3) years;
- 9) Nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the City of Vaughan Licensing Department;
- 10) Three (3) or more by-law related* convictions, including any offences carried out under the *Provincial Offences Act* or any monetary penalties administered through the Administrative Monetary Penalties By-law, as amended or its successor by-law, within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's proper businesses that were licensed or were required to be licensed; four (4) or more by-law and related* convictions within the twelve (12) months immediately preceding the date of issuance; or
- 11) Overdue by-law fines, unless the *Applicant* or *Licensee* provides proof that such fines have been subsequently paid; despite the application being complete and all fees paid, the

Licensing Officer shall refuse to issue or renew the *Licence*.

In the case of an existing *Licence*, the *Licensing Officer* shall suspend the *Licence*.

4.B. The *Licensing Officer* shall issue, renew or reinstate a *Licence*, if at the time of the application for a *Licence* or renewal, the conviction or event has reached the age set out below.

- 1) The code 02 conviction is more than ten (10) years old;
- 2) If the *Licence* was not issued because of a single code 03 conviction, when that conviction becomes more than seven (7) years old;
- 3) If the *Licence* was not issued because of two (2) or more code 03 convictions, when at least two (2) of those convictions become more than ten (10) years old;
- 4) If the *Licence* was not issued because of a single code 04 conviction, when that conviction is more than three (3) years old;
- 5) If the *Licence* was not issued because of two (2) or more code 04 convictions, when at least two (2) of those convictions are more than five (5) years old;
- 6) If the *Licence* was not issued because of a single code 05 or 07 conviction, when that conviction is more than a year old;
- 7) If the *Licence* was not issued because of a single code 06 conviction, when that conviction is more than three (3) years old;
- 8) If the *Licence* was not issued because of two (2) or more code 06 convictions, when at least two (2) of those convictions are more than five (5) years old;
- 9) If the *Licence* was not issued because of a single code 07 conviction, when that conviction is more than one (1) year old;
- 10) If the *Licence* was not issued because of nine (9) or more

demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the City of Vaughan Licensing Department; when the driver's abstract falls below nine (9) demerit points;

- 11) If the *Licence* was not issued because of three (3) or more code 08 convictions, when three (3) of those convictions are more than one (1) year old;
- 12) If the *Licence* was not issued because of a code 09 event, when that code 09 event is more than one (1) year old; and
- 13) If the *Licence* was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold. For example, if the *Applicant's Licence* was not granted by reason of a recent code 02 conviction, the *Licence* shall be reinstated or issued when the code 02 conviction is more than ten (10) years old, providing there are no other applicable thresholds.

4.C. The *Licensing Officer* may place conditions and issue a warning letter on a *Licence* if an investigation of a *Licensee* reveals circumstances that may in the future case the *Licensee* to be in contravention of any of the business licensing thresholds listed.

4.D. The *Licensing Officer* may issue a warning letter to be placed in an *Applicant's* file if, at the time of an application for a *Licence* or renewal, the *Applicant* has:

- 1) four (4) or more by-law and related* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve (12) months immediately proceeding the date of issuance or renewal.

The warning letter must advise the *Applicant* about the specific

applicable threshold.

*Related legislation may include, but is not limited to, City of
Vaughan Licensing By-law, as amended or its successor by-law.

(k) Amend Schedule I by repealing **Tow Trucks** from section 1.A.

Enacted by City of Vaughan Council this 15th day of December, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk