



SUBJECT: Repeal Anti-Chasing By-law 25-2006

TO: Committee of the Whole

FROM: By-Law Compliance Department

Report Number: BL-04-24

Wards Affected: All

Date to Committee: October 7, 2024

Date to Council: October 15, 2024

Recommendation:

Approve the by-law to repeal By-law 25-2006, a by-law to prohibit accident scene solicitation on all highways in the City of Burlington and to delegate to the Regional Municipality of Halton Police Services Board the power to license, regulate and govern all owners and drivers of tow trucks within the municipality and to establish a registry as the board deems appropriate, otherwise known as the "Anti-Chasing By-law", as attached as Appendix A to by-law compliance department report BL-04-24, in a form satisfactory to the Commissioner of Legal and Legislative Services/City Solicitor as municipal responsibility to license, inspect and enforce the towing industry is transferred to the Province of Ontario via the *Towing and Storage Safety and Enforcement Act*.

PURPOSE:

Vision to Focus Alignment:

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
-

Executive Summary:

To repeal By-law 25-2006, known as the “Anti-Chasing” By-law, as it is no longer valid or required with the introduction of the *Towing and Storage Safety and Enforcement Act*.

Background and Discussion:

By-law 25-2006, known as the “Anti-Chasing By-law” was enacted on August 8, 2006, in response to several accidents that had been caused by tow truck drivers. It had become common for tow truck drivers to park at the side of local highways waiting to hear of potential accidents and then racing to the location to solicit business from motorists involved in the accident. The intent of the by-law was to prohibit tow truck drivers from parking within 200 metres of an accident or soliciting business at an accident site unless otherwise directed by police, fire, highway maintenance personnel or requested directly from someone engaged in the accident. It also delegated authority to license tow truck owners and drivers to the Halton Police Board (vs. the City of Burlington implementing its own licensing regime).

In June 2021, the Province, passed the *Towing and Storage Safety and Enforcement Act* (TSSEA). There had been incidents of crime and fraud within the towing and storage industry that were difficult to regulate across municipalities. The intent of the TSSEA legislation was to replace municipal regulations related to the towing and storage of vehicles with one common provincial oversight framework – eliminating the need for City of Burlington By-law 25-2006.

The legislation has been phased in and as of January 1, 2024, tow truck operators, drivers and vehicle storage operators are required to obtain a provincial certificate to operate. Requirements of the permits include equipment vehicle and inspections, background checks, driver training and consumer protection standards in relation to rates, record keeping and consent forms. It also regulates where tow drivers/companies can operate or solicit customers.

Financial Matters:

None. No impact to operation as enforcement was conducted by police who will continue to enforce the *Towing and Storage Safety and Enforcement Act*.

Climate Implications:

Not applicable.

Engagement Matters:

Halton Regional Police Board was notified of the proposed repeal.

Conclusion:

By-law 25-2006 has been replaced with provincial regulations and can be removed from the City's by-law list.

Respectfully submitted,

Kerry Davren

Director By-law Compliance

905-335-7600 Ext. 7800

Appendices:

- A. By-law to Repeal Anti-Chasing By-law 25-2006

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer, and the Executive Director of Legal Services & Corporation Counsel.