

Amendments to Tow By-law 6887-14 with track changes

Private Property Towing

~~3.5 Towing or impounding of vehicles from private property without the consent of the registered owner or agent of the vehicle may only be undertaken if vehicles are towed to a location within the Town of Whitby.~~

3.5 Where a vehicle is parked or left on private property without the express consent of the owner or occupant of such property, an officer, upon the written complaint of the owner or occupant of the property, may cause the vehicle to be towed or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, shall be paid by the registered owner for the vehicle and such costs and charges shall be a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Lien Act*, R.S.O. 1990, c. 25 as amended.

~~3.6 No person shall tow or impound or authorize the towing or impounding of a vehicle from private property unless the tow or impound is caused or authorized by a municipal law enforcement officer and is conducted in accordance with Section 3.5 and Section 3.7 of this by-law, unless the tow or impound is requested and authorized by the registered owner or agent of the vehicle.~~

3.6 If signs are erected on private property specifying conditions on which a vehicle may be parked or left on private property or regulating or prohibiting the parking or leaving of a vehicle on private property, a vehicle parked or left on private property contrary to the conditions or prohibition shall be deemed to have been parked or left without the consent of the owner or occupant of the private property.

3.7 No municipal law enforcement officer shall cause or authorize the removal, towing or impounding of a vehicle from private property unless,

- (1) the vehicle is parked, stopped, standing or left as the case may be, in contravention of a Town by-law;
- (2) the boundaries of the property are clearly defined;
- (3) signs have been posted at all public entrances to the private property indicating the policies in effect and enforced on the private property;
- (4) a sign is posted in a conspicuous location on the private property indicating the name and telephone number of the ~~towing contractor used~~ person to be contacted in relation to a vehicle tow or impound from the property;

- (5) a parking infraction notice is issued and served at the time of the alleged parking infraction in accordance with Part II of the Provincial Offences Act;
 - (6) ~~a minimum period of 12 (twelve) hours has elapsed from the time the parking infraction notice referenced in Subsection 3.7(5) of this by-law was issued and the time of the removal, towing or impounding of the vehicle, with the exception of vehicles located in signed fire routes, designated accessible parking spaces or vehicles blocking a laneway or loading docks; and~~
 - (7) the Durham Regional Police Service is notified of an impending tow or impound of a vehicle prior to the tow or impound occurring.
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- 3.8 ~~No person shall request or require payment of an administrative fee or any other fee by the owner or driver of a vehicle parked, stopped or standing on private property.~~ Repealed
 - 3.9 ~~No person shall request or require payment of any fee exceeding an amount of \$120.00 (one hundred twenty) dollars, plus HST, for any charge in relation to the towing or impounding of a light vehicle from private property without the consent of the registered owner or agent of the vehicle.~~ Repealed
 - 3.10 ~~No person shall request or require payment of any fee exceeding an amount of \$250.00 (two hundred fifty) dollars, plus HST, for any charge in relation to the towing or impounding of a heavy vehicle from private property without the consent of the registered owner or agent of the vehicle.~~ Repealed
 - 3.11 ~~Any person who conducts a tow or impound in accordance with this by-law shall, upon demand from the owner or operator of a vehicle that has been towed or impounded, immediately provide a receipt detailing all charges and fees associated with the tow or impound.~~ Repealed
 - 3.12 Any person who has their vehicle towed or impounded in accordance with this by-law shall be required to pay the charge in relation to the tow or impound, ~~up to the maximum charges indicated in Section 3.9 or Section 3.10 of this by-law, as the context requires.~~
 - 3.13 The provisions of this by-law do not apply to any person who causes or authorizes the towing of a vehicle from a laneway on private residential property provided that the person causing or authorizing the tow does not demand any payment or any other fee for the owner or driver of the vehicle.
 - 3.14 The provisions of this by-law do not apply to any person demanding or obtaining parking fees from customers for the consensual purchase of a permit for parking on private property, where the parking rates are posted in

| clear view of all drivers upon entering the private property and the property is
in compliance with all other municipal by-laws.