



# Town of Whitby

## By-law # 8003-23

### Amendment to Towing By-law # 6887-14

Being a By-law to Amend By-law # 6887-14, being a by-law to regulate the towing of vehicles from private property within the Town of Whitby.

Whereas the Council of The Corporation of the Town of Whitby considered Legal and Enforcement Services Department Report LS 07-23 regarding administrative amendments to By-law # 6887-14 at the Council meeting on June 19, 2023; and,

Whereas the Council of The Corporation of the Town of Whitby considered a memorandum from A. Albrecht, Supervisor of Parking Services and B. Harasym, Associate Solicitor, dated June 19, 2023.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

#### 1. General

- 1.1. That Section 3.5 to 3.14, Private Property Towing, of By-law # 6887-14 be repealed and replaced with the following:

#### 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 municipal boundaries of the municipalities of the Town of Ajax, Town of Whitby, or City of Oshawa in 2022.
- 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.
- 3.7 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 and/or an agent of the owner of the private property 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; and,

(6) the Town of Whitby Enforcement Services is consulted prior to the tow being ordered and the Durham Regional Police Service is advised of an impending tow or impound of a vehicle prior to the tow or impound occurring.

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.

3.9 No person shall request or require payment of any fee exceeding the amount of \$230.00 (two hundred and thirty 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.

3.10 No person shall request or require payment of any fee exceeding the amount of \$450.00 (four 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.

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.

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.

### **1.2. Effective Date**

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law.

By-law read and passed this 19th day of June, 2023.

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Elizabeth Roy, Mayor

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Christopher Harris, Town Clerk