

Authority: Item 9, Planning Committee Report 24-010 (PED24103)
CM: July 12, 2024 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2024-16
Dated July 12, 2024

Bill No. 127

CITY OF HAMILTON

BY-LAW NO. 24-127

A By-law to Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS on June 3, 2021, the Province of Ontario (the “Province”) passed the *Towing and Storage Safety and Enforcement Act, 2021*, S.O. 2021, c. 26, Sched. 3 (the “TSSEA”) for the purpose of transitioning oversight of the towing and vehicle storage sector from municipalities to the Province;

AND WHEREAS the Province provided a framework for the transition to be undertaken gradually in phases;

AND WHEREAS on January 1, 2024, the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act*”) was amended to provide that municipalities no longer have the authority to license owners and drivers of tow trucks;

AND WHEREAS the above-noted amendment to the *Municipal Act* together with related amendments to the TSSEA have resulted in the City of Hamilton (the “City”) no longer having authority to license and regulate in the towing and vehicle storage sector;

AND WHEREAS City Council now deems it necessary to amend City of Hamilton’s Business Licensing By-law 07-170, where required, to remove licensing and regulatory requirements for owners and drivers of tow trucks;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. That By-law 07-170 be amended by repealing Schedule 28 – Tow Trucks.
3. That By-law 07-170 be amended by deleting the reference to Schedule 28 – Tow Trucks in subsection 6 (1) (e) (ii).

4. That By-law 07-170 be amended by deleting the reference to Schedule 28 – Tow Trucks in section 30.
5. That By-law 07-170 be amended by deleting the reference to Schedule 28 (Tow Trucks) in Appendix “A”.
6. That By-law 07-170 be amended by adding the following underlined language at the end of the definition of “Garage A” in Schedule 16 (Public Garages):
 3. (2) (a) “Garage A” a building or place where motor vehicles are stored or kept for sale, except a building or place that is regulated by the *Towing and Storage Safety and Enforcement Act, 2021, S.O. 2021, c. 26, Sched. 3, as amended or replaced.*
7. That in all other respects, By-law 07-170 is confirmed; and
8. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 12th day of July, 2024

A. Howarth
Mayor

M. Trennum
City Clerk