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| ITEM | 9 |
| MANAGER'S REPORT NO. | 71 |
| COUNCIL MEETING | 1979 10 22 |

RE: IMPOUNDING OF VEHICLES

The following is a report from the Chief Licence Inspector re the above.

In the latter part of 1976 and early part of 1977 a number of complaints were received by Council concerning vehicles impounded from parking lots and the difficulties experienced by owners in redeeming their vehicles. The consequence was that on 1978 March 28 Council directed that staff bring down a by-law as described in the report below. However, since then, no complaints have been received from the public in this matter and a survey shows that the industry is policing itself. Under the circumstances, there appears to be no reason why a by-law should be brought down at this time to control the industry insofar as it applies to Burnaby.

RECOMMENDATION

1. THAT the recommendation of the Chief Licence Inspector be adopted.
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TO: MUNICIPAL MANAGER

1979 October 12

FROM: CHIEF LICENCE INSPECTOR

RE: IMPOUNDING OF VEHICLES

RECOMMENDATION

1. THAT a by-law to regulate the impounding of vehicles from private property not be brought down.

REPORT

It will be recalled that as a result of complaints concerning the removal of vehicles from private parking areas, and difficulties experienced by owners in redeeming their vehicles, Council resolved to consider a by-law (Item 1, Report No. 24, 1978 March 28) that would:

- a. prohibit removal of vehicles from parking lots without written authorization from the owner, occupier, or operator of a parking lot, or a duly authorized agent, who shall not be an employee or agent of a person or company engaged in the business of auto towing or who is a principal therein. Authorized agents shall be registered with the Licence Inspector.
- b. establish a maximum fee of \$20.00 for towing of vehicles impounded on a parking lot.

A draft by-law has been prepared and, if adopted, would provide:

1. An owner, occupier or operator of a parking lot, or a duly authorized agent may cause a vehicle to be removed from a parking lot if a vehicle is parked on the lot in violation of contractual terms relating to the permission granted, or if there is no contract or permission, or if the parked vehicle constitutes a hazard or an obstruction. These regulations would not apply to residential parking facilities such as apartments.
2. That prior to the removal of any vehicle from a parking lot, a person as described in Item 1 must issue a tow-away notice to the tow truck driver, who will remove the vehicle. Such notice shall be in the form set out in the by-law. One copy shall be retained by the authorized person at the parking lot, one copy shall accompany the impounded vehicle, and one copy shall be retained by the operator of the storage yard where the vehicle is impounded. Persons entitled to issue tow away notices shall not be an employee or agent of a person engaged in the towing service business.

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3. That impounded vehicles must be held in storage yards located within the Municipality. Operators of such storage yards must provide a full-time attendant to release vehicles from Monday to Friday inclusive between 08:00 h and 22:00 h. At all other times, a person shall be available to release any vehicle within 30 minutes of receiving a request to release a vehicle.
4. That at every entrance and exit to any parking lot from which vehicles may be impounded there shall be a sign setting out the circumstances under which a vehicle may be removed, the address and phone number of the storage yard where it may be redeemed, and an alternate phone number to contact in the event that the storage yard is closed.
5. That the maximum charge for removing any vehicle from a parking lot shall be \$20.00.
6. That operators of towing services and storage yards shall maintain records of every vehicle removed from the parking lots, for a period of 60 days.

For several months the operations of towing companies in the Municipality have been monitored regarding private impoundings. To date this year, no complaints regarding vehicles impounded from parking lots have been recorded by the Licence Department or the R.C.M.P.

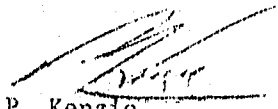
A review of the procedures used for private impoundings by the two major towing companies operating in Burnaby revealed that they will not remove a vehicle from any parking lot, including residential parking, without written authorization from the property owner, occupant, or authorized agent. In the case of residential parking, it must be the owner or manager who provides the authorization, not a tenant.

A check of the three major shopping centres in the Municipality determined that vehicles are removed from their parking lots at their request. Only an occasional vehicle is removed. Each removal is specifically authorized by their security service. The same procedure is followed at Simon Fraser University and B.C. Institute of Technology.

In my opinion, the lack of complaints concerning impounding of vehicles from parking lots to date this year is a result of procedures implemented by the towing company operators.

Past complaints dealt primarily with situations where the reason or need to impound a vehicle was questionable, or with difficulties experienced by owners in redeeming their vehicles. The towing company involved in these complaints is no longer in business.

Under the present circumstances it is concluded that a by-law to regulate the activities of towing companies engaging in the impounding of vehicles from private parking lots, and owners, occupiers or operators of parking lots, is not warranted at this time. Therefore, it is not recommended. However, the draft by-law could be held available for immediate enactment in the event that the situation changes and private impounding again becomes a problem.


P. Kenzie
CHIEF LICENCE INSPECTOR

PK:gw
cc: Municipal Treasurer