



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-042

APPENDIX A - By-law 2025-042 - Amend Towing By-law 2024-187.docx

WHEREAS subsection 101(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (“Municipal Act”) provides that if a municipality passes a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner’s expense, parked or left in contravention of the by-law;

WHEREAS the Towing Without the Vehicle Owner’s Consent By-law 2024-187 was passed by the Council for the Corporation of the Town of Oakville (the “Council”) on December 16, 2024;

WHEREAS Council wishes to amend the Towing Without the Vehicle Owner’s Consent By-law 2024-187 to clarify that in the Town of Oakville the removal and impounding of any vehicle at the vehicle owner’s expense, parked or left in contravention of a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land may only be done pursuant to By-Law 2024-187 or TSSEA;

COUNCIL ENACTS AS FOLLOWS:

1. The seventeenth recital of By-law 2024-187 be deleted and the following substituted therefor:

WHEREAS Council, for the purpose of consumer protection, is desirous of eliminating or overriding any common law right there may be related to trespass that enabled the towing or impounding of vehicles without the vehicle owner’s consent from land in the Town of Oakville such that the towing or impounding of vehicles in the Town of Oakville without the vehicle owner’s consent from the effective date of this By-law must be in accordance with the provisions of this By-law or TSSEA;

2. The definition of “Trespass to Property Act” in subsection 1(1) “Definitions” of By-law 2024-187 be deleted.

3. Subsection 2(1) and subsection 2(2) “Elimination of any Common Law Right Under Trespass to Remove or Impound any Vehicle Without the Vehicle Owner’s Consent” of By-law 2024-187 each be amended to delete mention of the *Trespass To Property Act* so as to read as follows:
 - 2(1) No person who is the owner of any land, or an employee, contractor or agent of the owner of any land shall tow or authorize the towing of any vehicle parked on the land without the consent of the vehicle owner unless doing so in accordance with the provisions of this By-law.
 - 2(2) For the purpose of clarity, any common law right to tow or impound a vehicle from land without the consent of the vehicle owner strictly as a matter of trespass no longer exists in the Town as of the effective date of this By-law. Any towing of a vehicle from land without the consent of the vehicle owner can only be done in the Town in accordance with the provisions of this By-law.
4. Subsection 5(1) “Prohibitions” of By-law 2024-187 is hereby amended to delete mention of the *Trespass To Property Act* so as to read as follows:
 - 5(1) No person shall tow or authorize the towing of a vehicle from land without the consent of the vehicle owner unless the tow is caused or authorized by a Municipal Law Enforcement Officer, Mobile Compliance Officer, police officer or the Director in accordance with the provisions of this By-Law.
5. Subsection 6(1) “Signage” of Towing Without the Vehicle Owner’s Consent By-law 2024-187 be amended by the deletion of the words “double sided” in line three of the subsection.
6. Subsection 6(2) “Signage” of Towing Without the Vehicle Owner’s Consent By-law 2024-187 be deleted and the following substituted therefor:
 - 6(2) Despite subsection 6(1), such signage is not required to be installed in municipal rights-of-way, on a driveway to a private dwelling, at a signed fire route, in emergency situations or as determined by the Director.
7. That all other provisions of Towing Without the Vehicle Owner’s Consent By-law 2024-187 hereby remain in force and effect.
8. This By-law comes into force and effect on February 28, 2025 at 12:01 a.m..

PASSED this 24th day of February, 2025

MAYOR

CLERK