



## REPORT

### Council

**Meeting Date: May 26, 2025**

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**FROM:** Municipal Enforcement Services Department

**DATE:** May 13, 2025

**SUBJECT:** Immobilization Prohibition By-law 2025-097, By-law 2025-098  
and By-law 2025-097

**LOCATION:** Town-wide

**WARD:** Town-wide

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#### RECOMMENDATIONS:

1. That By-law 2025-097, a by-law to prohibit the immobilizing of vehicles on municipal land and on private property in the Town of Oakville, attached as Appendix A of the Municipal Enforcement Services report dated May 13, 2025, be passed.
2. That By-law 2025-098, a by-law to amend Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038, as amended, attached as Appendix B to the report from Municipal Enforcement Services dated May 13, 2025, be passed.
3. That the administrative penalties with respect to By-law 2025-097, listed in Appendix C to the report from Municipal Enforcement Services dated May 13, 2025, be approved, effective on June 16, 2025, and such fees be included in the Rates and Fees schedule.

#### KEY FACTS:

- Municipal Enforcement Services (MES) has received calls and complaints regarding the use of parking boots to immobilize unauthorized vehicles parked on private property or vehicles parked contrary to the parking regulations on the property.

- Parking boots also known as Wheel Locks, Wheel Clamps or Denver Boots lock onto a vehicle's wheel to immobilize the vehicle.
- Immobilization Prohibition By-law 2025-097 attached as Appendix A to this report prohibits the immobilizing of vehicles on municipal property and private property without the vehicle owner's consent.
- By-law 2025-097 includes the phrase "without the vehicle owner's consent" to distinguish unauthorized use from cases where the owner may use immobilizing devices to prevent theft.
- By-law 2025-097 is proposed to come into effect on June 16, 2025, to provide staff time to communicate to the public and industry stakeholders prior to the by-law coming into effect.

## **BACKGROUND:**

### *Parking Boots*

Since February 28, 2025 (the date Towing Without the Vehicle Owner's Consent By-law 2024-187 came into effect), MES has received calls and complaints regarding the use of parking boots to immobilize unauthorized vehicles parked on private property or vehicles parked contrary to the parking regulations on the property.

Parking boots also known as Wheel Locks, Wheel Clamps or Denver Boots lock onto a vehicle's wheel to immobilize the vehicle. There are other immobilizing devices on the market as well such as the "Barnacle" which lays across the front windshield of the vehicle.

### *Towing Without the Vehicle Owner's Consent By-law 2024-187*

Towing Without the Vehicle Owner's Consent By-law 2024-187 is intended to better regulate towing and avoid predatory towing. The by-law is based on the premise that a private property owner wants/needs to make available parking spaces and so needs something more than parking tickets to deal with unauthorized parking or parking contrary to the applicable regulations.

By-law 2024-187 does not account for the use of immobilizing devices such as parking boots to enforce parking prohibitions or regulations. This is because immobilizing a vehicle does not address the issue of unavailable parking as a vehicle that has been immobilized remains parked in the space until the owner contacts the enforcement company/property owner and pays a fee to have the immobilization device removed. If the parking space is not needed, then the remedy of issuing a parking ticket should be all that is necessary to deter unauthorized parking or parking in breach of parking regulations.

### Trespass

If the Immobilization Prohibition By-law is approved, any common law right there may have been in the Town of Oakville to immobilize a vehicle using an immobilization device of any kind without the vehicle owner's consent would be eliminated or overridden by the by-law.

### Municipal/University Scan – Immobilization Regulations

The following municipalities and universities prohibit or regulate the immobilization of vehicles:

- The City of Moncton's By-law T-618 requires that immobilization businesses obtain a business licence. The by-law regulates signage in parking lots where immobilizing will be used, prohibits immobilizing in certain circumstances, regulates the operation of the business and sets the maximum fee for installing and removing an immobilization device.
- The Halifax Regional Municipality does not require that immobilization businesses be licensed; however, the municipality requires that staff of immobilization businesses be appointed as special constables by the Province of Nova Scotia in accordance with the Police Act. By-law V-200 regulates the operation of the immobilization business, sets out signage requirements for parking lots, prohibits immobilizing in certain circumstances and sets the maximum immobilization fee.
- The City of Toronto prohibits immobilizing in their licensing requirements for private parking enforcement agencies and commercial parking lots and under their regulations for municipal law enforcement officers.
- The City of Saskatoon's By-law 8640 permits immobilizing only by police and the City and limits where immobilizing may be used.
- Parking enforcement officers at Carleton University, Trent University, Brock University and the University of Saskatchewan may install parking boots on vehicles with outstanding parking violations that are parked on university property.

### **COMMENT/OPTIONS:**

#### The Immobilization Prohibition By-law

MES is recommending that the immobilization of vehicles on private property and municipal land be prohibited, to address current complaints in a timely manner. As such, MES prepared the Immobilization Prohibition By-law attached as Appendix A to this report.

The proposed by-law prohibits the immobilizing of parked vehicles by any person on private property and municipal land without the vehicle owner's consent, as well as prohibiting the authorization of such immobilization. This means that a property owner (including the Town), a towing company or an immobilization business will not be able to "boot" parked vehicles as of the effective date of the by-law. The by-law includes the phrase "without the vehicle owner's consent" to distinguish unauthorized use from cases where the vehicle owner may use immobilizing devices to prevent theft.

The Immobilization Prohibition By-law further provides that:

- Where a vehicle is immobilized on private property without the vehicle owner's consent, and in the absence of any evidence to the contrary, the property owner shall be deemed to be responsible for the immobilization, and any costs related to removing any immobilizing device shall be the responsibility of the property owner.
- Failure to comply with the by-law may result in the issuance of an Order and/or a \$400 administrative penalty by a Mobile Compliance Officer (MCO) or the Director of Municipal Enforcement Services or designate. The amount of the administrative penalty escalates for second, third and subsequent contraventions of the same provisions of the by-law within a two-year period to \$500 and \$750, respectively. Persons who have been issued an administrative penalty may request a review by a Screening Officer and, if not satisfied, a hearing before a Hearing Officer.
- The by-law is proposed to come into effect on June 16, 2025, to provide staff time to communicate to the public and industry stakeholders prior to the by-law coming into effect.

If the Immobilization Prohibition By-law is approved, Administrative Penalties for Non-Parking Violations and Orders By-law 2021-038 will require an amendment to add the by-law to the list of designated by-laws. As well, the administrative penalties for non-compliance with the Immobilization Prohibition By-law, shown in Appendix C to this report, will need to be added to the rates and fees schedule, effective June 16, 2025.

### Regulatory Approach

MES can investigate the use of a regulatory approach like those adopted by other municipalities to address the immobilizing of vehicles. However, it would require a significant amount of time to conduct the necessary research, assess the effectiveness of the regulatory approach and assess the impact on MES resources. The most effective means of addressing current complaints is through a prohibition.

### Enforcement of the Immobilization Prohibition By-law

If a complaint is received that a vehicle has been immobilized in contravention of the Immobilization Prohibition By-law, a MCO will investigate. However, the MCO may not be able to respond immediately. If the vehicle owner does not wish to wait and a contact number has been left on the vehicle, the vehicle owner may choose to call the number and request that the boot be removed. If the vehicle owner pays for the boot to be removed and wants reimbursement of the fee, this becomes a civil matter between the vehicle owner and the property owner. In such cases, the vehicle owner can use the by-law provision deeming the property owner responsible for the cost of removing the boot to assist the vehicle owner in any civil action against the property owner.

If no contact information is left on the vehicle, the vehicle owner may contact the property owner directly to have the boot removed. As stated above, under the by-law, the property owner is deemed to be responsible for the cost of removing the boot. Once again, if the vehicle owner pays for the boot to be removed and wants reimbursement of the fee, this becomes a civil matter between the vehicle owner and the property owner and in such cases the vehicle owner can use the by-law provision deeming the property owner responsible to assist the vehicle owner in any civil action against the property owner.

### Discussions with the Halton Regional Police Service (HRPS)

MES and Legal department staff met with representatives from HRPS to discuss the proposed by-law. HRPS indicated that they support the prohibition on immobilizing vehicles.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

The following were notified of the date of this meeting and with links to access the agenda and how to delegate at the meeting:

- Parking enforcement companies that employ Municipal Law Enforcement Officers for parking enforcement on private parking lots
- Landowners registered with the Town for parking enforcement
- Resident and Community Associations
- Business Improvement Areas
- Oakville Chamber of Commerce
- Several towing companies

A public notice regarding consideration of the Immobilization Prohibition By-law was posted on oakville.ca.

If the Immobilization Prohibition By-law is approved, staff will update oakville.ca and notify those noted above to advise of the passage of the by-law.

**(B) FINANCIAL**

Complaints regarding the immobilization of vehicles will have to be investigated by MCOs. Future staff impacts will be assessed as part of the municipal enforcement service review.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Municipal Enforcement Services, Legal and the Halton Regional Police Service have been involved in the review process for the Immobilization Prohibition By-law.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report supports the strategic priority of accountable government.

**(E) CLIMATE CHANGE/ACTION**

N/A

**APPENDICES:**

Appendix A – By-law 2025-097, a by-law to prohibit the immobilizing of vehicles on municipal land and on private property in the Town of Oakville

Appendix B – By-law 2025-098, a by-law to amend Administrative Penalties for Non Parking Violations and Orders By-law 2021-038

Appendix C – Administrative penalties with respect to By-law 2025-097

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