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As per our conversation today I am writing you the particulars of what has transpired recently.

As of 2023 the province as you know took over the licensing and oversight of the towing industry in Ontario.

Under the new TSSEA rules we are licensed and regulated by the province to tow in Ontario. However under these new rules the province stated that the local municipalities will be able to retain and maintain their own local tow rotations for the local municipal or regional police forces respectively.

This ultimately means that the region of Niagara still is allowed to retain control of who can or can not tow for the local police departments here in Niagara.

Fast forward a bit and I spoke with Angelo Apfulbaum at the time who was the head of licensing and in charge of the Niagara regional police rotation and had the authority to add or remove companies from the rotation list. There were no fees to be on that list at that time. during covid things changed. Meetings were held with Angelo with so many companies at a time at the meeting. Present at each of those meetings were Angelo and Barry Robbins (former owner of Robbins Towing) and James Hatcher (current owner of traffic towing) They brought an idea forward to Angelo to form what was called the Niagara Tow Association which will be referred as NTA for the purpose of this email.

The NTA made all kinds of promises and fairy tale presentations on how it will help the industry which I knew was nothing but false promises and rhetoric to get what the NTA wanted which was control of the towing industry in niagara.

Angelo agreed this was a good idea at the time because he made it clear he did not wish to deal with a whole bunch of tow company owners and felt it better to deal with just 1 representative.

Now this all sounds well and good except the fact the president of the NTA is James Hatcher himself and he owns a rival tow company that tows away all the cars from the downtown parking lots as well as lots adjacent to the hospital. Police have had to repeatedly deal with calls of cars towed away from these privately owned lots which is an issue for the MTO to deal with under their oversight programs.

The issue now is that Angelo is no longer with the region and the NTA is in full control of the tow rotation list in Niagara for both the Niagara Regional Police as well as the OPP.

All 34 tow companies in Niagara must now pay a fee to the NTA which is run by James Hatcher to be on each list. Those fees are 85.00 plus tax per month for the NRP and 95.00 plus tax per month for OPP.

Now I know the regional council has no say or control when it comes to OPP calls but they DO however have control over the NRP (Niagara Regional Police) calls for tows. Prior to the region taking over the licensing the NRP had and maintained their own internal police rotation list that they had.

How this list worked was very simple...

Each area or district was a zone for towing as well... for example St.Catharines and Thorold was under 1 zone. Niagara on the lake and Niagara falls were another zone. Fort Erie and Crystal Beach another zone and so forth.

Each of these zones had so many tow companies assigned to them respectively based on having to have a truck for that zone and a compound in that zone.

It all worked great. There was also a tow liason within the NRP that dealt with tow companies being placed on the rotation list or removed respectively.

This way of doing it worked flawlessly as the police dispatch had immediate access to the rotation list and called the next company for that zone on the list without the need to call out to a communications center to ask them to dispatch out a tow company for a call for service for police. Essentially eliminating the middle man and allowing tow companies and front line officers to get information back and forth through NRP dispatch in a timely manner on what equipment was needed and a proper location for the call and timely ETA for the arrival of that tow company along with the name of the company that would be responding.

This way allowed for a prompt response by the tow company in a timely manner and for more officer safety during inclement weather as some officers have found themselves waiting up to 2 hours for a tow truck to arrive through the current method.

During inclement weather officers are responding to numerous accidents accross the region that sometimes may include serious injuries and need to have the scenes cleared away as quickly as possible to be able to move on to the next call for service which may be an accident or a domestic dispute or a violent robbery in progress. Any delay in an officer getting a tow can slow the response for that officer to be able to assist in the next call.

The way it currently is now working we have the owner of a rival tow company in charge of all these calls. Anytime you try to get information from the dispatch center you are told to contact the NTA representative which happens to be James Hatcher. This is a very serious conflict of interest. At no time should any tow company in Niagara be in charge of the NRP tow rotation list. He alone has the power to add companies to the rotation list or remove them from the list or suspend them from the list. This is something that should never be permitted because at anytime if he has an issue with a tow company he can simply flex his

power to suspend or remove a company from the list and he has nobody to answer to.

I was told to speak to Vanessa Blair at Niagara Region Licensing which I did regarding some issues and she herself told me she has nothing to do with it and that I needed to go through the NTA as they are in charge of it all.

This leaves it all open for mass corruption and for 1 tow company to control the entire towing industry in Niagara. If James Hatcher has an issue with a company nobody can stop him from doing as he pleases. This can never be left unchecked.

My proposal is to give the Tow Rotation responsibilities back to the NRP to maintain and control. There is no cost to the service or taxpayer to do this as it is simply a list of licensed companies in the region that provide the name of their company as well as 24 hour contact information and valid towing license number for their company as well as valid storage certificate number both which are issued respectively by the MTO that can be verified on the MTO Towing website to be valid at anytime. They must have these 2 certificates to tow in Ontario. NRP can assign a current officer the job of tow liaison as was done before and part of his job would be to verify the company holds a valid tow license and storage certificate under the new TSSEA rules.

I understand that this takes time away from the officers regular duties to verify the certificates and for that I would suggest an annual fee could be charged to maintain the list by this officer so that it can cover the cost for this officer to verify the certificates through the MTO websites to ensure they are in good standing. Any company found not holding a valid certificate could be removed from the list until such a time they can show that they are in good standing with the MTO licensing.

There is another issue that needs to be addressed regarding 45 day impounds. Not long ago the region put out a request for proposals for tow companies to submit to do the towing for the region for crime tows as well as fleet tows.

It used to be that any tows that required a 45 day impound due to criminal charges such as drive while disqualified, would simply be dealt with by the tow rotation and the next company on the list got the call. Now those very tows are included in the crime tows and fleet towing. Prior to this the crime tows were for the forensics unit and required indoor storage and a bay with tools available for officers to use to conduct their investigation.

I do not take issue with forensic towing falling under this category but the tows for 45 day impounds should be left under the regular rotation like it used to be as these are usually as a result of a normal traffic stop and should be treated as a normal call for service.

Every tow company that has an impound yard to impound vehicle for 7 days for impaired driving or 14 days for stunt driving must be licensed by the province to do so. If they are licensed to impound the cars for 7 days and 14 respectively the 45 day holds should be treated the same way unless there is a need for forensic involvement.

I really feel like this is an issue that needs to be presented to council so that council can be made aware of the current situation in Niagara regarding the Tow rotation for the NRP so that they can address the issue and decide whether the NRP should be taking back this list to maintain themselves or if council feels it should be put out for tender with someone at the region in charge of this list.

With that being said I truly believe the best option is to allow the NRP to take back control of this list to maintain as it would be much more simple in the end and benefit the NRP as well as the consumers who have to have their vehicles towed at request of police as well as the tow companies. Any complaints from the vehicle owners could then be handled by the tow liason to investigate and if the tow liason feels that a tow company was not following the rules the liason would have the power to suspend a company from the rotation for a period of time like was done before.

In the end it would remove any conflict of interest and greatly improve the towing situation in Niagara and promote accountability at the same time.

I have spoken to a Superintendant within the NRP regarding this already and she agreed that the NRP should have their own list and maintained by them like it used to be and that the way it currently is certainly sounds like a conflict of interest as well and agreed that there should never be a tow company in charge of the rotation in Niagara as it leave it open to abuse by that company.