

Wilkinson, Anita JAG:EX

From: Anness, Glenn JAG:EX
Sent: Tuesday, November 13, 2012 1:17 PM
To: Esposito, Tony N JAG:EX; Bowness, Corey JAG:EX
Subject: RE: ILO stuff
Attachments: ILO Program Proposal.pdf.pdf

Thanks Tony.

Here is the submission from ARA to discuss next week.

Glenn

From: Esposito, Tony N JAG:EX
Sent: Tuesday, November 13, 2012 12:29 PM
To: Bowness, Corey JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: FW: ILO stuff

Hi Corey,

I have attached documents related to the OSMV's review of ILOs that was completed recently. I have attached a spreadsheet that captures the nature of the non-compliance that's occurring with some of the ILOs. Below, are comments from Jackie Harrison with respect to her review.

As discussed with Glenn, I think an issues note for the Superintendent is required to set out what the OSMV review of the ILOs has identified and what our options are for dealing with these outstanding issues.

Hi Toni & Arnie,

s.13

Thank you.

Tony Esposito
Manager of Adjudication
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Phone: (250) 387-2859

Fax: (250) 356-6544
Email: Tony.Esposito@gov.bc.ca



From: Handgraaf, Harjeet JAG:EX
Sent: Tuesday, May 29, 2012 2:12 PM
To: Esposito, Tony N JAG:EX
Subject: FW: ILO stuff

Hi Tony,

Here is an electronic copy of the ILO package that was sent to the ILO's, cover letter, update information sheet as well as the current ILO procedures Version 4. I have spoken to Jackie and she will compile all information and we can discuss on my return from my vacation.

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: MacLellan, Patti SG:EX
Sent: Thursday, November 17, 2011 9:48 AM
To: Handgraaf, Harjeet SG:EX
Subject: ILO stuff

Ok, this time a copy of:

ILO procedures
ILO information & update sheet

And have a read of the drafted letter ☺

Cheers!
P.

Patti MacLellan
Intervention Programs
O.S.M.V.



ILO Program Proposal

The following proposal contains an amalgamated list of industry best practices, OSMV policies and procedures and ICBC supplier requirements, as well as suggestions for moving forward with an industry facilitated ILO program.

Prepared by the Automotive Retailers Association

October 23rd, 2012

Objective

To establish a comprehensive list of certifiable industry standards the Office of the Superintendent of Motor Vehicles (OSMV) may rely upon to ensure the integrity of its Impound Lot Operator (ILO) program for towers.

Purpose

The purpose of this proposal is to begin dialogue with the OSMV on establishing alternatives to the ICBC vendor number requirement that is a condition for acceptance to the ILO program.

Background

In April of 2012 the OSMV sent ILOs an agreement letter to be signed and returned and which contained conditions including: adhering to the ILO Procedures Manual; adhering to the Vendor Policies and Procedures Manual of ICBC; and an application for the ILO program. The requirement of having an ICBC vendor number was nothing new, already being a previous program condition. However, including the ICBC Vendor Policies and Procedures Manual in this latest agreement has raised questions as to the rationale and its practicality for the ILO program. The OSMV publishes its policy and procedures manual which outlines in detail the specific requirements for the ILO program. ICBC publishes its manual which outlines the specific requirements for its business model. Whereas the ILO procedures manual is focused specifically on requirements relevant to the ILO program ICBC's requirements are not; ICBC standards and practices are focused on delivery of its own business model. Any requirement for adherence to both manuals causes considerable redundancies as well as confusion as to how ICBC policies may apply to the ILO program.

Proposal

Pages 5 through 6 redacted for the following reasons:

s.13

s.13

Thank you for your consideration.

Prepared by the Automotive Retailers Association

October 23rd 2012

Wilkinson, Anita JAG:EX

From: Harrison, Jackie P JAG:EX
Sent: Friday, September 28, 2012 2:10 PM
To: Esposito, Tony N JAG:EX
Cc: Handgraaf, Harjeet JAG:EX
Subject: ILO's

Hi Toni & Arnie.

s.13

Thanks,
Jackie
Jacqueline Harrison
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 952 6910 fax- 250 356 6544



Wilkinson, Anita JAG:EX

From: Trenchard, Harold M JAG:EX
Sent: Wednesday, December 12, 2012 12:51 PM
To: Christians, Lothar JAG:EX
Cc: Moran, Deidre JAG:EX; Pohl, Marlene JAG:EX; Wang, Dongmei JAG:EX
Subject: OSMV public facing site

Hi Lothar – OSMV is interested in setting up a simple calculator web page per the basic requirements listed below. Do you happen to know who controls <http://www.pssg.gov.bc.ca/osmv/> and what the process would be for getting such a thing built? It's got calculations in it, so it might need someone with some development background.

- Needs to be available on a public facing website, probably somewhere on <http://www.pssg.gov.bc.ca/osmv/>
- Target audience is tow lot operators or members of the public who are claiming towing/vehicle storage refunds related to successfully appealed IRPs.
- Even though the target audience is tow lot operators, there is no issue with the calculator being available to any member of the public.



Vehicle Impound
Refund Calcula...

- The calculations have to mirror those in the attached spreadsheet.
- The input fields for the user are the white fields in the spreadsheet as per the paste below.
- All the input fields are required, none are optional. I.e. The web page needs to force the user to enter data in all of the input fields.

CALCULATOR Enter data in white boxes

Enter Size and Weight Category (1, 2 or 3)

Enter Kilometers Towed

Enter Date Vehicle Was Impounded

YYYY	MM	DD
2012	1	15

Enter Date Release Document Was Completed

YYYY	MM	DD
2012	2	31

Enter Applicable Zone Number Where Vehicle Was Stored (1 or 2)

- Everything besides the input fields are locked or calculated by the web page.
- There probably should be a CALCULATE button on the web version.
- The web page should give reasonable error messages if the user enters invalid data.

- There should be a title or explanation block that says "This calculator is for individuals or tow lot operators who are submitting requests to the Office of the Superintendent of Motor Vehicles (OSMV) for the repayment of Immediate Roadside Prohibition (IRP) related towing and storage charges."
- Rates are subject to periodic change, so it would be nice if an OSMV person had the ability to update the rates in the background.
- Users need the ability to print a nicely formatted, readable, 1 page version of the calculations. Tow lot operators would likely NOT use it as an invoice, but they could attach the printed copy to their invoice.

Harold Trenchard

Project Manager, Core Operating Systems

Ministry of Justice, Office of the Superintendent of Motor Vehicles

4th Floor 940 Blanshard, Victoria BC

Phone: 250 356-8635

Cell Phone s.17

TOWING AND STORAGE REFUND CALCULATOR

Effective March 13, 2009, the *Motor Vehicle Act* Regulations were amended to increase the towing and storage rates to use for vehicles impounded under the Vehicle Impoundment Program.

TOWING RATES

Distance and Amounts	Size and Weight Categories		
Category	1 Up to 3,628 kg/GVW Automobiles, vans, pickups, motorcycles, etc*	2 3,629 kg to 7,257 kg/GVW Medium duty trucks and trailers, etc*	3 7,258 kg/GVW and over Heavy trucks and trailers, etc.*
1) Up to 6.0 km	\$78.89	\$92.17	\$153.64
2) 6.1 to 16.0 km, Add per km	\$2.99	\$3.45	\$4.31
3) 16.1 to 32.0 km, Add per km	\$2.47	\$3.16	\$3.68
4) 32.1 km and over, Add per km	\$2.19	\$2.59	\$2.99
*Appropriate size towing vehicle to be used			

STORAGE RATES

Zone 1	Zone 2
\$19.55 per day for impound lots located within the municipal boundaries of the Greater Vancouver Regional District, the District of Squamish, the City of Chilliwack, the City of Abbotsford, the District of Mission or the City of Victoria	\$16.10 per day for impound lots located outside the areas described in Zone 1

CALCULATOR Enter data in white boxes

Enter Size and Weight Category (1, 2 or 3)

3

Enter Kilometers Towed

100

Enter Date Vehicle Was Impounded

YYYY	MM	DD
2012	1	15

Enter Date Release Document Was Completed

YYYY	MM	DD
2012	2	31

Enter Applicable Zone Number Where Vehicle Was Stored (1 or 2)

2

TOWING

Towing Base Rate 1 - Up to 6 Kilometers

153.64

Additional Distance 2 - 6.1 to 16 km

10.0

Rate

4.31

43.10

Additional Mileage 3 - 16.1 to 32 km

16.0

Rate

3.68

58.88

Additional Mileage 4 - 32.1 km and over

68.0

Rate

2.99

203.32

Total Towing Applicable

458.94

STORAGE

Number of days, including first and last day

48

Rate

16.10

772.80

Total Towing and Storage

1,231.74

HST

147.81

Total Refundable

1,379.55

NOTE: Please print a copy if you need a record. Your calculation will not be saved.

Wilkinson, Anita JAG:EX

From: Moran, Deidre JAG:EX
Sent: Tuesday, March 5, 2013 1:02 PM
To: Roberts, Steven JAG:EX
Subject: FW: from Marlene Towing calculator

Updated with the wording changes

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Trenchard, Harold M JAG:EX
Sent: Tuesday, March 5, 2013 9:46 AM
To: Moran, Deidre JAG:EX; Pohl, Marlene JAG:EX
Subject: FW: from Marlene Towing calculator

From: Lo, Bonnie JAG:EX
Sent: Tuesday, March 5, 2013 9:45 AM
To: Trenchard, Harold M JAG:EX
Subject: RE: from Marlene Towing calculator

Done

<http://webx.test.pssg.gov.bc.ca/osmv/impoundment/calculator.htm>

From: Trenchard, Harold M JAG:EX
Sent: Tuesday, March 5, 2013 9:42 AM
To: Lo, Bonnie JAG:EX
Cc: Moran, Deidre JAG:EX
Subject: RE: from Marlene Towing calculator

Ok, Thanks Bonnie.

From: Lo, Bonnie JAG:EX
Sent: Tuesday, March 5, 2013 8:54 AM
To: Trenchard, Harold M JAG:EX
Cc: Moran, Deidre JAG:EX
Subject: RE: from Marlene Towing calculator

Thanks Harold.

No, the initial request didn't get to me, so I haven't made any changes. I will let you know once it's completed.

Thanks
Bonnie

From: Trenchard, Harold M JAG:EX
Sent: Monday, March 4, 2013 10:37 AM
To: Lo, Bonnie JAG:EX
Cc: Moran, Deidre JAG:EX
Subject: FW: from Marlene Towing calculator

Hi Bonnie – I'm not sure if the wording change request on this got to you or not. I have changed the colour of the requested edit to red in this email string. When you have a chance, if you could please make the change (if you haven't done so already). Thanks!

Harold Trenchard
Senior Portfolio Manager
Ministry of Justice, Office of the Superintendent of Motor Vehicles
4th Floor 940 Blanshard, Victoria BC
Phone: 250 356-8635
Cell: s.17

From: Moran, Deidre JAG:EX
Sent: Monday, March 4, 2013 10:27 AM
To: Trenchard, Harold M JAG:EX; Pohl, Marlene JAG:EX; Roberts, Steven JAG:EX
Subject: RE: from Marlene Towing calculator

Just the wording change below is needed and then we are ready to put it up, I think. Copying Steve Roberts so he can give us advice about where and how we want to launch.

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

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Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Trenchard, Harold M JAG:EX
Sent: Monday, March 4, 2013 10:22 AM
To: Moran, Deidre JAG:EX; Pohl, Marlene JAG:EX
Subject: RE: from Marlene Towing calculator

I haven't done anything further. Who is going to have final sign-off as to the suitability of the solution that Bonnie has come up with? Maybe all that's left to do is to put it in production and spread the word.....

Harold Trenchard
Senior Portfolio Manager
Ministry of Justice, Office of the Superintendent of Motor Vehicles
4th Floor 940 Blanshard, Victoria BC
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Cell: s.17

From: Moran, Deidre JAG:EX
Sent: Monday, March 4, 2013 9:47 AM
To: Moran, Deidre JAG:EX; Pohl, Marlene JAG:EX; Trenchard, Harold M JAG:EX
Subject: RE: from Marlene Towing calculator

Any update on this?

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Moran, Deidre JAG:EX
Sent: Monday, February 4, 2013 11:30 AM
To: Pohl, Marlene JAG:EX; Trenchard, Harold M JAG:EX
Subject: FW: from Marlene Towing calculator

Marlene – would you kindly work with Harold to complete this? I'm satisfied with the wording below.

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services

(Office of the Superintendent of Motor Vehicles)

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Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Esposito, Tony N JAG:EX
Sent: Wednesday, January 23, 2013 4:51 PM
To: Moran, Deidre JAG:EX
Cc: Handgraaf, Harjeet JAG:EX; Simpson, Linda M JAG:EX
Subject: FW: from Marlene Towing calculator

Hi Deidre,

Please see Linda's comments below. We agree with everything she said.
Thanks.

Tony Esposito
Manager of Adjudication
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Phone: (250) 387-2859
Fax: (250) 356-6544
Email: Tony.Esposito@gov.bc.ca

<< OLE Object: Picture (Device Independent Bitmap) >>

From: Simpson, Linda M JAG:EX
Sent: Wednesday, January 23, 2013 4:37 PM
To: Handgraaf, Harjeet JAG:EX
Subject: RE: from Marlene Towing calculator

s.13

Linda Simpson
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice

phone-250 356 6556 fax- 250 356 6544
email: linda.m.simpson@gov.bc.ca

<< OLE Object: Picture (Device Independent Bitmap) >>

From: Moran, Deidre JAG:EX
Sent: Wednesday, January 23, 2013 3:56 PM
To: Handgraaf, Harjeet JAG:EX; Esposito, Tony N JAG:EX
Subject: FW: from Marlene Towing calculator

s.13

Suggested edit

Date Vehicle Was Impounded:
Order Release Date:

s.13

Current wording

<< OLE Object: Picture (Device Independent Bitmap) >>

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Web:<http://www.pssg.gov.bc.ca/osmv/>

Wilkinson, Anita JAG:EX

From: Moran, Deidre JAG:EX
Sent: Tuesday, July 2, 2013 4:10 PM
To: Lo, Bonnie JAG:EX; Trenchard, Harold M JAG:EX
Subject: FW: from Marlene Towing calculator

Hi guys – can you update the location of this draft document for me? We got it ready then held off migrating it to while the election was underway.

From: Moran, Deidre JAG:EX
Sent: Tuesday, March 5, 2013 1:02 PM
To: Roberts, Steven JAG:EX
Subject: FW: from Marlene Towing calculator

Updated with the wording changes

Deidre Moran, CGA
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(Office of the Superintendent of Motor Vehicles)

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Bonnie

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Subject: RE: from Marlene Towing calculator

Any update on this?

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

Phone: 250-953-3758 Mobile:
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Deidre Moran, CGA
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Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

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From: Esposito, Tony N JAG:EX
Sent: Wednesday, January 23, 2013 4:51 PM
To: Moran, Deidre JAG:EX
Cc: Handgraaf, Harjeet JAG:EX; Simpson, Linda M JAG:EX
Subject: FW: from Marlene Towing calculator

Hi Deidre,

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Thanks.

Tony Esposito
Manager of Adjudication
Office of the Superintendent of Motor Vehicles
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Phone: (250) 387-2859
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Sent: Wednesday, January 23, 2013 4:37 PM

To: Handgraaf, Harjeet JAG:EX
Subject: RE: from Marlene Towing calculator

s.13

Linda Simpson
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
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s.13

Suggested edit
Date Vehicle Was Impounded:
Order Release Date:

s.13

Current wording
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Web:<http://www.pssg.gov.bc.ca/osmv/>

Wilkinson, Anita JAG:EX

From: McKeown, Kayla JAG:EX
Sent: Wednesday, October 3, 2012 4:28 PM
To: Labelle, Michael J JAG:EX
Cc: Esposito, Tony N JAG:EX
Subject: FW: ILO Upgrade Fax Template
Attachments: ILO Upgrade Fax Template.doc; FW: Data Integrity and Errors

Hi Michael,

Here is a suggestion that came from the team regarding the addition of a fax sheet for upgrades to ILOs. If this is a possibility and if you have the time that would be great!

I have also attached an email that was sent out to the team regarding the high level of accuracy and quality of work they are producing. After a couple of bumps in the road with navigating around the new database the team is now decreasing their error rate and they system is helping to reduce effort hours as well as promote higher accuracy levels. Thank you again for producing this great database! It has eased our workload and provided further opportunities for the team to produce a higher volume with high accuracy.

Thanks!

Kayla McKeown
Team Lead, Branch Support & Manual Operations
Administrative Justice Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 | 250-356-5634



From: Samis, Jordan JAG:EX
Sent: Wednesday, October 3, 2012 11:18 AM
To: McKeown, Kayla JAG:EX
Subject: ILO Upgrade Fax Template

Hi Kayla,

I have noticed personally that the new Urgent system has saved me a lot of time throughout my day and I thought that the same efficiencies could be gained through a similar system for ILO upgrades.

The attached document is my (crude) attempt to create such a form, but it should give you an idea of what I mean. The checkboxes are active, so you can check them.

I was wondering if an urgent-like function could be added to our MOC database template.

I imagine a button next to the VI upgrade selection option, it would light up when an upgrade is selected.

VI Upgrade:

Actual Speed:

Posted Speed:

We could then create a Excel spreadsheet (or update the current one) that contained all the fax numbers for tow lots allowing us to could copy/paste them into the form (similar to how we do Urgents).

I am not sure how much work this would entail, but if it was feasible and Michael Labelle had the time, I think the MOC would gain in the end through decreased time spent on Urgents. Additionally, it would lower linking errors of ILO fax confirmations as all writing would be more easily read.

Just an idea,

Jordan Samis

Manual Operations

Administrative Justice Branch

The Office of the Superintendent of Motor Vehicles | Ministry of Justice

PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 | NEW 250-953-8697

Pages: 1 (including cover)

Date:

To:

Fax:

From: Office of the Superintendent of Motor Vehicles
PO BOX 9254 STN PROV GOV
Victoria BC V8W 9J2

Phone: (250) 387-7747

Fax: (250) 387-4891

VI No. _____

Subject: Increased Vehicle Impound Period

This is to inform you that the above VI has been

☐ increased to:

☐ decreased to:

☐ 3 Days

☐ 7 Days

☐ 30 Days

☐ 60 Days

Licence Plate No.

Projected Release Date:

Vehicle Description:

Initials:

Wilkinson, Anita JAG:EX

From: McKeown, Kayla JAG:EX
Sent: Friday, September 28, 2012 1:24 PM
To: SG OSMV Office Support Team
Cc: Esposito, Tony N JAG:EX
Subject: FW: Data Integrity and Errors

Thank you all for working so diligently to decrease the error rate. I know we had some obstacles when trying to navigate the new database that Michael created for us but you all have now proven again how to work towards quality and high accuracy.

Thank you all!!

Kayla McKeown
Team Lead, Branch Support & Manual Operations
Administrative Justice Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 | 250-356-5634



From: Slavin, Shawn JAG:EX
Sent: Friday, September 28, 2012 1:01 PM
To: McKeown, Kayla JAG:EX
Subject: Data Integrity and Errors

Hi Kayla

I just wanted pass on the news that over the past couple of weeks, the number of errors that are caught during the data integrity process has dropped significantly. What was taking us at least an hour to do in data integrity, is now taking us less than 30 minutes. We went from an error in just about every other file, to one or two errors per day (not a single one has been a major error either). I think as a whole, everyone has done an absolutely amazing job identifying where we are making our mistakes, and working to ensure that they are no longer being made.

I just thought I should pass on the good news!

Shawn

Wilkinson, Anita JAG:EX

From: Handgraaf, Harjeet JAG:EX
Sent: Tuesday, May 29, 2012 2:12 PM
To: Esposito, Tony N JAG:EX
Subject: FW: ILO stuff
Attachments: covering letter nov 11.docx; IMPOUND LOT UPDATE INFORMATION.docx; 3 ILO Procedures Version 4.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Tony,

Here is an electronic copy of the ILO package that was sent to the ILO's, cover letter. update information sheet as well as the current ILO procedures Version 4. I have spoken to Jackie and she will compile all information and we can discuss on my return from my vacation.

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
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From: MacLellan, Patti SG:EX
Sent: Thursday, November 17, 2011 9:48 AM
To: Handgraaf, Harjeet SG:EX
Subject: ILO stuff

Ok, this time a copy of:

ILO procedures
ILO information & update sheet

And have a read of the drafted letter ☺

Cheers!
P.

Patti MacLellan
Intervention Programs
O.S.M.V.



November 17, 2011

Dear Impound Lot Operator (ILO)

Attached is the new revised copy of the Procedures for Impound Lot Operators (Version 4), which replaces Version 3 in its entirety. Also attached is a copy of the "Impound Lot Operator Application and Information Update" form.

Please fill out a copy of "The Impound Lot Operator Application and Information Update" form and return it to this office, either by Canada Post at the mailing address below, or fax it back to us at (250) 356-5919 within 30 days, so that we have your most current information on file.

If your company makes changes to information in the future you will need to complete another copy and send it to us. Changes may be to the:

- Name;
- Location;
- Ownership;
- Mailing address, contact telephone or fax number, or
- Your status as an ICBC supplier

Should you have any questions, please do not hesitate to call our office at (250) 387-7747. Thank you for being part of our Vehicle Impoundment Program.

Enclosures





IMPOUND LOT OPERATOR APPLICATION AND INFORMATION UPDATE

Please provide your company information and return the completed form by fax or mail. If you have more than one impound lot, complete a separate form for each one. Please print below the captions.

Full LEGAL Name (dba or trade name is not acceptable):		Business Name (if different from legal name):		
Business Office Address (include postal code): 		ICBC Vendor Number:	National Safety Code (NSC):	
		Business Licence:	Business Hours:	
Signing Authority:		List local enforcement agencies	Phone	Fax
Principal Contact (if different from signing authority):				
Dispatch Office Phone Number (Available Mon – Fri 24/7):	Office Phone Number (if different):	Size of Vehicle you can tow (yes/no)? Up to 3,628 Kgs/GVW		
Dedicated Fax Number (Available Mon – Fri 24/7):		3,629 Kgs to 11,811 Kgs/GVW		
<input type="checkbox"/> Limited Company <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership		11,812 Kgs/GVW and over		
Impound Lot Address (include postal code) (if this address is different than the one previously provided to us, please attach pictures showing fencing, signage and general lot conditions.) 		Impound Lots Have: Fully fenced lot (minimum 72" chain link + 12" wire overhang)		
		Restricted public access to vehicles stored under this program (minimum: no unescorted public access)		
Type of Dispatch/Communication System (e.g. cell phone, dedicated 2 way radio, CB radio, etc.):		Electronic Security Systems:		
Signing Authority Signature:		Exterior Lighting:		
Print Signing Authority Full Name:		Zoned for Vehicle Storage:		
Date (yyyy/mm/dd):		<ul style="list-style-type: none">• ATTENTION NEW APPLICANTS:• Please attach documents providing proof that your business is registered to do business in British Columbia. These documents must include a list of directors or authorized signatories.• Please also attach pictures showing lot conditions, fencing and signage.		

**PROCEDURES
FOR
IMPOUND LOT OPERATORS
(Version 4)**

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

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1. GENERAL

Police are required to impound vehicles driven by unlicensed, under-licensed, prohibited and suspended drivers; street racers and stunt drivers; excessive speeders; many impaired drivers; certain motorcycle offenders; and other unsafe motor vehicle operators. The impound period depends on the nature of the infraction and may escalate for vehicle owners with prior impounds. Vehicle impoundment places responsibility on the registered owner to ensure that their vehicle is operated only by an individual who holds a valid driver's licence. The VI legislation mandates the following periods of impoundment:

VEHICLE IMPOUNDMENT LENGTHS (EFFECTIVE SEPTEMBER 20, 2010)

	1st Offence	2nd Offence	3rd Offence
Driving while unlicensed	7 days	30 days	60 days
Driving while prohibited	7 days	30 days	60 days
Street racing	7 days	30 days	60 days
Stunt driving	7 days	30 days	60 days
Excessive speeding	7 days	30 days	60 days
Motorcycle infractions	7 days	30 days	60 days
Impaired	3 days	7 days	30 days

The Office of the Superintendent of Motor Vehicles (OSMV), located in Victoria maintains an approved list of qualified tow companies referred to as Impound Lot Operators (ILOs).

A registered owner who has had their vehicle impounded as a result of (1) unlicensed driving, prohibited driving, street racing, stunt driving, excessive speeding, or motorcycle infractions resulting in 30- or 60-day impoundments or (2) impaired driving resulting in a 30 day impoundment, may make application to OSMV for a review of the impoundment. If successful, the registered owner or person authorized by the registered owner will have the vehicle released early. In these cases OSMV will order the vehicle be released.

There are several grounds for review. If the review is successful, the towing and storage charges may, in some cases, be paid by OSMV. Unless the Order of Release (MV2713A) or (MV2713B) indicates otherwise, the registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

Vehicles that are reported to a peace officer as stolen may be released early by the peace officer or in some instances OSMV. In these cases the vehicle should not be released without the appropriate order from either a peace officer or OSMV. The registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

For some impounded vehicles there may be third parties with a security interest registered against the vehicle under the Personal Property Security Act (PPSA) who may want the vehicle released. OSMV/ICBC requires secured parties or bailiffs who work on their behalf to obtain authorization from the owner or a court order. Once the secured party or bailiff has obtained authorization from the owner or a court order the secured party or bailiff must attend an Insurance Corporation of British Columbia (ICBC) Driver Services Centre, Government Agent, or Appointed Agent to complete the Request for Vehicle Release (MV2711) and Order of Release (MV2713A) or (MV2713B).

PROCEDURES FOR IMPOUND LOT OPERATORS

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1.1 Tow Company Participation in the VI Program

OSMV/ICBC will monitor ILO performance to ensure that ILOs meet and maintain standards under the VI program (see section 9).

1.2 ILO Workload

Peace officers and OSMV/ICBC cannot offer guaranteed workloads or volumes to ILOs in the assignment of vehicle impounds. Factors such as the impound lot location, availability of suitable trucks, and areas of operation by ILOs will affect the selection of an ILO for a given impound.

1.3 OSMV Contacts

General Mailing Address	Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, BC V8W 9J2
Intake Services	(250) 387-7747
Invoice Payments	(250) 356-6573
Except as noted, all specified program forms will be faxed to OSMV	(250) 356-5919

1.4 Rates for Towing & Storage

Towing and storage rates under the VI program are set out in Division 43.05 of the *Motor Vehicle Act Regulations* whether payable by the registered owner/person authorized by the registered owner or by the Superintendent of Motor Vehicles (the Superintendent). The rates change from time to time and ILOs will be notified directly by OSMV when the rates change.

1.5 Changes to ILO Information

Each ILO is responsible for notifying OSMV of any changes to their information. Please contact OSMV for an "Impound Lot Operator Application and Information Update" form (see section 1.3).

Some changes may only result in OSMV updating the ILO's file whereas other changes may affect the ILO's ability to participate in the VI program. The following table provides examples of common changes and the corresponding result for the ILO:

Information Change	Result
Company/business name	OSMV will initiate an amendment to the agreement.
Impound lot location	New lot must be approved and an amendment to the agreement will be initiated.
Company/business ownership	OSMV will initiate a new contractual agreement between the new owners and the Superintendent.
Mailing address, contact telephone, or fax number	OSMV updates ILO file
Status as an ICBC supplier	May result in disqualification from the VI program

PROCEDURES FOR IMPOUND LOT OPERATORS

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2. VEHICLE IMPOUNDMENT

The steps below must be followed in the course of impounding a vehicle under the VI program:

Peace Officer:	<ul style="list-style-type: none">Issues Notice of Impoundment (MV2721) to the driver of a motor vehicle.
Peace Officer Dispatch:	<ul style="list-style-type: none">Contacts ILO and requests appropriate service at location.
ILO:	<ul style="list-style-type: none">Ensures a suitable tow truck is on the road within ten minutes of the request and proceeds directly to the vehicle location.
Peace Officer:	<ul style="list-style-type: none">Provides the tow truck driver with a copy of the Notice of Impoundment (MV2721).
Tow Truck Operator:	<ul style="list-style-type: none">Records the condition of the vehicle, including a description of any damage, and inventories all personal property and removable accessories using the Vehicle Impound Invoice (MV2714).Requests that the vehicle driver sign the completed Vehicle Impound Invoice (MV2714) and then also signs this same form. If the vehicle driver refuses or is unable to sign, the tow truck operator will note that fact on the form.Provides the pink copy of the Vehicle Impound Invoice (MV2714) to the driver and returns the remaining copies to the ILO office.Tows the vehicle to the impound lot via the most direct route.
ILO:	<ul style="list-style-type: none">Retains the copies of the Vehicle Impound Invoice (MV2714) and Notice of Impoundment (MV2721) on file.
Peace Officer:	<ul style="list-style-type: none">Faxes OSMV a copy of the Notice of Impoundment (MV2721) and supporting documentation

2.1. Impounded Vehicle is Not to be Moved

Neither the ILO nor the registered owner may move the vehicle to another impound lot during the impoundment period unless directed to do so by the peace officer who impounded the vehicle.

2.2. Peace Officer Seizure of Impounded Vehicle

A peace officer may, on occasion, be required to seize and remove an impounded vehicle from an ILO for investigative purposes. In this event, the following procedures will apply:

Peace Officer:	<ul style="list-style-type: none">Presents ILO with warrant or other written request to seize the vehicle
ILO:	<ul style="list-style-type: none">Records the peace officer's name and badge number on the Vehicle Impound Invoice (MV2714).Makes a copy of the warrant or other written request and attaches it to the Vehicle Impound Invoice (MV2714).
Peace Officer:	<ul style="list-style-type: none">Seizes vehicle and arranges removal from ILO storage
ILO:	<ul style="list-style-type: none">Records the VI number on the copy of the warrantFaxes a copy of the warrant or written request to OSMV at (250) 356-5919

PROCEDURES FOR IMPOUND LOT OPERATORS

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2.2 Peace Officer Seizure of Impounded Vehicle (cont'd)

Upon return of the vehicle, the following procedures should be followed:

Peace Officer:	<ul style="list-style-type: none">• Returns vehicle to the ILO• Note: Any towing and storage costs incurred by the ILO or other towing company relating to the peace officer's seizure and return of vehicle will be paid by the peace officer's law enforcement unit. The ILO will not charge the registered owner or OSMV for any towing or storage costs during the period of police seizure.
ILO:	<ul style="list-style-type: none">• Notes on the copy of the warrant that the vehicle has been returned.• Faxes a copy of the warrant to OSMV at (250) 356-5919

3. LONGER IMPOUNDS

For registered owners with previous offences within two years, the impound period will be increased as per the chart in Section 1 – GENERAL of these Procedures.

OSMV:	<ul style="list-style-type: none">• Notifies the registered owner and faxes the ILO, indicating that the impoundment period is increased. All other conditions of the impoundment remain unchanged.
-------	---

4. ACCESS TO VEHICLE

The registered owner or person authorized by the registered owner will be given a reasonable opportunity to retrieve personal possessions that are not attached to or used in connection with the operation of the vehicle. The ILO may choose to collect a portion of the towing and storage monies owing from the registered owner before allowing access to the vehicle. This portion will be deducted from the final towing and storage amount owing.

Other access may be required by representatives of OSMV, ICBC or by peace officers for a continuing investigation.

Owner, Peace Officer or ICBC:	<ul style="list-style-type: none">• Requests access to the vehicle during normal business hours.
ILO:	<ul style="list-style-type: none">• Provides access to the vehicle during normal business hours.• Must supervise access by the registered owner or person authorized by the registered owner. No unsupervised access by the registered owner or person authorized by the registered owner is permitted.• Ensures the licence plates and other related equipment attached to the vehicle remain with the vehicle.• Must attach a written record to the Vehicle Impound Invoice (MV2714) documenting any personal possessions that have been removed from the vehicle. This record must include the names, dates and times of any person accessing the vehicle and must be dated and initialed by the registered owner or person authorized by the registered owner.

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5. NORMAL RELEASE OF VEHICLE

At the end of the impound period the vehicle can be claimed by the registered owner or person authorized by the registered owner as follows:

OSMV/ICBC:	<ul style="list-style-type: none">• 3 or 7 day impoundments: The registered owner does not need to make a Request for Vehicle Release (MV2711) or an Order for Release (MV2713A) or (MV2713B) for 3- or 7- day impoundments. However, if the registered owner wants to appoint another person to retrieve the vehicle on his/her behalf, he/she will need to attend a Driver's Service Centre, Government Agent or Agent to fill out the Owner's Authorization (MV2712).• 30 or 60 day impoundments: The registered owner makes a Request for Release application at a Driver Services Centre, Government Agent or Appointed Agent. The registered owner fills out the Owner's Authorization (MV2712) if he/she wants to appoint another person to retrieve the vehicle on his/her behalf. If approved, the Driver Services Centre, Government Agent, or Appointed Agent will fax the Order of Release (MV2713A) to the ILO and will fax a copy of the Request for Release and Owner's Authorization to OSMV.
Registered Owner or Person Authorized by the Registered Owner:	<ul style="list-style-type: none">• Is responsible for all towing and storage charges. Pays all towing and storage charges against the vehicle according to the prescribed program rates.• Signs the Order for Release (MV2713A) (for 30- or 60-day impounds only) and the Vehicle Impound Invoice (MV2714).• Order for Release (MV2713A) is not necessary for 3- or 7-day impoundments.• Where a person has been authorized by the registered owner to retrieve the vehicle, that person must present the Owner's Authorization (MV2712).• Provides a driver's license or other suitable identification to the ILO.
ILO:	<ul style="list-style-type: none">• Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) from OSMV/ICBC, unless it is a 3- or 7- day impoundment. Note: In the case of a 3- or 7-day impoundment, the ILO may release the vehicle to the registered owner or the person authorized by the registered owner at least 3 or 7 full 24-hour days after the time and date of the impoundment. The registered owner does not require an Order of Release (MV2713A).• Records on the Order of Release (MV2713A) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner.• Sends a copy of the completed Order of Release (MV2713A) by fax to OSMV at (250) 356-5919.• Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy.• If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), storage charges will continue to accrue at the prescribed rate.

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6. EARLY RELEASE OF VEHICLE

Under certain circumstances the Superintendent or a peace officer may authorize early release of the vehicle. Depending on the reason for release, either the registered owner/person authorized by the registered owner or the Superintendent will pay for the towing and storage charges. The following procedures should be followed:

OSMV:	<ul style="list-style-type: none">• Sends Order for Release (MV2713A) (registered owner pays towing and storage charges) or (MV2713B) (Superintendent pays towing and storage charges) by fax to the ILO.• Where the Superintendent is paying all or part of the towing and storage charges (as indicated on the (MV2713B)) refer to section 7.
Peace Officer	<ul style="list-style-type: none">• A peace officer may order a vehicle be released if they are satisfied that the impounded vehicle is stolen property. In the case of a stolen vehicle, the peace officer will complete an Order of Release (MV2715) and notify the ILO and the OSMV by fax. The registered owner will pay all towing and storage charges.
ILO:	<ul style="list-style-type: none">• Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) or (MV2713B) from the OSMV/ICBC or a Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715).• Records on the Order of Release (MV2713A), (MV2713B) or (MV2715) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner.• Sends a copy of the completed Order of Release (MV2713A), (MV2713B) or (MV2715) by fax to OSMV at (250) 356-5919.• Where the Superintendent is paying all or part of the towing and storage charges (indicated on the Order of Release (MV2713B)) refer to section 7.• Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy.• If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), (MV2713B) or (MV2715), storage charges will continue to accrue at the prescribed rate.
<i>NOTE: If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A) or (MV2713B) and that Order indicates OSMV will pay for the towing and storage charges, the vehicle owner will be responsible for additional storage charges as outlined in section 7.</i>	

7. INVOICING OSMV

Under certain circumstances the Superintendent must pay for all or part of the towing and storage charges during an impoundment. The ILO will be reimbursed as follows:

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7. INVOICING OSMV (cont'd)

OSMV:	<ul style="list-style-type: none">• Sends Order of Release (MV2713B) by fax to ILO.• Order of Release (MV2713B) indicates the part of the towing and storage charges that the Superintendent will pay (located at the bottom of the Order of Release).• Where the Superintendent is paying all or part of the towing and storage charges, charges will be covered up to the end of the business day of the authorized date of release. If the registered owner or person authorized by the registered owner is unable to collect the vehicle on the day of release, the Superintendent will authorize payment of storage charges for one additional day. Beyond that date, the registered owner or person authorized by the registered owner is responsible for further storage charges.
ILO:	<ul style="list-style-type: none">• Completes the Vehicle Impound Invoice (MV2714) clearly showing VI number, towing, distance towed and storage charges.• Inserts the ICBC Supplier Number in the right side of the box labelled Impound Lot Information.• Mails the completed Vehicle Impound Invoice (MV2714) and completed Order of Release (MV2713B) to: Finance and Administration Branch Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, B.C. V8W 9J2
OSMV	<ul style="list-style-type: none">• Reviews the invoiced amount and, if confirmed, authorizes payment to ILO. Please allow 4 -6 weeks for refund.

8. DISPOSAL OF UNCLAIMED VEHICLE

An impounded vehicle that is not claimed by the owner shall only be disposed of in one of the following two ways: (1) authorization by the Superintendent under the *Motor Vehicle Act* **or** (2) transfer of ownership under the conditions of the *Warehouse Lien Act*. OSMV shall be notified, in writing, of **all** disposals of impounded vehicles. The detailed requirements and procedures are set out in the *Motor Vehicle Act* and are summarized below.

8.1 Motor Vehicle Act Disposal

8.1.1 Early Disposal

When a vehicle owner indicates that they have no intention of claiming his/her vehicle, the ILO and the vehicle owner can complete the Early Disposal Agreement form (MV2729). The vehicle owner will transfer ownership of the vehicle to the ILO. The vehicle must be designated as "Dismantle" on the Tax Transfer Form. The ILO must complete an Early Disposal Statutory Declaration (MV2728) and agrees to discharge the lien on the vehicle. This allows the ILO to remove an abandoned vehicle from the lot prior to the expiry date of the impound period.

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8.1 Motor Vehicle Act Disposal (cont'd)

8.1.1 Early Disposal (cont'd)

ILO:	<ul style="list-style-type: none">• Completes the Early Disposal Agreement form (MV2729) with the owner of the vehicle.• Completes a Statutory Declaration Early Vehicle Disposal (MV2728).• Presents the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2728) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2728) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2728) will be required to provide a current driver's licence as proof of identification.• Note: Early Disposal Agreement form (MV2729) and Statutory Declaration Early Vehicle Disposal (MV2728) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none">• Provides required forms.• Swears Statutory Declaration Vehicle Disposal (MV2728) (original returned to ILO).• Forwards the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to OSMV by fax to (250) 356-5919.
OSMV:	<ul style="list-style-type: none">• Reviews the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request.• If the Early Vehicle Disposal is denied, OSMV will notify the ILO in writing.• If the Early Disposal application is approved, OSMV directs the ILO to attend at an Autoplan broker office to transfer the vehicle ownership.
ILO:	<ul style="list-style-type: none">• If the Early Vehicle Disposal is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2728), a completed Transfer/Tax form (APV9T), vehicle registration, and the licence last issued under section 3 of the MVA for the vehicle to an Autoplan broker.
ICBC:	<ul style="list-style-type: none">• Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO.• Cancels any vehicle licence issued with respect to the vehicle• Forwards any refund from the cancellation of the vehicle licence to the previous registered owner• Destroys the surrendered plates

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8.1.2 Normal Disposal

After the expiration of the impoundment period, the ILO may apply to transfer the registration of the vehicle to themselves provided:

- there is no security interest registered against the motor vehicle under the Personal Property Security Act (PPSA), and
- the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle is \$1,000.00 or more.

ILO:	<ul style="list-style-type: none">• After the expiration of the impoundment period and at least 14 days prior to making an application for disposal, notifies the registered owner, by ordinary mail, of the intent to dispose of the vehicle if the outstanding charges are not paid. The letter must identify the vehicle impound number, vehicle identification number, vehicle licence plate number, registered owner name(s), address, date of impoundment and amount of the outstanding charges at the time of notification.• OSMV will conduct a review of the value of the vehicle using the wholesale price listed for British Columbia in the Gold Book. OSMV may request a written explanation if there is a dispute in the value of the vehicle.• At least 14 days after sending the notice of intention to dispose of the vehicle the ILO completes a Statutory Declaration Vehicle Disposal (MV2704) indicating the amount of the lien, details of the vehicle, and estimated value of the vehicle.• After the expiration of the impoundment period completes a Request for Vehicle Disposal (MV2709).• Presents the completed Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) and any number plates that were attached to the vehicle to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2704) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2704) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2704) will be required to provide a current driver's licence as proof of identification.• Note: Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none">• Provides required forms.• Swears Statutory Declaration Vehicle Disposal (MV2704) (original returned to ILO).• Forwards Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) to OSMV by fax to (250) 356-5919.• Forwards any numbered plates and a copy of the Request for Vehicle Disposal (MV2709) to ICBC Revenue Stock using the plate disposal envelopes (INV21 or INV22).

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8.1.2 Normal Disposal (cont'd)

OSMV:	<ul style="list-style-type: none">• Does a PPSA search and obtains a certificate showing that no security interest is registered against the motor vehicle under that Act. If a security interest exists the ILO may not dispose of the vehicle under this procedure (see section 8.2).• Reviews the Request for Vehicle Disposal (MV2709) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request.• If the Request for Vehicle Disposal (MV2709) is denied, OSMV directs the ILO to return 5 business days from the date of the Vehicle Disposal Decision to the Driver Services Centre, the Government Agent, or the Appointed Agent to retrieve the surrendered plates.• If the Request for Vehicle Disposal (MV2709) is approved, OSMV directs the ILO to attend at an Autoplan broker to transfer the vehicle ownership.• Informs ICBC Revenue Stock via email of the Vehicle Disposal Decision.
ICBC:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, ICBC:• Cancels any vehicle licence issued with respect to the vehicle• Forwards any refund from the cancellation of the vehicle licence to the previous registered owner• Destroys the surrendered plates• Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO.• If the Request for Vehicle Disposal (MV2709) is denied, ICBC:• Returns the surrendered plates to the Driver Services Centre, Government Agent, or Appointed Agent for pick-up by the ILO after 5 business days from the date of the Vehicle Disposal Decision.
ILO:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2704), a completed Transfer/Tax form (APV9T), and vehicle registration, to an Autoplan broker.• If the Request for Vehicle Disposal (MV2709) is denied, the ILO must return to the Driver Services Centre, Government Agent, or Appointed Agent to retrieve the licence plates after five business days from the date on the Vehicle Disposal Decision

8.2 Warehouse Lien Act Disposal

Vehicles that have a security interest registered against them under the PPSA can only be disposed of under the *Warehouse Lien Act*. The Superintendent will not authorize disposal of a vehicle with an existing lien. Upon disposal under the terms of the *Warehouse Lien Act* the ILO will notify OSMV, by faxing or mailing to OSMV (refer to OSMV Contacts section 1.3) a completed and notarized Declaration of Seizure of a Vehicle under the Warehouse Lien Act MV1481 and a copy of the Vehicle Registration APV250, together with the VI number, vehicle identification number, and vehicle make and year, within 5 days of the disposal transaction.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

8.3 Release of Valued Abandoned Vehicles

Valued abandoned vehicles are vehicles that have been left at impound lots by the registered owners but the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle exceeds \$1,000.00 under section 255(2) of the *Motor Vehicle Act*. These vehicles may be owned outright by the registered owner, may have a security interest registered against them under the PPSA, or may be leased by the owner. OSMV will not authorize disposal of these vehicles. In these circumstances the ILO may dispose of the vehicle under the *Warehouse Lien Act*.

8.3.1 Release of Valued Abandoned Vehicles to Lien Holders

Bailiffs acting for third parties with a security interest registered against the vehicle under the PPSA have no jurisdiction to seize vehicles impounded and/or abandoned under the VI program unless they have authorization from the registered owner or a court order and they obtain a release from OSMV or ICBC. The party with the security interest is responsible for all towing and storage costs.

9. ILO QUALIFICATION STANDARDS

9.1 Qualifications

As necessary, OSMV will review existing ILO agreements and consider new entrants to the program.

9.2 Mandatory Requirements

Upon application to the VI program, OSMV/ICBC will qualify the company's ability to meet these standards. At all times while participating in the VI program, the ILO will be required to maintain these standards and may be subject to performance audits by OSMV representatives or ICBC representatives from time to time. An agreement, specific to this program, will be required to be entered into between each qualified ILO and the Superintendent.

The ILO must maintain the standards set out in this section 9.2 during the term of that agreement. Further, the Superintendent may assign that agreement to ICBC at any time during the term of the agreement. Upon such assignment all references in these procedures to OSMV or the Superintendent shall automatically become references to ICBC.

9.2.1 Business Qualifications

- Impound lots, records and tow vehicles must be maintained in accordance with program requirements contained in this document and will be available for inspection by OSMV/ICBC or law enforcement representatives.
- Minimum business hours are: office: 8am to 5pm, Monday to Friday; dispatch and towing: 24 hours, seven days per week.
- Maintain a valid ICBC Garage Policy with comprehensive coverage and a valid business licence issued by a municipality applicable to the business of towing and storing vehicles, or a valid Land Use contract.
- A valid ICBC Supplier number.
- A towing dispatch service must provide two-way communications with all tow trucks at all times.
- A fax machine which must be capable of unattended and continuous operation.

9.2.2 Tow truck requirements

- The tow company must have tow trucks available to the program that comply with the following standards:
- All tow trucks must be licensed and insured to operate in BC as a tow car, tow truck, wrecker, recovery vehicle or flat deck.
- ILOs will ensure that any lease operators have the ILO National Safety Code number recorded on vehicle registrations.
- Tow trucks will meet all Provincial and Federal vehicle mechanical, safety and licensing standards.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

9.2.3 Impound Lot

- The impound lots must meet the following minimum standards:
- Secure storage for all types of vehicles, including some space for vehicles up to a maximum of 45 ft in length.
- The lot shall consist of an asphalt surface or other well graded and drained surface condition.
- The impound lot must have a minimum six foot chain link fence, or equivalent, around the perimeter plus a 12" barbed wire overhang and a locking gate of matching height. The fence, overhang and gate shall be maintained in a good state of repair at all times.
- Impounded vehicles shall not be stored in the same area as vehicles under repair, being dismantled for parts or other similar activities.
- Access to impounded vehicles will be strictly controlled and at no time will unaccompanied vehicle owners or public access be permitted. Please refer to section 4, Access to Vehicle.

9.2.4 Service Levels

The ILO must dispatch a suitable tow truck and commence travel directly to the indicated location within 10 minutes of initial request from the police.

9.2.5 Administrative

All equipment and services specified in this program are the responsibility of the ILO. ILOs must adhere to all administrative requirements of the VI program including, without limitation,

- Maintain all records required by the Motor Vehicle Act or other legislation.
- Collect towing and storage charges from vehicle owners only in accordance with the prescribed rates as set out in the regulations.
- Maintain VI program forms described in section 10 below and program records at the normal ILO business office for a period of at least twelve months from the date of vehicle impoundment or until the vehicle is disposed of.

9.2.6 Disqualification or Withdrawal from the VI Program

At any time an ILO may be disqualified for failure to adhere to the program standards. Notice will be given in writing and the agreement may be terminated.

Either party may withdraw from the agreement by giving thirty days notice in writing. If either party withdraws, any impounded vehicles remaining in storage will remain impounded under all original program terms, conditions and rates until such time as the vehicles are released to the owners or are disposed of in the prescribed manner.

10. PROGRAM FORMS

The following forms may be used in the program. The Superintendent reserves the right to add to or delete from this list.

10.1 Notice Of Impoundment (MV2721)

Issued by the peace officer to the offending driver with a copy provided to the tow truck operator.

10.2 Vehicle Impound Invoice (MV2714)

The required program form is available at each ICBC Claims Centre. Completed by the tow operator with a copy provided to the driver of the impounded vehicle at the time of impound. The form describes the vehicle and equipment condition at the time of impoundment as well as the non-attached personal possessions remaining in the vehicle.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

10.3 Fax Cover Sheet to Increase Impoundment Periods

Issued by OSMV to the ILO as notification that the impound period has been increased to 3, 7, 30 or 60 days.

10.4 Order of Release (MV2713A)

Issued by the OSMV, by fax, to notify the ILO that a vehicle is to be released subject to payment of towing and storage charges by a registered owner, or person authorized by the registered owner.

10.5 Order of Release (MV2713B)

Issued by the OSMV by fax to notify the ILO that a vehicle is to be released, and who it should be released to. It will indicate whether the Superintendent or the authorized person retrieving the vehicle will pay towing and storage charges.

10.6 Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715)

Completed by a peace officer if satisfied the impounded vehicle is stolen property.

10.7 Request for Vehicle Disposal (MV2709)

Completed by the ILO to request authorization from the OSMV to dispose/transfer the vehicle.

10.8 Statutory Declaration for Vehicle Disposal (MV2704)

Declaration by the ILO that they have attempted to contact the registered owner, are accurately assessing the value of the vehicle, and that outstanding charges exceed the estimated value of the impounded vehicle.

10.9 Early Disposal Agreement – Section 255(8) – Motor Vehicle Act

Completed by the ILO and the vehicle owner where the owner indicates they have no intention of claiming his/her vehicle. (See Section 8.1.1 of these Procedures).

10.10 Statutory Declaration – Early Disposal (MV2728)

Declaration by the ILO that they have entered into an Early Disposal Agreement with the owner of the impounded vehicle.

10.11 Vehicle Disposal Decision Letter

Sent by the OSMV to the ILO indicating that the vehicle is or is not approved for transfer.

10.12 Owner's Authorization (MV2712)

Filled out by the registered owner to allow an alternative driver to drive a car off the lot.

10.13 Impound Lot Operator Application and Information Update Sheet

To be used when ILO information has changed. To be completed and faxed to OSMV at (250) 356-5919. A copy is included in these Procedures for use.

Wilkinson, Anita JAG:EX

From: Samis, Jordan JAG:EX
Sent: Thursday, December 13, 2012 9:42 AM
To: Esposito, Tony N JAG:EX
Subject: ILO Upgrade Procedure for Late Files
Attachments: ILO Upgrade Procedure for Late Files.docx

Hi Tony,

Please find attached a procedure for how to upgrade behavioural impoundments when there is an eligible upgrade, but the vehicle may have been released due to the file being received late.

Kayla asked me to put something together for your review prior to sending it out to the team.

Thanks,

Jordan Samis

Manual Operations

Administrative Justice Branch

The Office of the Superintendent of Motor Vehicles | Ministry of Justice

PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 | 250-953-8697

ILO Upgrade Procedure for Late Files

This procedure is applicable for when you are processing a behavioural vehicle impoundment and you determine there is an eligible upgrade, but the vehicle may have already been released as the file arrived late.

For example, a vehicle was impounded for excessive speeding on Dec 1st and you don't receive the file until Dec 15th, while processing the file you determine the registered owner had an eligible prior impoundment on July 1st of the same year. However, the vehicle may have already been released.

Procedure:

- 1) Call the ILO and determine if the vehicle is still impounded.
 - a. If the vehicle is still impounded process the upgrade normally
 - b. If the vehicle has been released proceed to step 2
- 2) Process the VI upgrade as usual (update stats, send VI letter to RO, update ADP/VI) BUT:
 - a. Do not fax the ILO with an upgrade form
 - b. Do not indicate you faxed the ILO in spreadsheet
 - c. Do not include "faxed ILO" in your ADP/VI comments

If you are unsure or have any questions contact your Team Lead

Impound Operators Required Paperwork (Pending)(29)

Update/Photos/Search 3 Update/Photos 4 Photos 14 Search/Photos 7 Update/Search 1

Companies sharing Vendor #'s regulations on this? Multiple lots same Vendor #ICBC approves

ICBC does issue same vendor # to multiple lots (same owners), how can we monitor?

Vendor #'s - impound lots do not have Vendor #'s (5)

Suspended from program due to ICBC suspension 2

Refusal to get Vendor # 1

Waiting for Vendor # (very long time) 3

ILO's without dedicated fax machines (4) Ruling was no Vendor # cannot be in program.

No fax machine at all 1

Same phone as fax # has to switch off and on 3

Impound fax # is located in Alberta 1

ILO's not meeting minimum standards for storage shown photos of ILO's (20)

Fencing 16/Fencing and gate 4 Complaints on inadequate fencing of yards 3

United T. in Golden tows Federally, uses his AB NSC #...NSC states trucks over 5000KGS

should be insured in BC and should use BC NSC # / Fax is an Alberta #/check fencing. (1)

ILO's that do not have NSC # as they tow under 3,629 KGS (3)

ILO's that tow under 3,629 KGS, OK'd by National Safety Code how do we police this issue?

ILO has Alberta NSC # business tows in BC, Alberta, Sask, & Manitoba. (1)

Special Permission ILO's (3)

We have 2 ILO's that only store vehicles, they do not tow.

We have 1 ILO outside of BC that did have an inspection, but does not have NSC/Vendor/Company Search

City of New West sent in paperwork why they do not require a companys search (1)

Letter from Tony allowing ILO to continue with original contract, but original contract

it is not a valid agreement as directors from company did not sign. (2)

Tow lot has two lots, but one lot does not have office, by appointment only to access.

Contract (agreement) could require updates and more current information.

ILO Meets requirements, owner tows vehicles to his house not properly fenced....complaints.

Complaints from persons dealing with ILO's how shall we proceed with these letters?

Wilkinson, Anita JAG:EX

From: Esposito, Tony N JAG:EX
Sent: Tuesday, November 13, 2012 12:29 PM
To: Bowness, Corey JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: FW: ILO stuff
Attachments: covering letter nov 11.docx; IMPOUND LOT UPDATE INFORMATION.docx; 3 ILO Procedures Version 4.docx; ILO list for Arnie and Tony.xlsx.xlsx

Hi Corey,

I have attached documents related to the OSMV's review of ILOs that was completed recently. I have attached a spreadsheet that captures the nature of the non-compliance that's occurring with some of the ILOs. Below, are comments from Jackie Harrison with respect to her review.

As discussed with Glenn, I think an issues note for the Superintendent is required to set out what the OSMV review of the ILOs has identified and what our options are for dealing with these outstanding issues.

Hi Toni & Arnie,

s.13

Thank you.

Tony Esposito
Manager of Adjudication
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Phone: (250) 387-2859
Fax: (250) 356-6544
Email: Tony.Esposito@gov.bc.ca



From: Handgraaf, Harjeet JAG:EX
Sent: Tuesday, May 29, 2012 2:12 PM
To: Esposito, Tony N JAG:EX
Subject: FW: ILO stuff

Hi Tony,

Here is an electronic copy of the ILO package that was sent to the ILO's, cover letter. update information sheet as well as the current ILO procedures Version 4. I have spoken to Jackie and she will compile all information and we can discuss

s.22

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: MacLellan, Patti SG:EX
Sent: Thursday, November 17, 2011 9:48 AM
To: Handgraaf, Harjeet SG:EX
Subject: ILO stuff

Ok, this time a copy of:

ILO procedures
ILO information & update sheet

And have a read of the drafted letter ☺

Cheers!
P.

Patti MacLellan
Intervention Programs
O.S.M.V.



November 17, 2011

Dear Impound Lot Operator (ILO)

Attached is the new revised copy of the Procedures for Impound Lot Operators (Version 4), which replaces Version 3 in its entirety. Also attached is a copy of the "Impound Lot Operator Application and Information Update" form.

Please fill out a copy of "The Impound Lot Operator Application and Information Update" form and return it to this office, either by Canada Post at the mailing address below, or fax it back to us at (250) 356-5919 within 30 days, so that we have your most current information on file.

If your company makes changes to information in the future you will need to complete another copy and send it to us. Changes may be to the:

- Name;
- Location;
- Ownership;
- Mailing address, contact telephone or fax number, or
- Your status as an ICBC supplier

Should you have any questions, please do not hesitate to call our office at (250) 387-7747. Thank you for being part of our Vehicle Impoundment Program.

Enclosures





IMPOUND LOT OPERATOR APPLICATION AND INFORMATION UPDATE

Please provide your company information and return the completed form by fax or mail. If you have more than one impound lot, complete a separate form for each one. Please print below the captions.

Full LEGAL Name (dba or trade name is not acceptable):		Business Name (if different from legal name):		
Business Office Address (include postal code): 		ICBC Vendor Number:	National Safety Code (NSC):	
		Business Licence:	Business Hours:	
Signing Authority:		List local enforcement agencies	Phone	Fax
Principal Contact (if different from signing authority):				
Dispatch Office Phone Number (Available Mon – Fri 24/7):	Office Phone Number (if different):	Size of Vehicle you can tow (yes/no)? Up to 3,628 Kgs/GVW		
Dedicated Fax Number (Available Mon – Fri 24/7):		3,629 Kgs to 11,811 Kgs/GVW		
<input type="checkbox"/> Limited Company <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership		11,812 Kgs/GVW and over		
Impound Lot Address (include postal code) (if this address is different than the one previously provided to us, please attach pictures showing fencing, signage and general lot conditions.) 		Impound Lots Have: Fully fenced lot (minimum 72" chain link + 12" wire overhang)		
		Restricted public access to vehicles stored under this program (minimum: no unescorted public access)		
Type of Dispatch/Communication System (e.g. cell phone, dedicated 2 way radio, CB radio, etc.):		Electronic Security Systems:		
Signing Authority Signature:		Exterior Lighting:		
Print Signing Authority Full Name:		Zoned for Vehicle Storage:		
Date (yyyy/mm/dd):		<ul style="list-style-type: none">• ATTENTION NEW APPLICANTS:• Please attach documents providing proof that your business is registered to do business in British Columbia. These documents must include a list of directors or authorized signatories.• Please also attach pictures showing lot conditions, fencing and signage.		

TOWING AND STORAGE REFUND CALCULATOR

Effective March 13, 2009, the *Motor Vehicle Act* Regulations were amended to increase the towing and storage rates to use for vehicles impounded under the Vehicle Impoundment Program.

TOWING RATES

Distance and Amounts	Size and Weight Categories		
Category	1 Up to 3,628 kg/GVW Automobiles, vans, pickups, motorcycles, etc*	2 3,629 kg to 7,257 kg/GVW Medium duty trucks and trailers, etc*	3 7,258 kg/GVW and over Heavy trucks and trailers, etc.*
1) Up to 6.0 km	\$78.89	\$92.17	\$153.64
2) 6.1 to 16.0 km, Add per km	\$2.99	\$3.45	\$4.31
3) 16.1 to 32.0 km, Add per km	\$2.47	\$3.16	\$3.68
4) 32.1 km and over, Add per km	\$2.19	\$2.59	\$2.99
*Appropriate size towing vehicle to be used			

STORAGE RATES

Zone 1	Zone 2
\$19.55 per day for impound lots located within the municipal boundaries of the Greater Vancouver Regional District, the District of Squamish, the City of Chilliwack, the City of Abbotsford, the District of Mission or the City of Victoria	\$16.10 per day for impound lots located outside the areas described in Zone 1

CALCULATOR Enter data in white boxes

Enter Size and Weight Category (1, 2 or 3)

3

Enter Kilometers Towed

100

Enter Date Vehicle Was Impounded

YYYY	MM	DD
2012	1	15

Enter Date Release Document Was Completed

YYYY	MM	DD
2012	2	31

Enter Applicable Zone Number Where Vehicle Was Stored (1 or 2)

2

TOWING

Towing Base Rate 1 - Up to 6 Kilometers

153.64

Additional Distance 2 - 6.1 to 16 km

10.0

Rate 4.31

43.10

Additional Mileage 3 - 16.1 to 32 km

16.0

Rate 3.68

58.88

Additional Mileage 4 - 32.1 km and over

68.0

Rate 2.99

203.32

Total Towing Applicable

458.94

STORAGE

Number of days, including first and last day

48

Rate 16.10

772.80

Total Towing and Storage

1,231.74

HST

147.81

Total Refundable

1,379.55

NOTE: Please print a copy if you need a record. Your calculation will not be saved.

Wilkinson, Anita JAG:EX

From: Moran, Deidre JAG:EX
Sent: Wednesday, December 12, 2012 1:26 PM
To: Corrigan, Jacoba CSNR:EX; Esposito, Tony N JAG:EX; Roberts, Steven JAG:EX
Subject: FW: Latest version of VI calculator
Attachments: Vehicle Impound Refund Calculator v2 (2).xlsx.xlsx; Re: Latest version of VI calculator

FYI – our efforts to get this on the web in a form that is protected.

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Trenchard, Harold M JAG:EX
Sent: Wednesday, December 12, 2012 11:40 AM
To: Moran, Deidre JAG:EX; Pohl, Marlene JAG:EX; Wang, Dongmei JAG:EX
Subject: RE: Latest version of VI calculator

I would like to verify the general requirements for the web version of the calculator. Are the bullet points below correct? Is there anything important missing from the list? The version of the sheet I had was from Nov 28. Is that one the latest?

- Needs to be available on a public facing website, probably somewhere on <http://www.pssg.gov.bc.ca/osmv/>
- Target audience is tow lot operators who are claiming towing/vehicle storage refunds related to successfully appealed IRPs.
- Even though the target audience is tow lot operators, there is no issue with the calculator being available to any member of the public.
- The calculations have to mirror those in the attached spreadsheet.
- The input fields for the user are the white fields in the spreadsheet as per the paste below.
- All the input fields are required, none are optional. I.e. The web page needs to force the user to enter data in all of the input fields.

CALCULATOR Enter data in white boxes

Enter Size and Weight Category (1, 2 or 3)

3

Enter Kilometers Towed

100

Enter Date Vehicle Was Impounded

YYYY	MM	DD
2012	1	15

Enter Date Release Document Was Completed

YYYY	MM	DD
2012	2	31

Enter Applicable Zone Number Where Vehicle Was Stored (1 or 2)

2

- Everything besides the input fields are locked or calculated by the web page.
- There probably should be a CALCULATE button on the web version.
- The web page should give reasonable error messages if the user enters invalid data.
- Rates are subject to periodic change, so it would be nice if an OSMV person had the ability to update the rates in the background.
- Users need the ability to print a nicely formatted, readable, 1 page version of the calculations. Tow lot operators would likely NOT use it as an invoice, but they could attach the printed copy to their invoice.

From: Moran, Deidre JAG:EX

Sent: Wednesday, November 28, 2012 3:27 PM

To: Trenchard, Harold M JAG:EX; Roberts, Steven JAG:EX; Anness, Glenn JAG:EX

Cc: Corrigan, Jacoba JAG:EX; Esposito, Tony N JAG:EX

Subject: FW: Latest version of VI calculator

We've been working on a little calculator that may help the Impound Lot Operators understand, and drivers potentially what they will be reimbursed for should an appeal be successful. This is a source of pain for the finance team currently since we get unhappy drivers and unhappy ILO complaining about not being reimbursed fully and since many of the ILO invoices are submitted with errors. I know that there are other discussions underway on this topic with Jacoba, Tony and Glenn.

In due course, I think we'd all like to see more information out on the web to increase transparency. One idea we'd had related to putting the attached (or a improved version) tool on the web. We're thinking of using it to perform the corrections for the invoices as they arrive now as a way of testing.

As our technical skills are limited, I'm wondering whether any of you have advice on how we might take this tool to the next level?

Deidre Moran, CGA
Director, Finance and Administration
Corporate Management Services
(Office of the Superintendent of Motor Vehicles)

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Pohl, Marlene JAG:EX

Sent: Wednesday, November 28, 2012 1:21 PM

To: Corrigan, Jacoba JAG:EX; Milmine, Jan JAG:EX

Cc: Moran, Deidre JAG:EX

Subject: Latest version of VI calculator

s.15

Marlene Pohl

Senior Financial Analyst, Road Safety Systems Project

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES
SUMMARY FORM FOR BRIEFING DOCUMENTS

Date: June 17, 2009

CLIFF: 375928

Type of document: Briefing Note for Wes Shoemaker, Deputy Minister FOR INFORMATION

ISSUE: Vehicle Impoundment Program Review Update

Next Steps:

To DM

COMMENTS:

Second draft

Rush approval required to continue consultations with industry on June 24th.

Stakeholders contacted:

OSMV involvement:

APPROVED BY:	INITIALS:
Policy Analyst: Brad Gerhart Ph:250-387-1752	
Director, Policy & Research Branch: Nancy Letkeman Ph: 250-356-0097	
Director, Hearing & Fair Practices Ph: (if required)	
Director, Management Services Ph: (if required)	
Deputy Superintendent: Ph: (if required)	
Superintendent of Motor Vehicles: Steve Martin Ph: 250-387-3437	

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES
SUMMARY FORM FOR BRIEFING DOCUMENTS

Date: November 16, 2009

CLIFF: 381770

Type of document: Briefing Note for the SG for information

ISSUE: Meeting with the BC Automobile Retailers Association

Next Steps:

To DM and the SG for approval

COMMENTS:

Stakeholders contacted:

OSMV involvement:

APPROVED BY:	INITIALS:
Senior Policy Advisor: Brad Gerhart Ph: 250-387-1752	
Director, Policy & Research Branch: Nancy Letkeman Ph: 250-356-0097	
Director, Hearing & Fair Practices Ph: (if required)	
Director, Management Services Ph: (if required)	
Superintendent of Motor Vehicles: Steve Martin Ph: 250-387-3437	

Vehicle Impoundment Program Legislation Review Consultation Document

Background

The Vehicle Impoundment (VI) Program is an important road safety program that allows police to immediately remove the vehicles of unlicensed, prohibited and suspended drivers, as well as street racers from the road by impounding their vehicles. Impaired drivers receiving a 24-hour prohibition also lose their vehicles for 24-hours. Approximately 10,000 vehicles were impounded under the VI Program in fiscal 2008/09, and this number is expected to increase.

The current VI Program model is user-pay. Vehicle owners pay the charges for towing and storage of impounded vehicles. It also requires Impound Lot Operators (ILOs) to absorb the costs of abandoned vehicles. Some ILOs experience abandonment rates as high as 50-75%, especially in rural areas of the province, and feel that they are subsidizing a government program. Some ILOs have withdrawn from the program as a result of rising disposal costs and abandonment rates, and more are threatening to do the same, putting a crucial road safety program in jeopardy.

The Superintendent of Motor Vehicles has met with the Automotive Retailers Association (ARA) and ILOs, and the industry expressed a number of concerns in addition to the high abandonment rates, including rising property taxes and fuel costs, collapsing steel prices and insufficient towing and storage rates. The former Solicitor General committed to industry to undertake a full review of the VI Program with the expectation of enacting changes to improve program delivery, cost efficiency and to address industry concerns.

While the current program assumed that the driver and the registered owner of a vehicle are the same person, analysis has indicated the opposite; approximately 80% of the time the driver is not the registered owner. The unlicensed category accounts for the majority of impoundments, followed by prohibited and suspended drivers. Street racers represent a small percentage of impoundments. Analysis further indicates that 75% of owners are first time offenders and as such they suffer a majority of consequences related to impoundment. Although about 60% of drivers are repeat offenders, they suffer no consequences for their behaviour under the VI Program.

The following amendments are intended to refocus the VI Program from long-term impoundments of generally low value vehicles with high abandonment rates, to short-term (7-day) impoundment for these offences plus a wider variety of risky driving where generally the vehicles are of higher value, the driver is more likely the owner and the vehicle is more likely to be picked-up. 30 and 60 day impoundments will remain in place for repeat offenders.

In addition, the proposals will build accountability measures to make it a less appealing option to abandon a vehicle. The proposals will also provide mechanisms for ILOs storing vehicles to recover costs when a vehicle is abandoned.

DRAFT CONFIDENTIAL

Pages 60 through 65 redacted for the following reasons:

s.13

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES**

BRIEFING NOTE FOR INFORMATION

PREPARED FOR: the Honourable Kash Heed, Minister of Public Safety and Solicitor General, **FOR INFORMATION and MEETING** on November 25/09

SUBJECT: BC Automobile Retailers Association

ISSUE: Meeting with the BC Automobile Retailers Association on Nov. 25

BACKGROUND

- The BC Automobile Retailers Association (ARA) represents the 200 Impound Lot Operators (ILOs) who participate in the Vehicle Impoundment (VI) Program.
- Last year the ARA, representing the towing and impound lot industry, made a strong case to increase towing and storage rates in BC. They cited rising fuel costs, rising land and leasing costs and increased operating expenses (administrative, security, etc.).
- On December 3, 2008 Treasury Board approved a 15% increase in towing and storage rates.
- Towing and storage fees have risen gradually every 1 – 3 years since the start of the program in 1997, in amounts ranging from 5% to 15%. Fees effective as of March, 2009, are approximately 50% higher than they were in 1999.
- Despite these fee increases, some ILOs experience abandonment rates as high as 50-75%, particularly in rural areas of the province, and feel that they are subsidizing a government program. As a result, many ILOs outside the Lower Mainland are refusing to accept vehicles, or threatening to refuse to accept vehicles, impounded through the VI Program because they cannot recover their storage and towing costs.
- The Superintendent of Motor Vehicles and staff met with the ARA and ILOs on February 16, 2009, for a frank discussion about the pressures being faced by the industry. In response to the concerns raised by industry, the Office of the Superintendent of Motor Vehicles undertook a number of operational improvements to address some of the concerns of the ILOs with regards to policies and procedures (without legislative change). These included, but were not limited to, working with police and ILOs to ensure that registered owners are given reasonable access to their vehicles but only remove personal effects, as well as examining procedural changes to assist ILOs in disposing of abandoned vehicles as quickly as possible.
- To compensate ILOs for losses associated with abandoned vehicles, the ARA requested a further fee increase to meet ICBC's 2009 storage rates, plus an additional 25%.
- Although there was support for the ARA's rate proposals among ILOs located in the Lower Mainland and Victoria, many ILOs from outside of the Lower Mainland expressed concern that additional rate increases would serve only to further exacerbate vehicle abandonment rates.

- The previous Solicitor General committed to industry on March 4, 2009 to undertake a full review of the VI Program with the expectation of enacting changes to improve program delivery, cost efficiency and to address industry concerns.

DISCUSSION

s.13

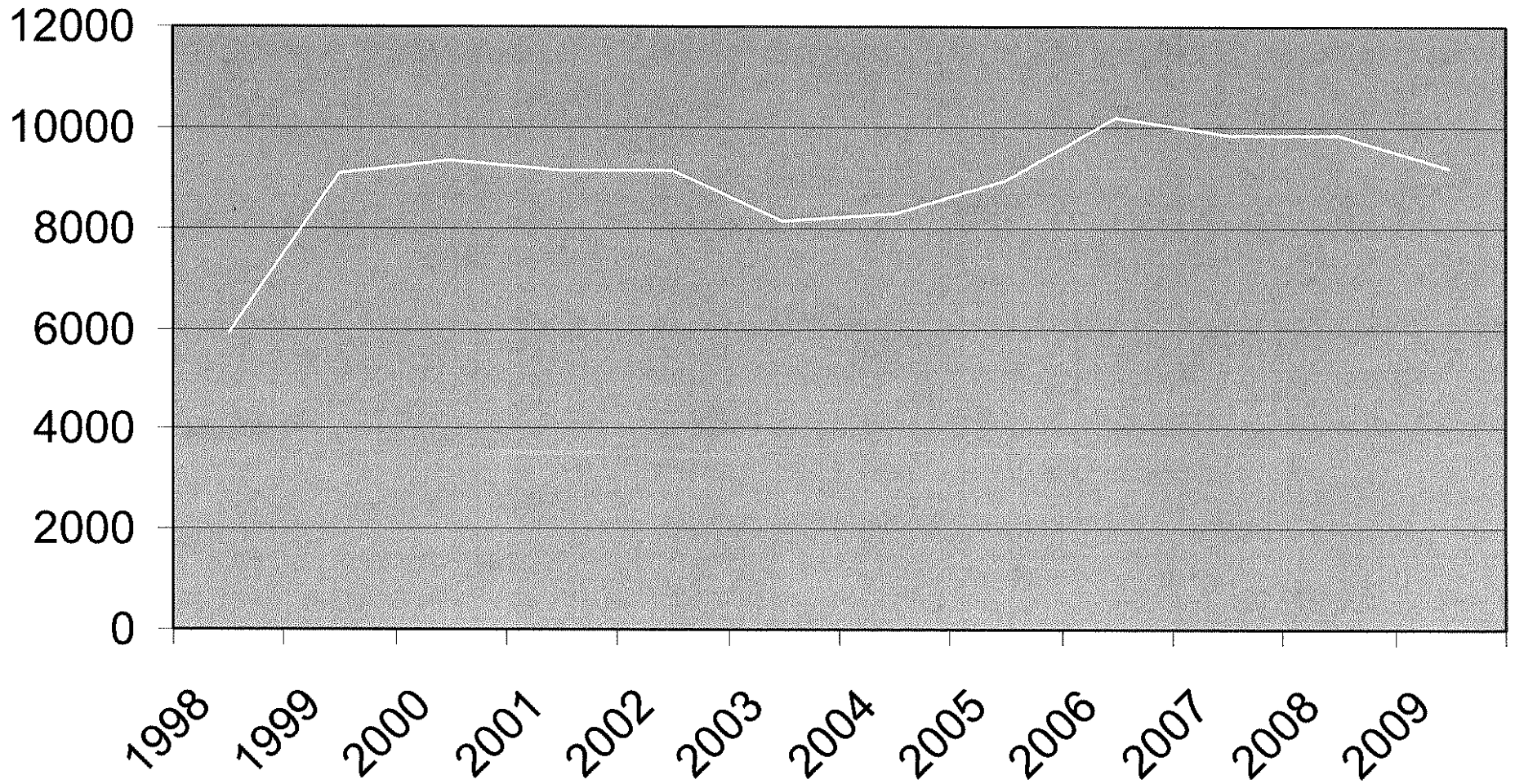
Prepared by:
Brad Gerhart,
Sr. Policy Advisor

Date: November 16, 2009
CLIFF: 381170

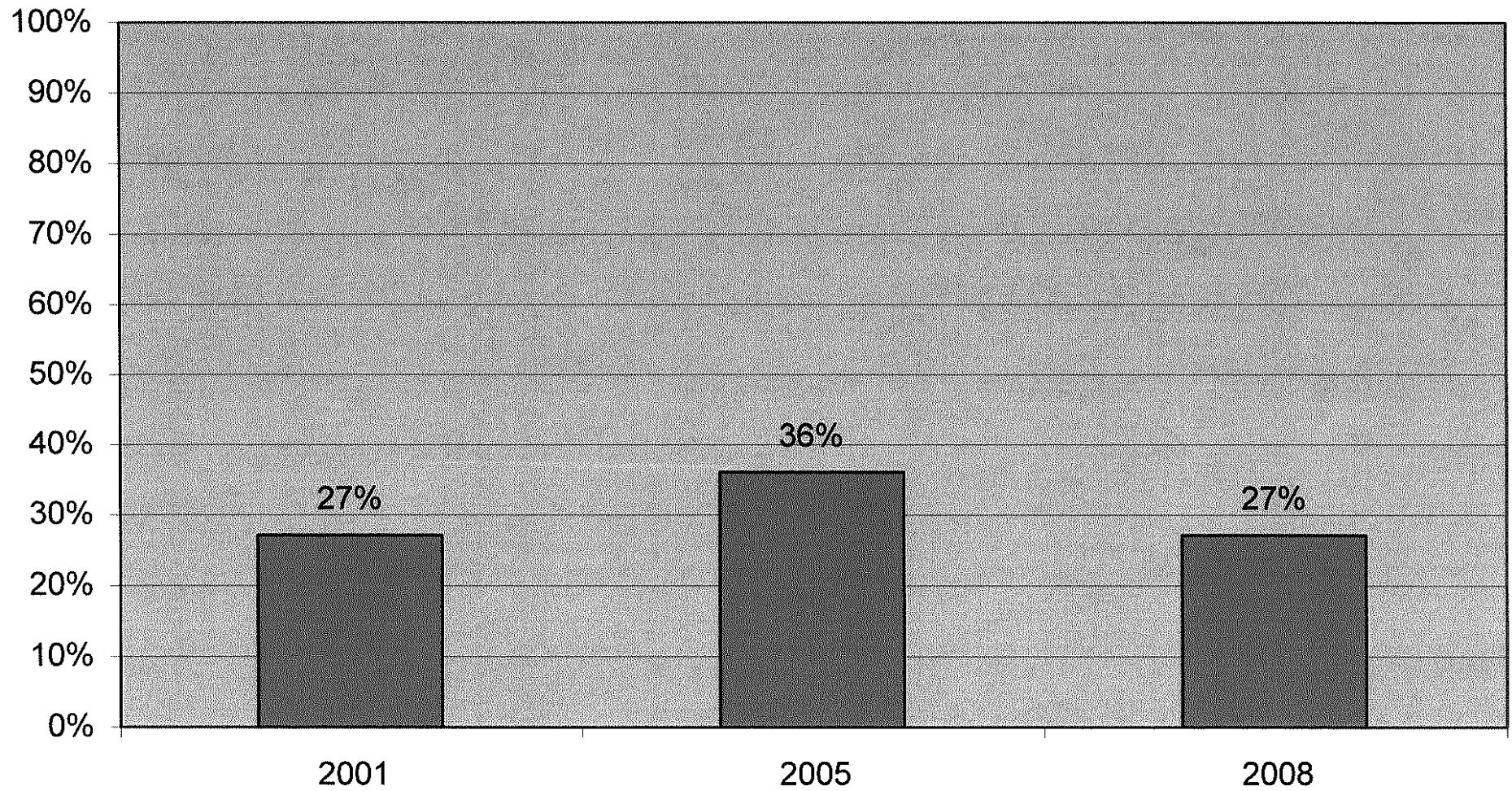
Pages 68 through 72 redacted for the following reasons:

s.13

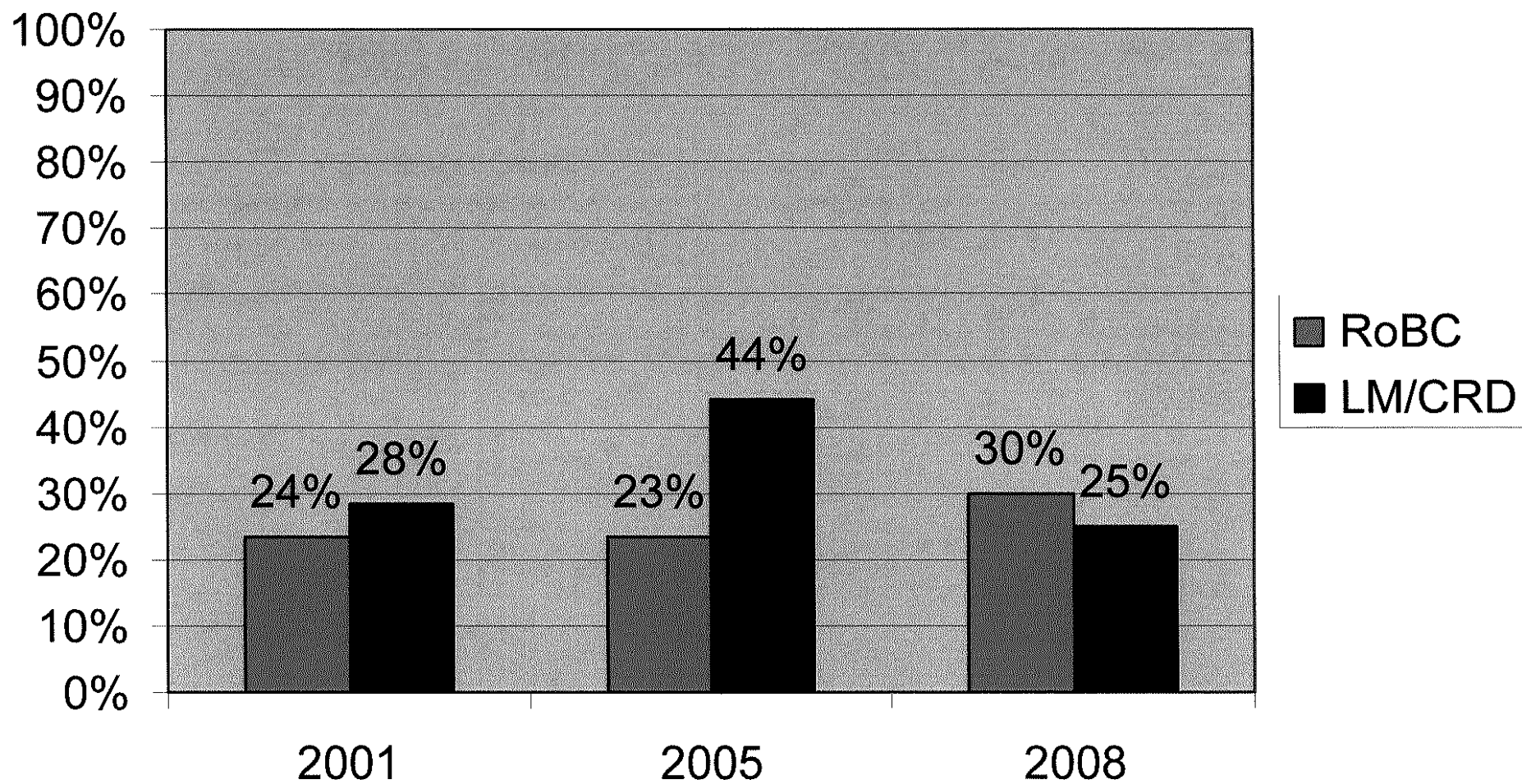
Impoundments by Fiscal Year



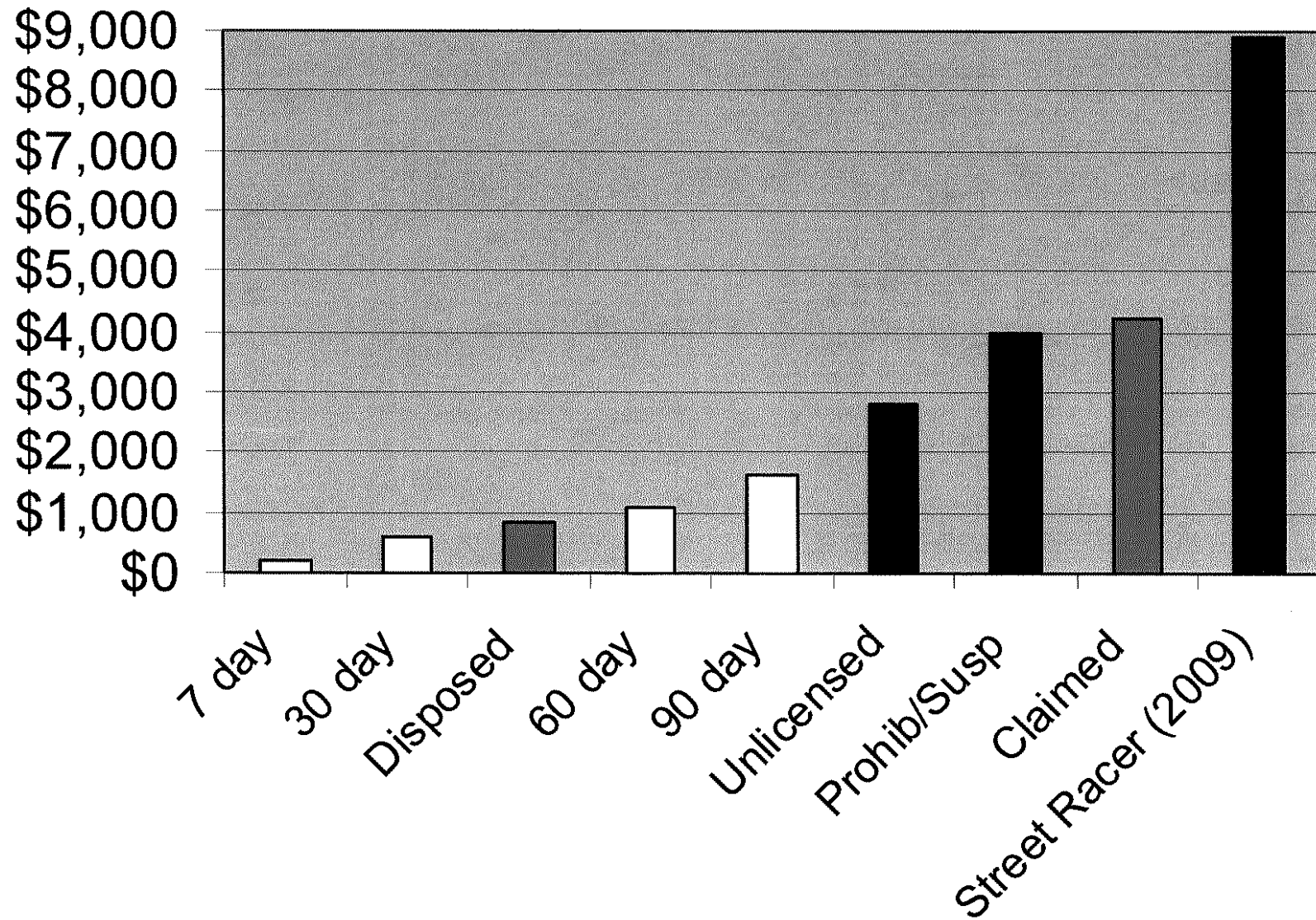
Disposal Rate



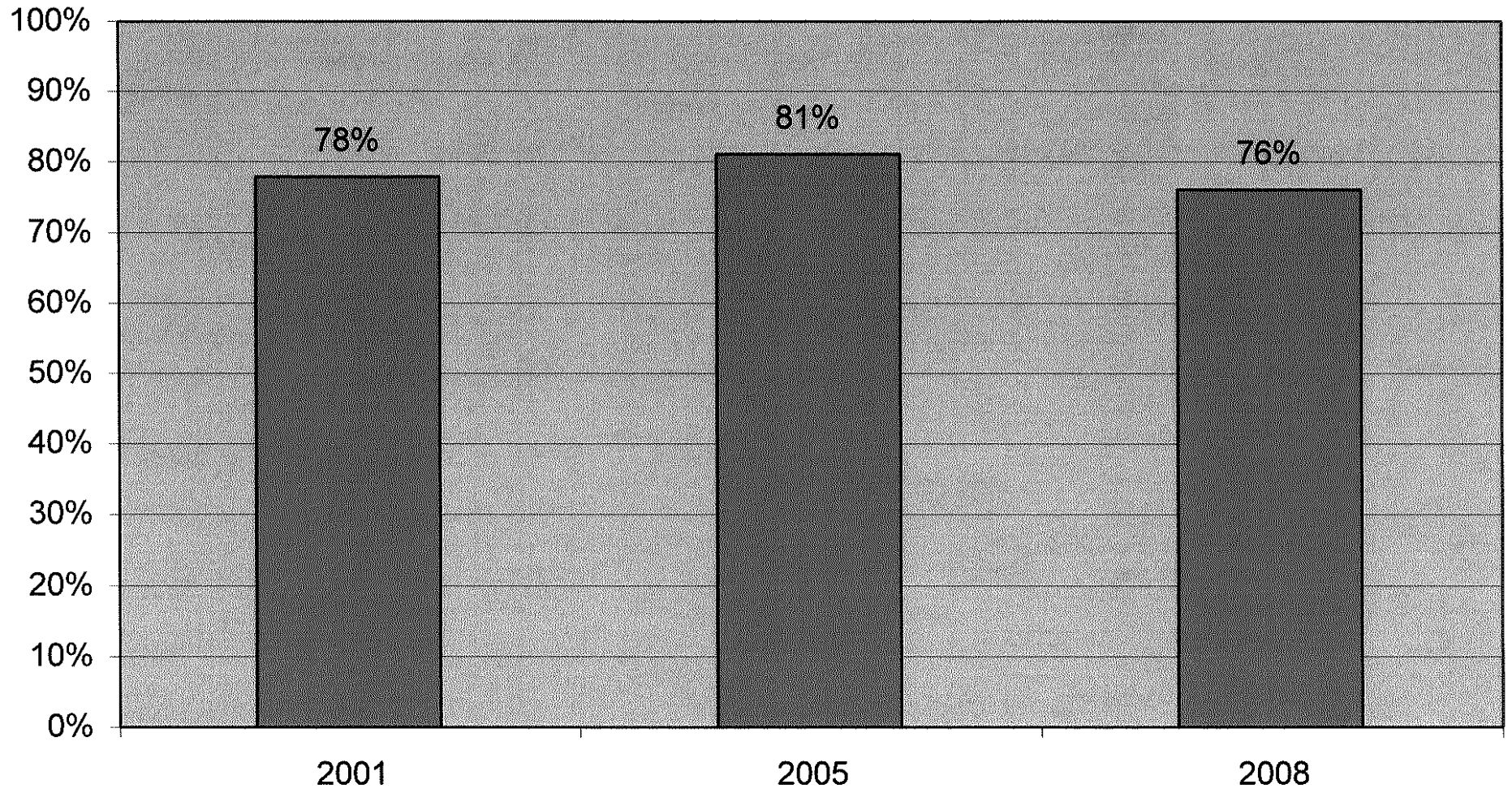
Disposal Rates - Urban Areas vs. Rural Areas



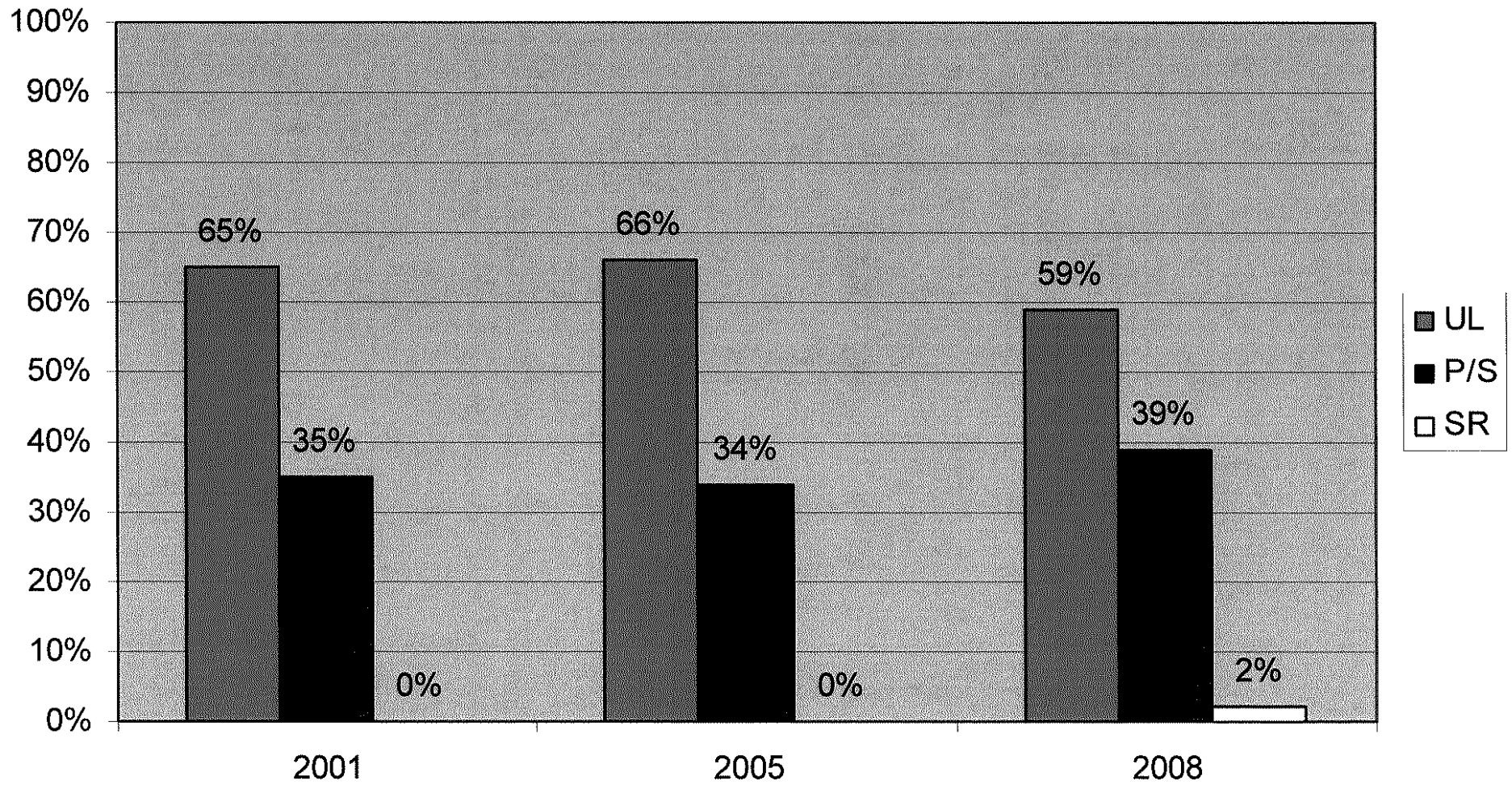
Fee vs. Value Comparison (2008 figures)



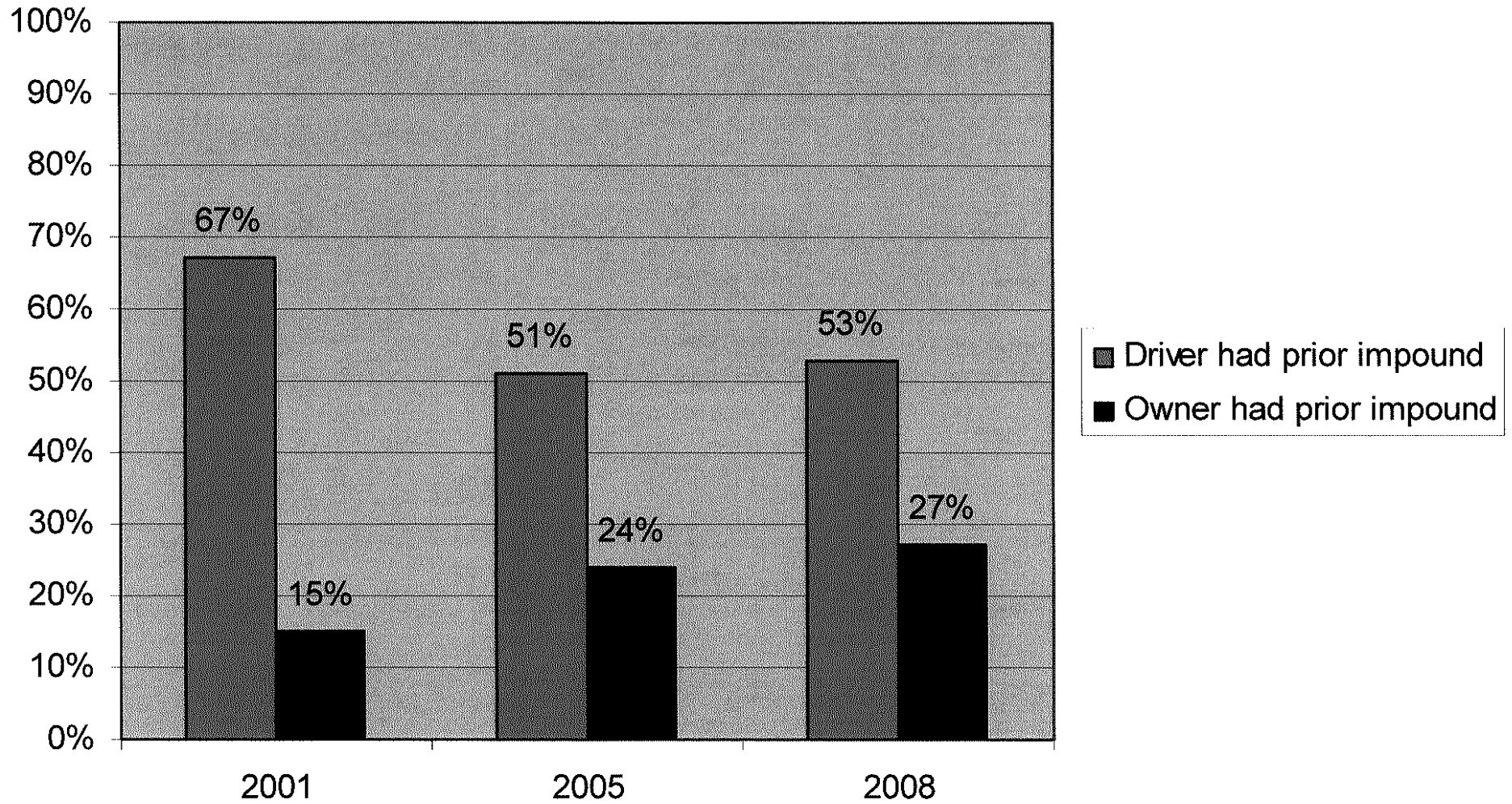
Driver was not Owner



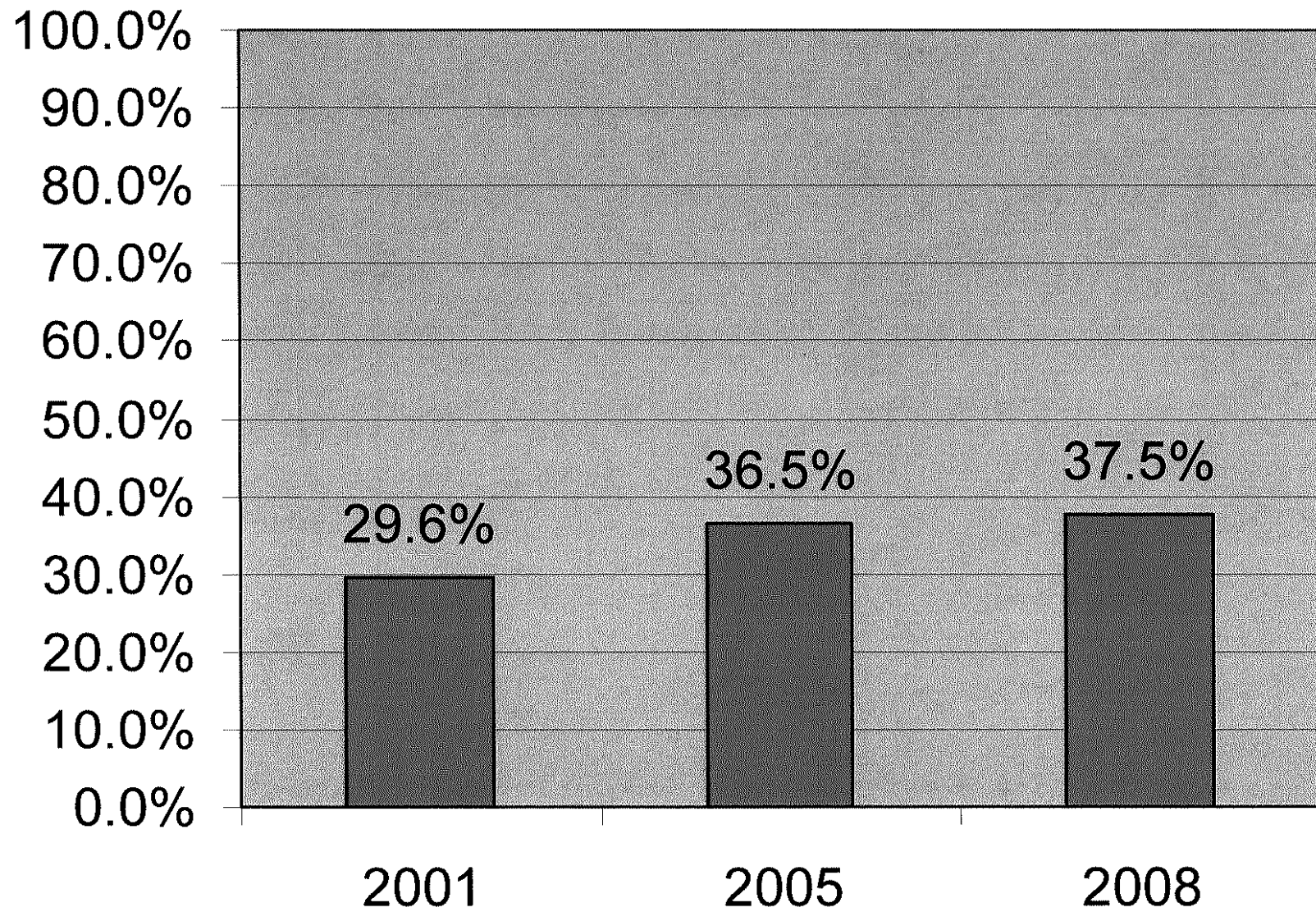
Impoundment Reason



Prior Impoundments



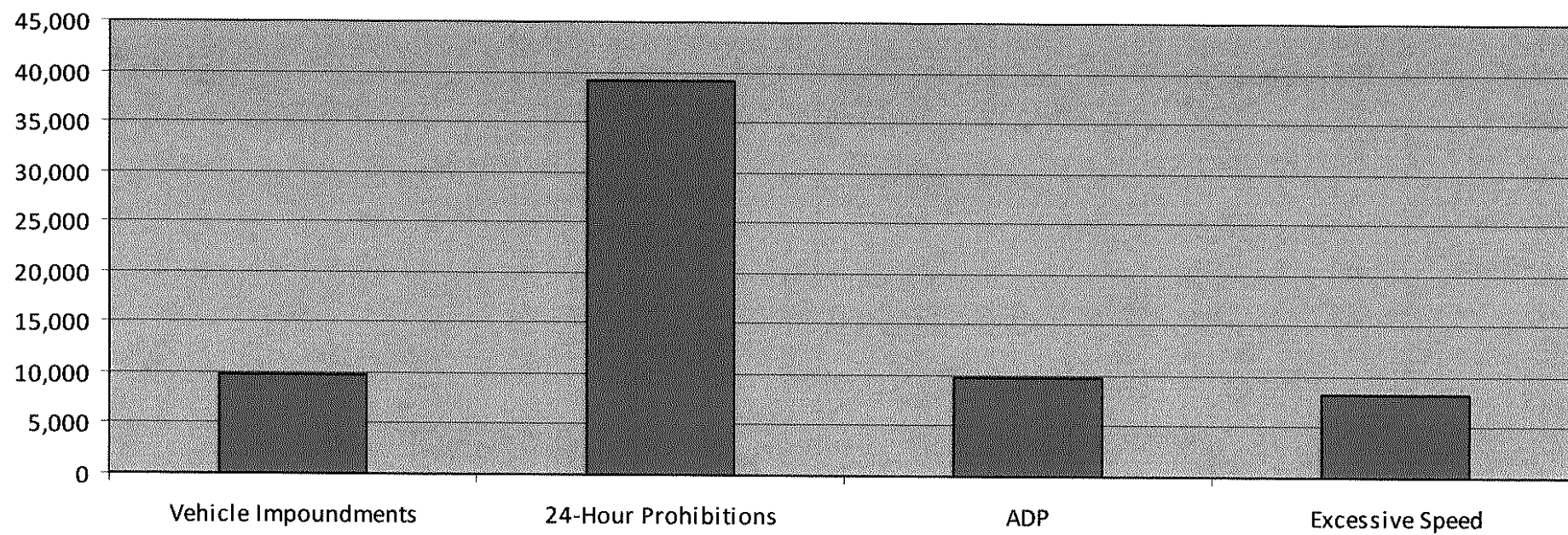
Driver paid previous reinstatement



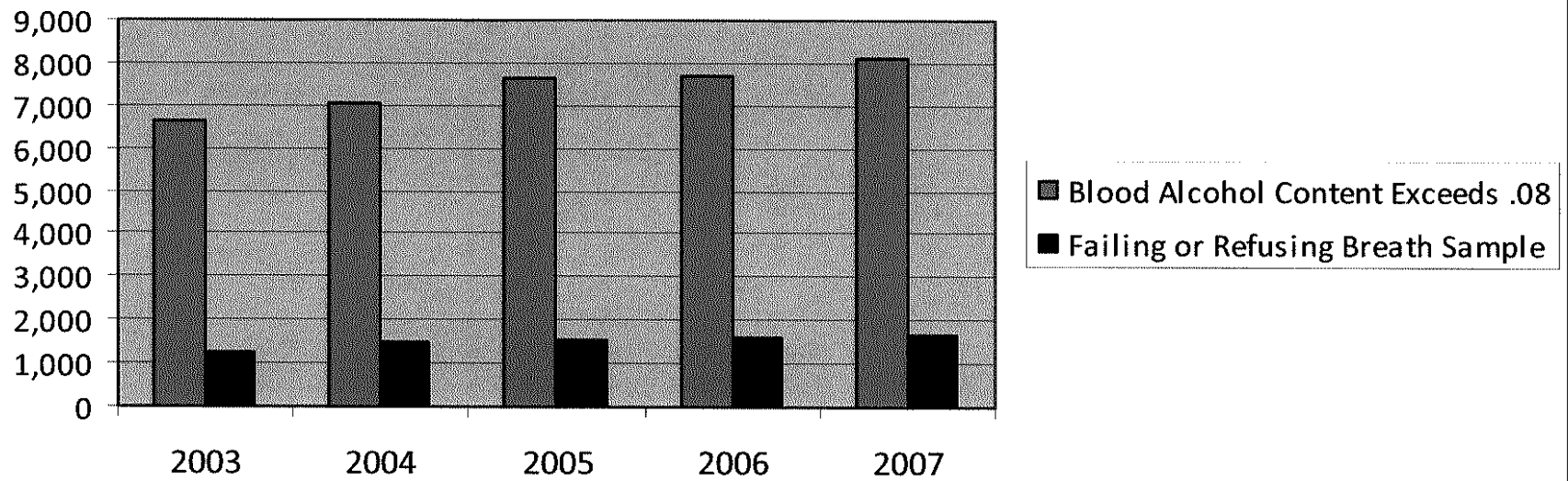
Side-by-side profiles

	Unlicensed	Prohibited / Suspended	Street Racer
Vehicle age	14.4	11.8	8.7
Vehicle value	\$2,784	\$3,994	\$8,888
Driver was owner	15%	39%	58%
Prior Impoundment	56%	36%	12%
Previous Reinstatement	27%	52%	31%

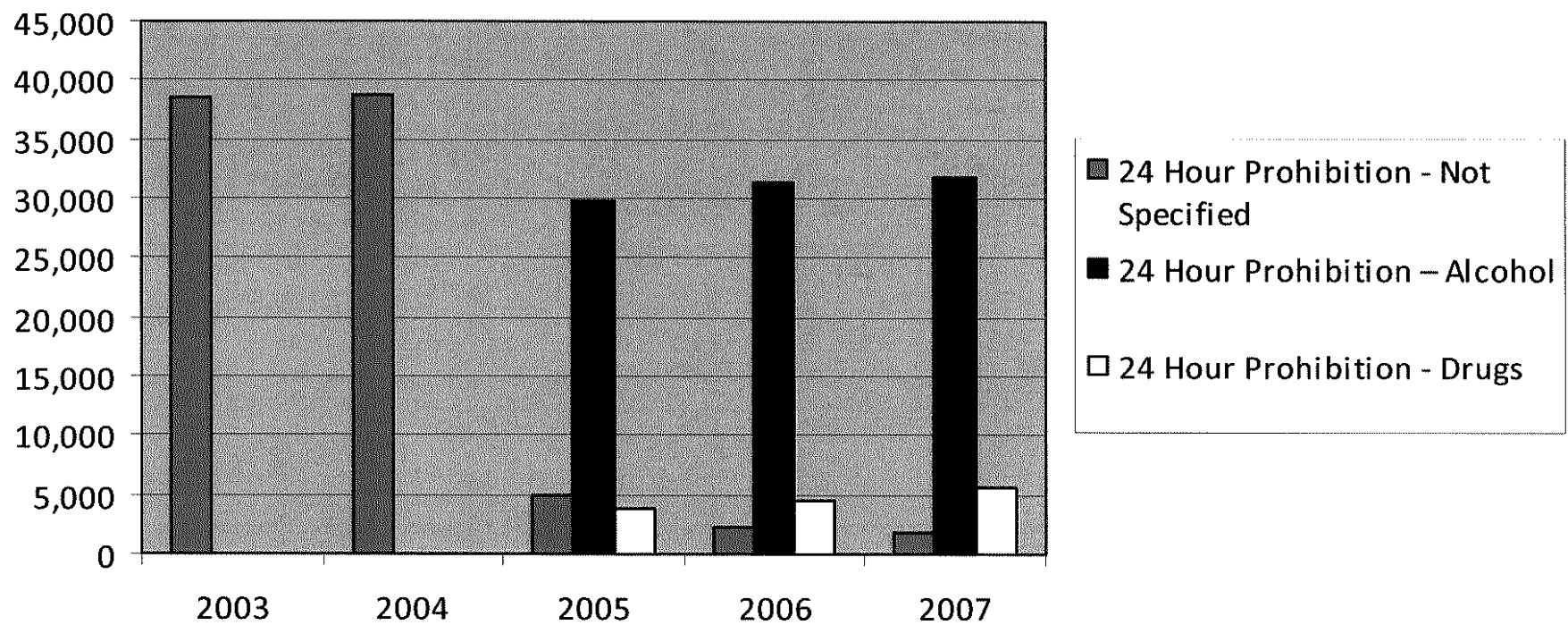
Program/Violation Volumes 2007



Administrative Driving Prohibitions

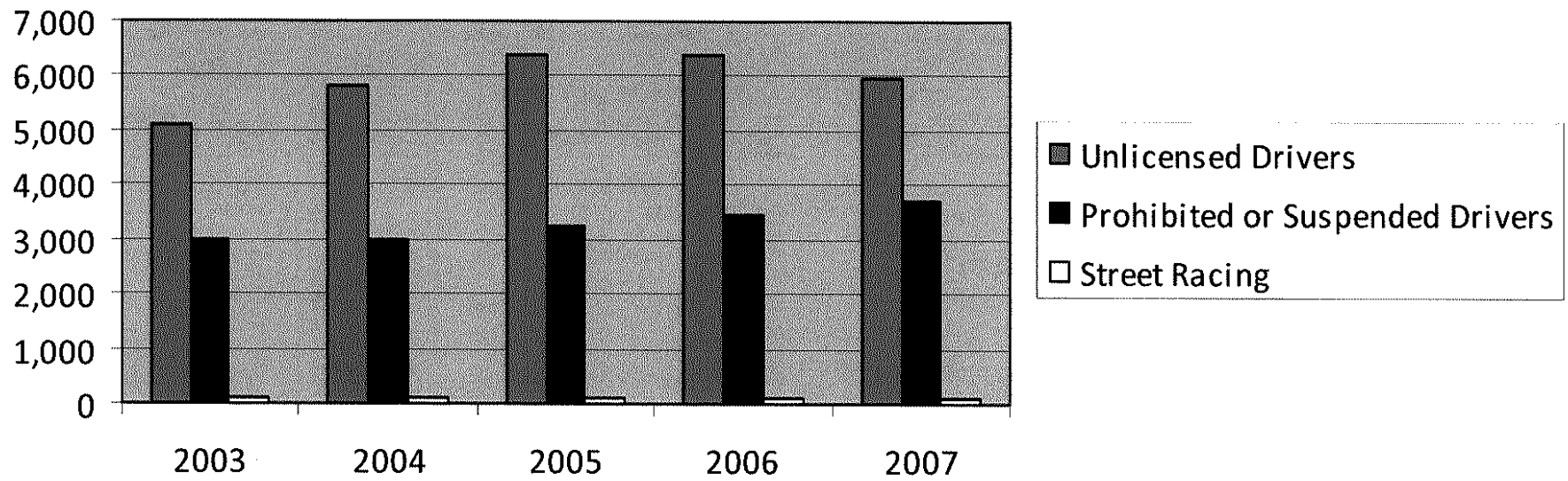


Roadside Prohibitions

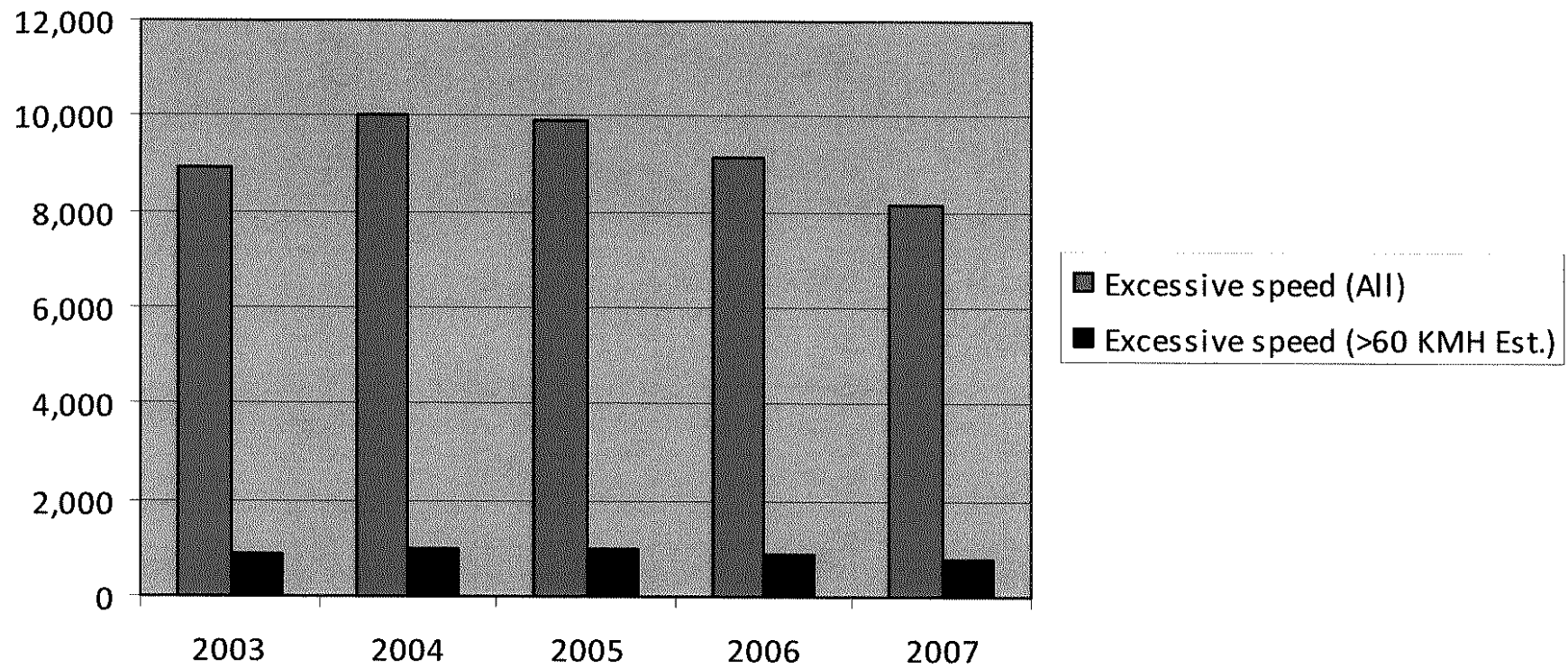


**24-hour prohibitions were not specified as either alcohol or drug-related until 2005*

Vehicle Impoundments

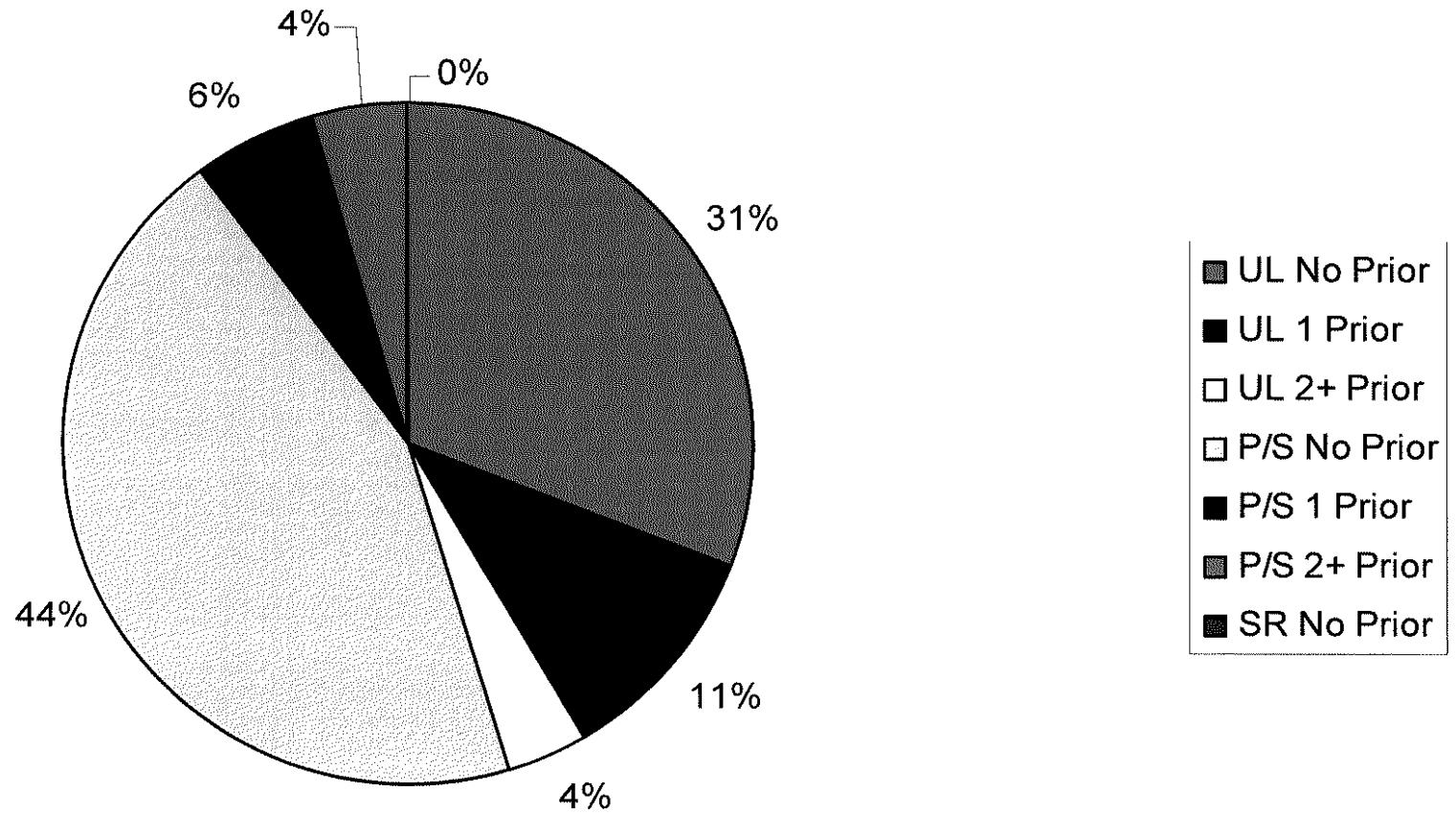


Excessive Speed Violations



**9.7% of excessive speed violations in 2006 were for >60 km/h over limit. Same percentage estimated in other years*

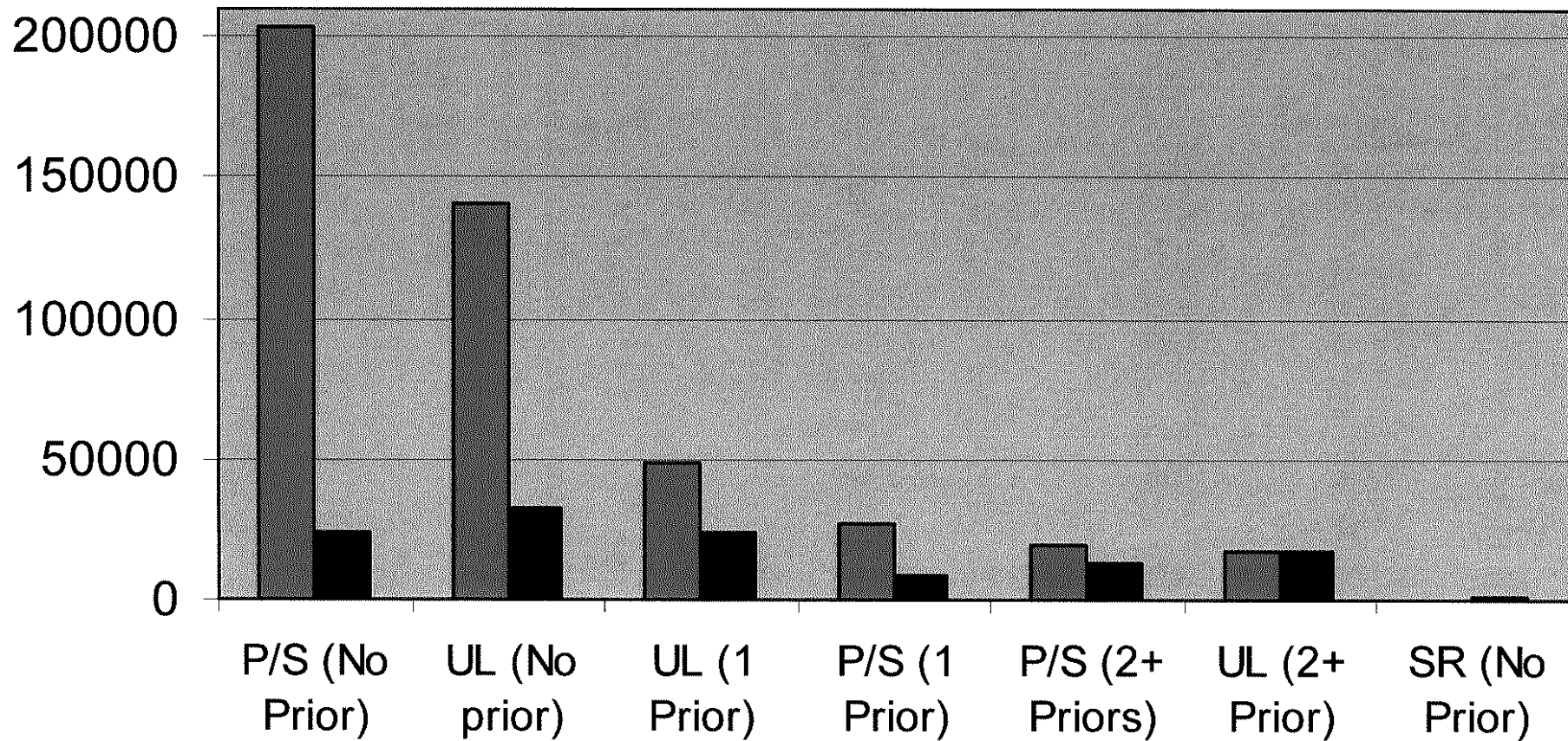
Fiscal 08 Impoundment Days - Percentage by type



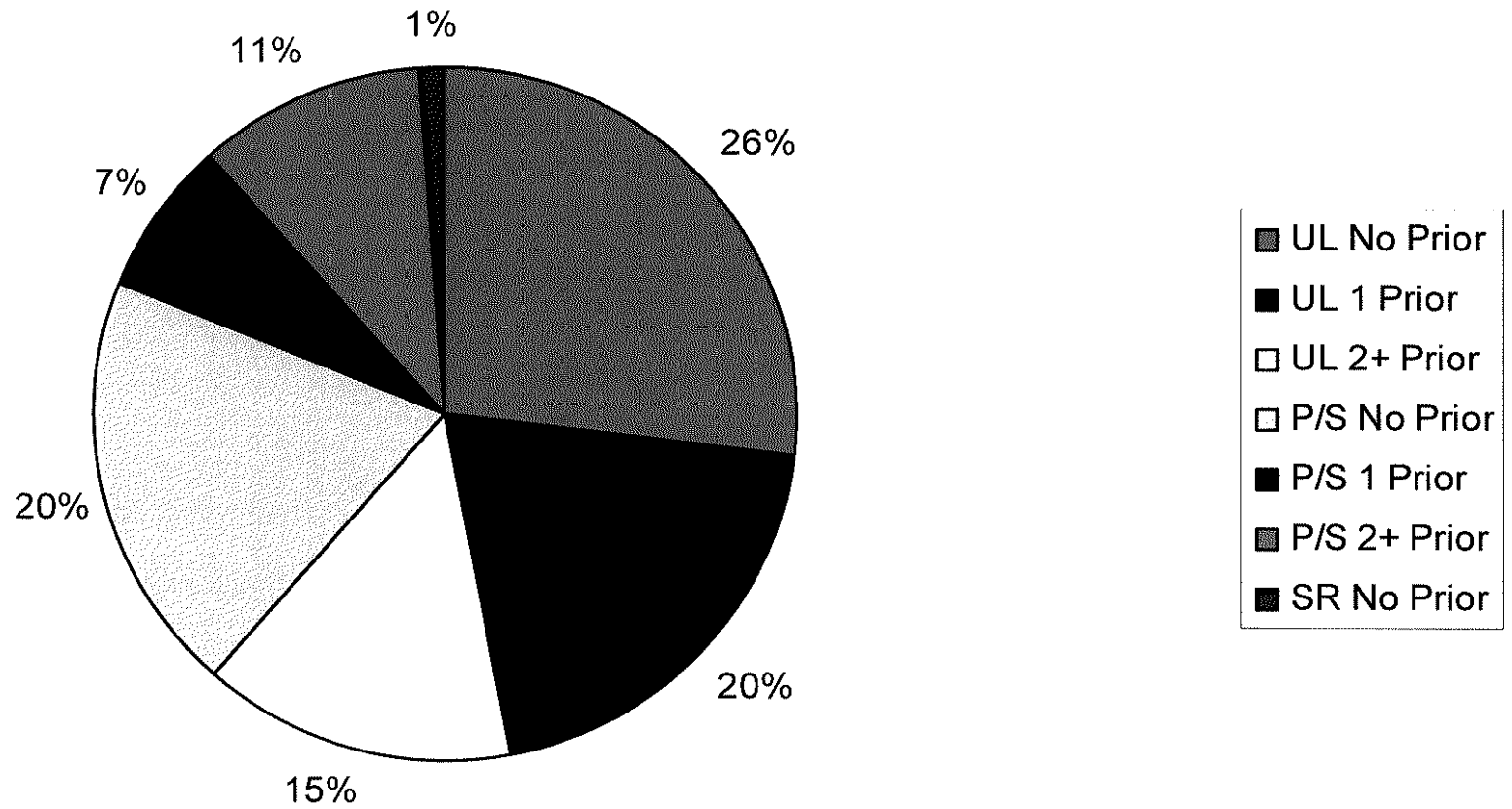
Total Impoundment Days: 455,948

Current Impoundment Days vs. Proposed Impoundment Days

■ Current
■ Proposed

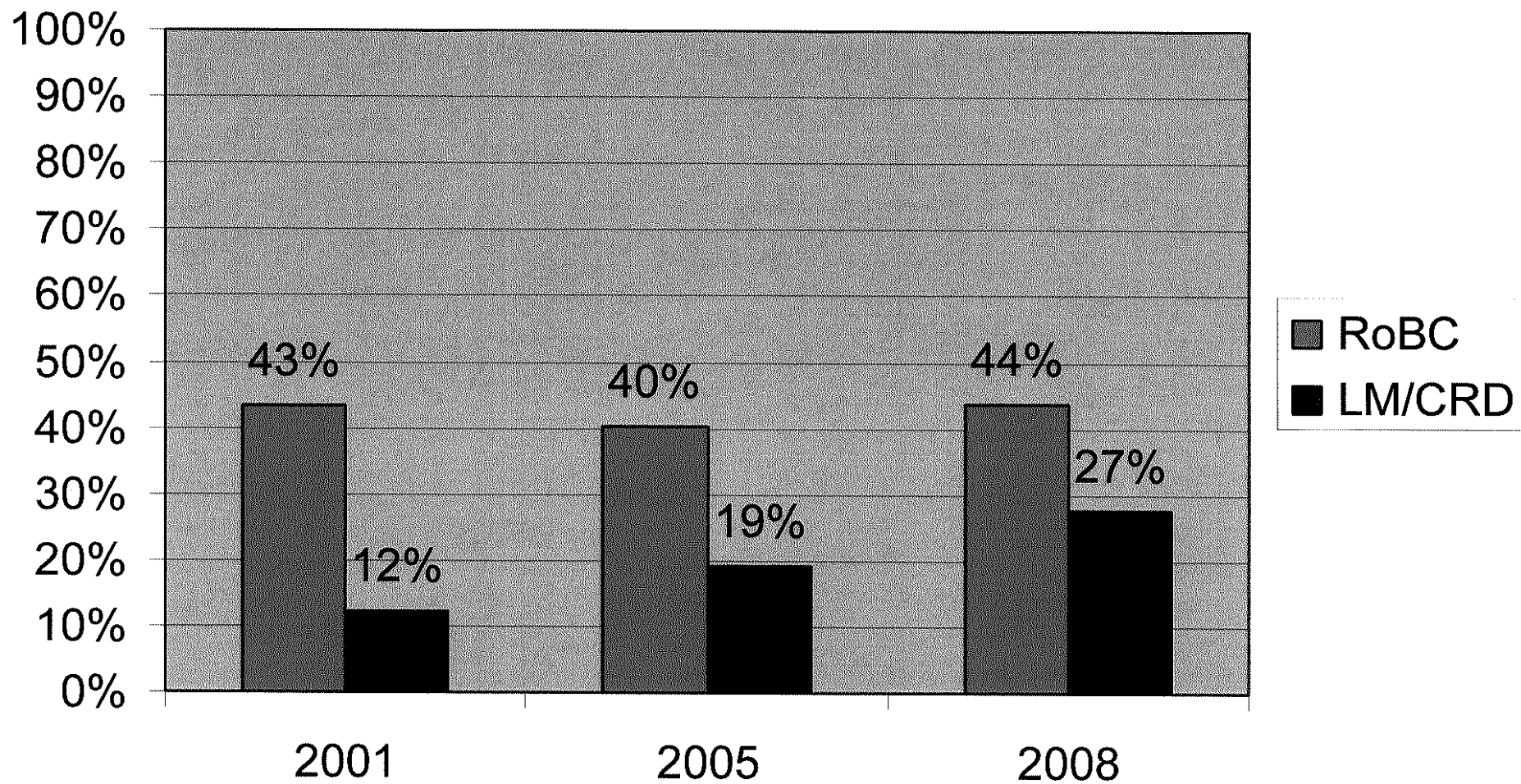


Revised Impoundment Days Breakdown



Total Impoundment Days: 121,459

ADP/VI Records - No Decision Recorded



Clayton, Penny L JAG:EX

From: Stewart, Terry J JAG:EX
Sent: Tuesday, June 26, 2012 8:02 AM
To: Stewart, Terry J JAG:EX
Subject: s.13

Try Ken again. 604 777-4587.

From: Stewart, Terry J JAG:EX
Sent: Monday, June 25, 2012 9:53 AM
To: 'ken.wright@ICBC.com'
Subject: FW: s.13

Hi Ken.

I called your office and it sounds like they expect you to be out for the day.

I'll try again in tomorrow morning.

Terry

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 21, 2012 11:40 AM
To: 'ken.wright@ICBC.com'
Subject: FW: s.13

Hi Ken.

s.13, s.14

Thanks.

Terry

From: Stewart, Terry J JAG:EX
Sent: Friday, June 1, 2012 1:50 PM
To: 'ken.wright@ICBC.com'
Subject: FW: s.13

Hi Ken.

Are you around this afternoon? If so, I'll call you up with a few questions that will hopefully resolve the outstanding issues so we can proceed with this one.

Thanks.

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 24, 2012 2:51 PM
To: 'ken.wright@ICBC.com'
Subject: RE: s.13

Hi Ken.

The update to this regulation has been a work in progress for a number of years. Looking back through the file there are some numbers noted in a decision note from March 2010 that don't line up with ICBC's current fee schedule. I suspect I will have to explain the difference as I take this forward. My first guess would be that ICBC's rates have changed since March 2010.

Noted in the March 2010 document was a base towing rate of \$70.18 and daily towing rates from \$14.50 to \$21.50. Can you tell me if these were ICBC's rates at that time?

Thanks

Terry

From: Stewart, Terry J JAG:EX
Sent: Tuesday, May 15, 2012 2:40 PM
To: 'ken.wright@ICBC.com'
Subject: s.13

Hello Mr. Wright

I have been handed the file on the s.13 that Linda Mazzei had been working with you on.

I met with Linda briefly this morning and she explained where things stand with developing this regulation.

I had a question about the fuel surcharge for towing. I understand this is set quarterly, and is currently 14.5%. Can you tell me when the next change to the surcharge is due?

It would be helpful for me to understand the mechanism for setting fuel surcharges. For example, the rates in the s.13 and signed off by the Superintendent of Motor Vehicles. How are these surcharges brought into effect?

I also want to make sure I am looking at the most current version of the ICBC Towing and Rate Payment Schedule. The printed one in the file relates to "towing/storage services on or after May 15, 2011." Is this the one that is still in effect? Is this document online anywhere?

Feel free to give me a call or send me an email if you have any questions. However, I don't have access to voicemail right now, so if you call and don't get me I won't be able to hear any messages.

Terry

Terry Stewart

Senior Policy Advisor

Policy and Research Branch | Office of the Superintendent of Motor Vehicles

British Columbia Ministry of Justice

PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |

250-356-8070



APPROVAL FORM
REQUEST FOR LEGISLATION

CLIFF #: 380462

**Corporate Policy and Planning Office
MINISTRY OF PUBLIC SAFETY
AND SOLICITOR GENERAL**

Name of Act: *Motor Vehicle Act*

Originating Branch contact: **Brad Gerhart**

Phone: 387-1752

Email: Bradley.Gerhart@gov.bc.ca

	Signature	Date
Branch Contact/Analyst		
Program/Division Director		
Originating Branch Head		
Dir. CPPO Policy & Legislation		
Executive Director CPPO		
DM, Public Safety		
Additional Comments: 		

Clayton, Penny L JAG:EX

From: Tadla, Dana JAG:EX
Sent: Thursday, August 9, 2012 4:01 PM
To: Stewart, Terry J JAG:EX
Subject: FW: BACKGROUNDER - Meeting with the Western Canada Automotive Business Association (WCABA)
Attachments: 20120705113109.pdf

FYI again

From: Atherton, Jerome [<mailto:Jerome.Atherton@icbc.com>]
Sent: Tuesday, July 17, 2012 2:59 PM
To: Tadla, Dana JAG:EX
Cc: Louie, Toby I JAG:EX; Hartanto, Monica
Subject: FW: BACKGROUNDER - Meeting with the Western Canada Automotive Business Association (WCABA)

Hi Dana,
Here's what we are including in the bnote on the impound issue for Shiela Taylor's meeting with this group (Dale Finch and Jamie Davis). Could you let me know if any issues? It's due to Sheila tomorrow.
Thx
Jerome

OSMV's Vehicle Impoundment program

The towing industry has been pressing ICBC and OSMV to move forward with the putting a process in place where ICBC refuses to issue a driver's licence to individuals who have outstanding towing charges.

Legislation was passed in 2010 that allowed OSMV to direct ICBC to refuse to issue driver's licences and vehicle licenses if certain types of impound fees were owed to impound lot operators (ILO) that impounded vehicles under OSMV programs.

The systems to implement that program are not yet in place. OSMV and ICBC both require system changes to implement the program, and given current government priorities and resources, that work is not likely to start in the near nor medium term.

The towing industry has also raised concerns about a decision made by the Treasury Board in 2010 to harmonize towing and storage rates under OSMV's Vehicle Impoundment program with the rates ICBC pays for towing service.

WCABA and the ARA believe the rates should not be tied together and that OSMV should provide a rate increase.

Towing services provided to OSMV are different from those provided to ICBC. OSMV primarily relies on vehicle storage services while ICBC relies on vehicle transport, and towing and recovery services for vehicles involved in a crash.

From: Atherton, Jerome
Sent: Sunday, July 08, 2012 9:08 AM
To: Tadla, Dana JAG:EX
Cc: Louie, Toby I JAG:EX; Hartanto, Monica
Subject: FW: BACKGROUNDER - Meeting with the Western Canada Automotive Business Association (WCABA)

Hi Dana – FYI about a meeting request for our minister. Finch used to be with the ARA and is now with a new group. We'll be doing up a b note.
Jerome

From: Salling, Tammy L FIN:EX [<mailto:Tammy.Salling@gov.bc.ca>]
Sent: Thursday, July 05, 2012 03:39 PM
To: Tong, Angelica

Subject: BACKGROUNDER - Meeting with the Western Canada Automotive Business Association (WCABA)

Hi Angelica,

May I ask that ICBC staff please prepare a backgrounder for Sheila - she will be meeting with the "Western Canada Automotive Business Association" on behalf of the Minister.

I will let you know the meeting date as soon as I have it set up.

*Backgrounder template attached.

Thanks so much,

Tammy Salling
Senior Executive Assistant
Associate Deputy Minister's Office
Ministry of Finance
Ph. 250 387-8499

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MINISTER OF FINANCE

REFERRAL NUMBER: _____

REFER TO: MIN ☐ DM ☐ MA ☐ AC ☐

RECEIVED: **JUN 26 2012**

DRAFT ☐ REPLY ☐ INFO ☐ FILE ☐

REMARKS: _____

June 20th, 2012

Minister Kevin Falcon
Parliament Buildings
Room 153
Victoria, BC
V8V 1X4

Dear Minister Falcon,

I'm writing to introduce our new automotive association and to request a meeting with you as earliest convenience. Our new association has been formed by members of the towing industry as a direct result of ICBC's disregard and abuse of its dominant position, given its power by the shareholder, the province of British Columbia. Section 7 of the Insurance Act states that ICBC treat its stakeholders equitably and fairly. We do not feel that industry is being treated that way at all.

About two years ago, ICBC started taking steps under the Federal Competition act, to create an environment that the corporation would no longer be legally able to negotiate and communicate with stakeholder groups. ICBC is not open and transparent and in fact has not been forth coming with the facts it communicated to the Competition bureau. ICBC asked for an opinion that at the end of the day supposedly resulted in that very situation ICBC could no longer deal with stakeholder groups.

In addition the office of the Superintendent of Motor Vehicles (OSMV) decided that it no longer wished to deal with yearly rate increases forwarded to treasury board. OSMV then recommended to the ministry that ICBC control rates for the Impound Lot Operators. This is a complete conflict of interest.

These two circumstances along with some other ICBC policies have had a devastating financial effect on the towing industry and other automotive sectors in this province. I hope I have communicated the gravity and urgency of the situation.

The tax revenue and employment of the Province of British Columbia is being affected by a crown monopoly that in our opinion has shielded its agenda from the shareholder. I look forward to meeting with you as soon as possible.

In closing Minister, I've always considered you very knowledgeable and supportive of the automotive small business sector. We look forward to communicating solutions and working with you soon.

Yours truly,
Western Canada Automotive Business Association

Dale Finch
President & CEO



Options for Changes to Excessive Speed Legislation

Briefing for Caucus

May 2011

Excessive Speed: Context



Speed is the number one contributing factor to motor vehicle fatalities in BC, causing 161 deaths and \$2.2 billion in social costs annually.

A driver is 50% more likely to be in a fatal crash driving 40km/hr over the speed limit than they are driving 30km/hr or over the speed limit.

Excessive Speed: Background



Excessive speed is defined in the *Motor Vehicle Act* as “driving 40 kilometres or more over the posted speed limit”

Prior to September 20, 2010:

Drivers committing an excessive speeding offence were subject to:

- fines ranging from \$343 to \$458 and three demerit points

As of September 20, 2010:

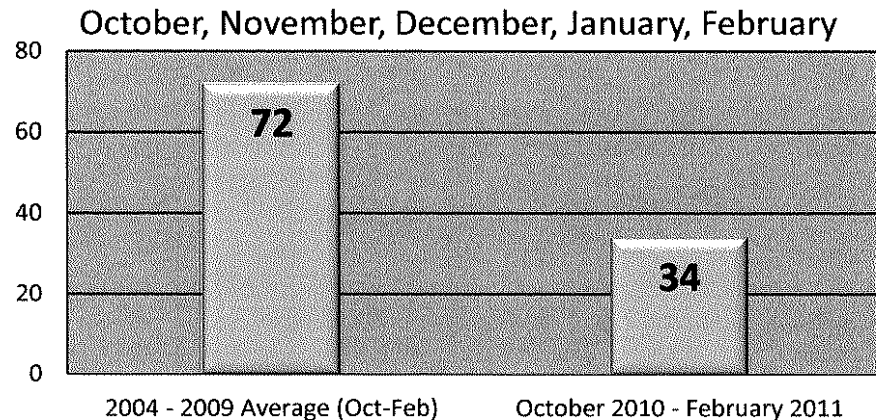
Drivers committing an excessive speeding offence are subject to:

- an immediate 7 day vehicle impoundment
- fines ranging from \$343 to \$458 and three demerit points

Vehicle impoundments combined with fines & prohibitions are more effective in changing behaviour than fines alone.

Excessive Speed: Results

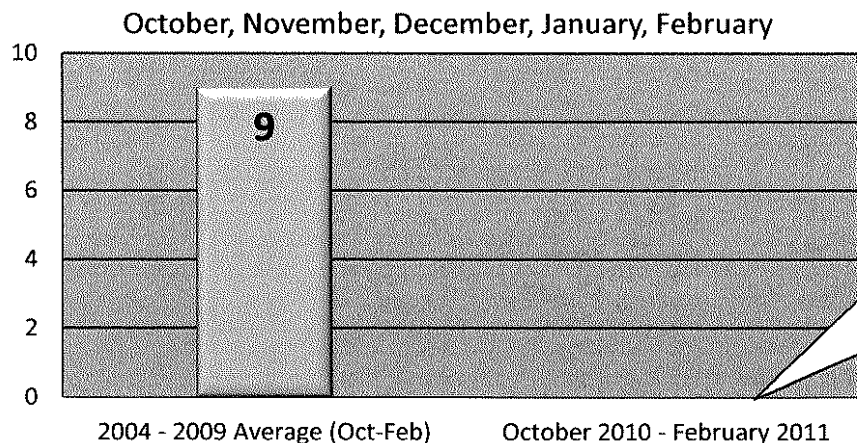
Excessive Speeding Injuries



Since the implementation of new excessive speeding impoundments, and compared to the previous five year average for the same period:

Excessive speed related injuries have decreased by 53 percent.

Excessive Speeding Fatalities



In the 5 months of reported data, since the implementation of new excessive speeding impoundments...

...there have been no excessive speed related fatalities.

Excessive Speed: Implementation



Police

Police Discretion:

In practice, police currently apply discretion in impounding vehicles for excessive speeding offences between 40 and 49km/hr over the posted speed limit

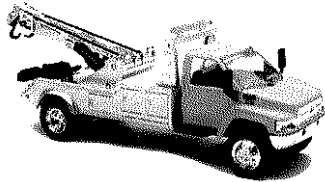


Citizens

Early Release:

By policy, citizens can appeal for early release of an impounded vehicle due to:

- Economic hardship or
- Compassionate reasons



**Impound
Lot Operators**

Program Sustainability:

The impoundment of high values vehicles has improved the economic viability of the Vehicle Impoundment Program by reducing the number of abandoned vehicles

Pages 103 through 105 redacted for the following reasons:

s.12

s.13

Distribution List:

pc: Wes Shoemaker
Deputy Minister
Ministry of Public Safety and Solicitor General

Tara Faganello
Assistant Deputy Minister, Management Services
Ministry of Public Safety and Solicitor General

Dave Riley
Strategic Advisor
Treasury Board Staff

Clayton, Penny L JAG:EX

From: Anness, Glenn TRAN:EX
Sent: Wednesday, August 8, 2012 8:54 AM
To: Stewart, Terry J JAG:EX
Subject: FW: Friday's Powersport meeting

Hi Terry,

Can you set up the meeting as per Dana's request below?

Thanks

Glenn Anness
Assistant Director
Policy and Research Branch
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Telephone: (250) 953-3330
Email: Glenn.Anness@gov.bc.ca

From: Tadla, Dana JAG:EX
Sent: Wednesday, August 8, 2012 8:03 AM
To: Anness, Glenn TRAN:EX
Cc: Mielke, Brenda JAG:EX; Stewart, Terry J JAG:EX; Melvin, Stephanie JAG:EX
Subject: FW: Friday's Powersport meeting

Hi Glenn,

The subject line reads as if this is a Powersport meeting – which would be Corey. However, the content looks as though it will actually be about Vehicle Impound rate harmonization (w/ICBC). Terry Stewart is the Analyst on this file. He is up to speed on the OIC. Have Terry set up a meeting with Stephanie, Steven Roberts, you, and I to brief her on the OIC. Sometime next week would be fine.

At that meeting we should also bring the [s.13](#)

Dana

Dana Tadla
Director Policy & Research Branch
Office of the Superintendent of Motor Vehicles
BC Ministry of Justice
Phone: 250.356.0097 Cell: [s.17](#)

From: Mielke, Brenda JAG:EX
Sent: Tuesday, August 7, 2012 11:57 AM
To: Tadla, Dana JAG:EX
Cc: Weir, Sarah JAG:EX
Subject: FW: Friday's Powersport meeting

Dana, I have set up this meeting for September 25th. Who is the policy analyst that should be invited to the meeting?

From: Martin, Stephen C JAG:EX
Sent: Thursday, July 26, 2012 8:06 AM
To: Melvin, Stephanie JAG:EX; Mielke, Brenda JAG:EX

Cc: Roberts, Steven JAG:EX
Subject: RE: Friday's Powersport meeting

Absolutely – I would like both you and Steve to attend and also Glen and whoever is the policy analyst who has the file

Steve

S.C. (Steve) MARTIN
Superintendent of Motor
Vehicles
BC Ministry of Justice
Bus: (250) 387-5692
Fax: (250) 356-5577
Stephen.Martin@gov.bc.ca
<http://www.pssg.gov.bc.ca/osmv/>
<http://twitter.com/#!/RoadSafetyBC>



From: Melvin, Stephanie JAG:EX
Sent: Thursday, July 26, 2012 8:00 AM
To: Martin, Stephen C JAG:EX; Mielke, Brenda JAG:EX
Cc: Roberts, Steven JAG:EX
Subject: RE: Friday's Powersport meeting

If possible, I'd like to sit in too so that I can address any of the operational issues with staff and the way we deal with our VI road safety partners.

S

From: Martin, Stephen C JAG:EX
Sent: Wednesday, July 25, 2012 7:32 PM
To: Ken McCormack; Mielke, Brenda JAG:EX
Cc: Roberts, Steven JAG:EX; Melvin, Stephanie JAG:EX
Subject: Re: Friday's Powersport meeting

Thanks Ken. Happy to meet when I get back. As you may know there was a Treasury Board decision related to rate harmonization and ICBC. We are always open to discussion and view the towing industry as a valued road safety partner. Brenda will ensure this gets set up. I look forward to connecting with you.

Sent from my iPad

On 2012-07-25, at 3:42 PM, "Ken McCormack" <kenmccormack@ara.bc.ca> wrote:

Good afternoon Steve,

I discussed with Marq Smith the request to have the MMIC tied into the meeting on Friday and we will certainly accommodate this request. We appreciate it that Terry from your office will facilitate the meeting and ensure our representatives will have their opportunity to express their input. I assume that the conference call dial in coordinates will be set up by Terry so everyone knows which numbers to use?

On the flip side, I too need a favour. My towing division and members are very concerned with issues that involve the OSMV and I would really appreciate the opportunity to sit with you and review the issues around rate harmonization with ICBC and the ILO agreements and see if we can't work together on a solution that satisfies both of our needs. I was told that you will be away for a month. Can we meet once you are back?

My Members are getting more and more vocal on this file and I need to give them some indication that dialogue is open between ARA and OSMV and we are making every effort to address their concerns.

Thanks Steve. I look forward to hearing from you,

Ken

<image001.jpg>

Clayton, Penny L JAG:EX

From: Tadla, Dana JAG:EX
Sent: Thursday, August 9, 2012 4:03 PM
To: Stewart. Terrv J JAG:EX
Subject: FW: s.14
Attachments: RE: s.14

More on towing rates...

From: Blewett, Tyann M JAG:EX
Sent: Thursday, April 19, 2012 1:22 PM
To: Louie, Toby I JAG:EX
Cc: Tadla, Dana JAG:EX
Subject: RE: s.14

s.13, s.14

Dana? This is on towing rates...

From: Louie, Toby I JAG:EX
Sent: Thursday, April 19, 2012 12:32 PM
To: Blewett, Tyann M JAG:EX
Subject: FW: s.14

Hi Tyann

s.14

From: Dillon, Brian FIN:EX
Sent: Thursday, April 19, 2012 10:58 AM
To: Louie, Toby I JAG:EX
Subject: FW: s.14

Toby: Any info on the below? Thanks, Brian

From: Dillon, Brian FIN:EX
Sent: Thursday, April 19, 2012 10:45 AM
To: Howie, Lisa JAG:EX
Subject: s.14

Lisa: Hi.

s.14

Thanks very much,
Brian

Clayton, Penny L JAG:EX

From: Gerhart, Bradley JAG:EX
Sent: Monday, October 17, 2011 12:31 PM
To: Blewett, Tyann M JAG:EX
Cc: Tadla, Dana JAG:EX; Melvin, Stephanie JAG:EX; Minvielle, Catherine M JAG:EX
Subject: RE: s.14

Hi Tyann,

s.14

Cheers,
Brad.

From: Murray, Melanie AG:EX
Sent: Wednesday, October 12, 2011 11:41 AM
To: Gerhart, Bradley SG:EX
Cc: Macallum, Bruce I AG:EX
Subject: RE: s.14

Hi Brad,

s.14, s.13

Regards,

Melanie Murray, Barrister & Solicitor
(250) 356-8458 - phone
(250) 356-9264 - fax

Email: Melanie.Murray@gov.bc.ca

Ministry of Attorney General
Legal Services Branch
Justice, Employment & Education Law Group
4th Floor - 1001 Douglas Street
P.O. Box 9280, Stn. Prov. Govt
Victoria, B.C. V8W 9J7

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From: Gerhart, Bradley SG:EX
Sent: Friday, June 24, 2011 2:36 PM
To: Murrav. Melanie AG:EX
Subject:

s.14

Hi Melanie,

s.14

Cheers,
Brad.

Bradley R. Gerhart
Senior Policy Advisor
Office of the Superintendent of Motor Vehicles
Ministry of Public Safety and Solicitor General
T: (250) 387-1752 F: (250) 356-5568
Bradley.Gerhart@gov.bc.ca

Clayton, Penny L JAG:EX

From: Moran, Deidre JAG:EX
Sent: Friday, June 15, 2012 9:18 AM
To: Stewart, Terry J JAG:EX; Park, Kyou JAG:EX
Cc: Tadla, Dana JAG:EX
Subject:
Attachments: s.13

s.13

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Park, Kyou JAG:EX
Sent: Wednesday, June 13, 2012 3:52 PM
To: Moran, Deidre JAG:EX
Subject: s.13

Hi Deidre,

s.13

Thanks,
Kyou

Period Name	CLIENT	RC	SVC	STOB	PROJ
-------------	--------	----	-----	------	------

12-Jul	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
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12-Sep	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Jul	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021

12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Apr	10 1509B	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021

12-Jun	10 1509B	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509B	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Mar	10 1509N	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Mar	10 1509A	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Jul	10 1509A	62910	8585	1508021
12-Feb	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jul	10 1509B	62910	8585	1508021

Supplier Name	Effective Date	Actual Amount
		0.00
	2011-07-07	41,582.69
	2011-05-31	20,000.00
BUSTERS TOWING	2011-08-31	839.73
ZZZ SUNDRY ACCOUNTS	2011-06-09	811.67
ZZZ SUNDRY ACCOUNTS	2011-07-15	811.67
ZZZ SUNDRY ACCOUNTS	2012-02-20	795.51
	2011-09-30	791.66
ZZZ REVENUE REFUNDS	2011-05-16	762.60
ZZZ SUNDRY ACCOUNTS	2011-07-29	756.62
ZZZ REVENUE REFUNDS	2011-05-16	750.95
ZZZ SUNDRY ACCOUNTS	2012-02-29	736.86
ZZZ SUNDRY ACCOUNTS	2011-08-09	734.39
ZZZ SUNDRY ACCOUNTS	2011-12-12	733.01
ZZZ SUNDRY ACCOUNTS	2011-11-22	716.45
CLOVER TOWING LTD.	2011-07-20	713.49
ZZZ SUNDRY ACCOUNTS	2011-11-03	710.47
ZZZ SUNDRY ACCOUNTS	2012-03-16	710.47
ZZZ SUNDRY ACCOUNTS	2011-11-22	707.48
KUSTOM TOWING (2009) LTD.	2011-08-31	704.49
ZZZ SUNDRY ACCOUNTS	2011-09-28	704.49
ZZZ SUNDRY ACCOUNTS	2011-10-01	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-12	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-01	704.49
ZZZ SUNDRY ACCOUNTS	2012-03-09	704.49
COQUITLAM TOWING & STORAGE CO. LTD.	2011-04-21	667.74
RUSTY'S AUTO TOWING LTD.	2011-07-27	644.05
ZZZ SUNDRY ACCOUNTS	2011-08-31	623.99
ZZZ SUNDRY ACCOUNTS	2011-12-12	615.02
ZZZ SUNDRY ACCOUNTS	2011-12-12	610.82
KOMAR ENTERPRISES	2012-03-29	606.05
ZZZ SUNDRY ACCOUNTS	2011-07-29	606.05
ZZZ SUNDRY ACCOUNTS	2012-02-20	603.06
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	592.81
ZZZ SUNDRY ACCOUNTS	2011-10-21	577.99
PARKSVILLE TOWING	2011-07-27	561.89
UNITOW SERVICES (1978) LTD.	2011-07-29	541.38
RUSTY'S AUTO TOWING LTD.	2011-12-20	532.91
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	529.92
PENINSULA TOWING	2011-10-01	528.54
RUSTY'S AUTO TOWING LTD.	2011-09-30	523.94
UNITOW SERVICES (1978) LTD.	2011-07-27	521.81
ROADWAY TOWING LTD.	2011-07-29	520.95
UNITOW SERVICES (1978) LTD.	2011-10-01	517.96
ROADWAY TOWING LTD.	2011-08-09	517.08
TOTEM TOWING SERVICE	2011-07-27	516.35

ZZZ SUNDRY ACCOUNTS	2011-11-22	515.20
CITY OF NEW WESTMINSTER	2011-08-01	514.97
LAKE COUNTRY TOWING LTD.	2011-12-12	513.59
BUSTERS TOWING	2012-03-29	513.36
KUSTOM TOWING (2009) LTD.	2011-10-01	508.99
KUSTOM TOWING (2009) LTD.	2011-05-16	508.99
MITCHELL'S TOWING LTD.	2011-07-27	508.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	508.99
MITCHELL'S TOWING LTD.	2011-07-29	507.20
RUSTY'S AUTO TOWING LTD.	2011-11-24	504.39
CITY OF NEW WESTMINSTER	2011-10-21	503.84
COQUITLAM TOWING & STORAGE CO. LTD.	2011-12-12	502.26
TONKS TOWING LTD.	2011-10-01	501.40
UNITOW SERVICES (1978) LTD.	2011-07-27	500.42
CLOVER TOWING LTD.	2011-08-31	500.00
BOYCE AUTO TOWING RICHMOND	2011-10-21	499.79
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	499.79
O'CONNOR TOWING	2011-11-24	496.80
CITY OF NEW WESTMINSTER	2011-11-22	495.42
RUSTY'S AUTO TOWING LTD.	2011-08-09	495.42
ROADWAY TOWING LTD.	2011-08-31	493.81
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	490.32
BUSTERS TOWING	2011-10-21	489.44
UNITOW SERVICES (1978) LTD.	2011-11-03	489.44
WALLY'S TOWING	2011-08-31	489.44
ROADWAY TOWING LTD.	2011-07-27	487.83
ZZZ SUNDRY ACCOUNTS	2012-03-16	487.65
ZZZ SUNDRY ACCOUNTS	2012-02-02	487.65
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	485.18
CITY OF NEW WESTMINSTER	2011-07-29	484.84
CLOVER TOWING LTD.	2011-07-20	484.84
ZZZ SUNDRY ACCOUNTS	2011-06-09	484.84
AURORA TRUCK CENTRE LTD.	2011-07-20	483.10
ZZZ REVENUE REFUNDS	2011-05-16	483.00
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	481.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	481.85
DALY'S AUTO CENTRE LTD.	2011-05-16	480.28
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	478.86
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-05-16	478.86
UNITOW SERVICES (1978) LTD.	2011-11-24	477.25
UNITOW SERVICES (1978) LTD.	2011-10-01	475.87
BUSTERS TOWING	2011-07-20	472.88
OFF ROAD TOWING LTD.	2012-03-29	472.88
GEORGIA STRAIGHT TOWING	2011-06-09	471.96
BUSTERS TOWING	2011-10-21	471.27
RELIABLE AUTO TOWING SERVICES	2011-10-01	471.27
BUSTERS TOWING	2011-10-21	469.89

BUSTERS TOWING	2012-03-29	469.89
BUSTERS TOWING	2011-06-09	469.89
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	469.89
MITCHELL'S TOWING LTD.	2011-12-20	469.89
PAYLESS AUTO TOWING LTD.	2011-08-31	469.89
PENINSULA TOWING	2011-08-31	469.89
UNITOW SERVICES (1978) LTD.	2011-11-03	469.89
CLOVER TOWING LTD.	2011-12-12	468.28
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	465.29
CLOVER TOWING LTD.	2011-07-20	462.30
CLOVER TOWING LTD.	2011-08-01	460.90
ROADWAY TOWING LTD.	2011-08-09	460.69
UNITOW SERVICES (1978) LTD.	2011-11-24	460.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	460.00
TOTEM TOWING SERVICE	2011-07-27	459.31
UNITOW SERVICES (1978) LTD.	2011-10-01	457.70
ZZZ SUNDRY ACCOUNTS	2011-12-20	456.32
ZZZ SUNDRY ACCOUNTS	2011-07-27	454.87
BAYVIEW AUTO TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-07-20	450.34
BUSTERS TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-12-20	450.34
BUSTERS TOWING	2012-01-25	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
KUSTOM TOWING (2009) LTD.	2011-08-09	450.34
KUSTOM TOWING (2009) LTD.	2011-05-16	450.34
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	450.34
MAPLE RIDGE TOWING (1981) LTD.	2012-01-25	450.34
MITCHELL'S TOWING LTD.	2011-05-16	450.34
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-09	450.34
RELIABLE AUTO TOWING SERVICES	2011-06-09	450.34
SWEDE'S TOWING	2011-12-12	449.20
JACK'S TOWING LTD.	2011-08-09	448.73
UNITOW SERVICES (1978) LTD.	2011-08-31	448.73
TERRY'S TOWING SERVICE	2011-05-24	447.71
PENTICTON TOWING & RECOVERY	2012-01-06	446.99
ZZZ SUNDRY ACCOUNTS	2011-06-09	446.08
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	445.74
SPARWOOD TOWING	2011-06-09	444.61
249513 B.C. LTD	2011-10-01	442.06
UNITOW SERVICES (1978) LTD.	2011-07-29	441.14
BUSTERS TOWING	2011-10-21	439.76
UNITOW SERVICES (1978) LTD.	2011-10-01	439.76
UNITOW SERVICES (1978) LTD.	2011-05-24	439.76
ZZZ SUNDRY ACCOUNTS	2012-03-16	435.40
MILL BAY TOWING AND RECOVERY LTD.	2011-05-16	434.93

TOTEM TOWING SERVICE	2011-06-09	433.78
UNITOW SERVICES (1978) LTD.	2011-07-29	433.78
COMOX VALLEY TOWING & RECOVERY	2011-11-22	433.09
ZZZ SUNDRY ACCOUNTS	2012-02-20	433.09
UNITOW SERVICES (1978) LTD.	2011-07-27	431.42
AJ 24 HOUR TOWING	2011-08-01	430.79
BUSTERS TOWING	2011-07-20	430.79
BUSTERS TOWING	2011-06-09	430.79
PAYLESS AUTO TOWING LTD.	2011-10-01	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
UNITOW SERVICES (1978) LTD.	2011-12-20	430.79
ZZZ SUNDRY ACCOUNTS	2011-10-28	430.79
BUSTERS TOWING	2011-10-21	429.18
ZZZ SUNDRY ACCOUNTS	2011-07-27	428.95
CLOVER TOWING LTD.	2011-11-03	426.19
UNITOW SERVICES (1978) LTD.	2011-07-27	426.19
MODERN TIRE & TOWING INC.	2011-07-27	424.20
UNITOW SERVICES (1978) LTD.	2011-08-31	423.20
ZZZ SUNDRY ACCOUNTS	2011-09-28	420.21
ACE AUTO TOWING	2011-08-01	419.98
ROD'S TOWING	2011-12-09	418.83
B.K.V. TOWING	2011-06-09	417.15
CLOVER TOWING LTD.	2011-08-09	417.07
OTTER POINT COLLISION LTD.	2012-03-16	416.99
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BUSTERS TOWING	2012-01-06	411.24
BUSTERS TOWING	2012-03-29	411.24
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	411.24
COQUITLAM TOWING & STORAGE CO. LTD.	2011-11-22	411.23
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	409.86
VERNON AUTO TOWING LTD.	2011-05-24	407.79
MARIO'S TOWING LTD.	2011-12-20	405.72
UNITOW SERVICES (1978) LTD.	2011-07-27	404.51
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	400.89
J.D. TOWING INC.	2011-12-12	400.89
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	400.89
VERNON AUTO TOWING LTD.	2011-12-12	400.89
TERRY'S TOWING SERVICE	2011-05-24	399.74
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	396.06
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	396.06
UNITOW SERVICES (1978) LTD.	2011-10-01	396.06
RUSTY'S AUTO TOWING LTD.	2011-05-24	392.37
BUSTERS TOWING	2011-08-09	391.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	390.77
RUSTY'S AUTO TOWING LTD.	2011-06-09	387.07

MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	384.96
COWICHAN TOWING LTD.	2011-12-12	384.79
EFM TOWING	2011-06-09	384.79
OTTER POINT COLLISION LTD.	2011-12-12	384.79
PENTICTON TOWING & RECOVERY	2012-01-06	384.79
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-29	384.10
NORTHERN CAPITAL TOWING LTD.	2011-10-01	383.68
COQUITLAM TOWING & STORAGE CO. LTD.	2011-10-21	381.11
CLOVER TOWING LTD.	2011-07-20	379.50
MARIO'S TOWING LTD.	2011-12-20	377.66
RUSTY'S AUTO TOWING LTD.	2011-05-16	376.51
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	375.13
DRAKE TOWING LTD.	2011-07-29	373.52
MARIO'S TOWING LTD.	2011-05-16	373.52
BUSTERS TOWING	2012-01-06	372.14
BUSTERS TOWING	2012-03-29	372.14
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	372.14
MITCHELL'S TOWING LTD.	2011-08-31	372.14
PAYLESS AUTO TOWING LTD.	2011-08-31	372.14
WESTSHORE TOWING LTD.	2011-05-24	372.13
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	371.32
PENINSULA TOWING	2011-11-24	370.53
ROADWAY TOWING LTD.	2011-05-24	370.53
MARIO'S TOWING LTD.	2011-07-29	369.32
CLUB TOWING	2011-08-01	368.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	367.57
RUSTY'S AUTO TOWING LTD.	2011-06-09	367.54
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	365.87
TOTEM TOWING SERVICE	2011-05-24	365.87
ZZZ SUNDRY ACCOUNTS	2011-09-28	365.87
ROADWAY TOWING LTD.	2011-10-01	362.94
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	361.55
AA MERRITT MOUNTAIN TOWING & RECOVERY LTD.	2011-08-01	357.42
CLOVER TOWING LTD.	2011-07-20	356.96
PAYLESS AUTO TOWING LTD.	2011-08-31	356.96
ZZZ SUNDRY ACCOUNTS	2011-09-28	356.96
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-12-12	355.58
ZZZ SUNDRY ACCOUNTS	2011-07-27	355.58
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	353.97
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	353.97
TOTEM TOWING SERVICE	2011-07-27	353.97
AJ 24 HOUR TOWING	2011-11-22	352.59
ALL-WAYS TOWING & RECOVERY	2011-07-20	352.59
BUSTERS TOWING	2012-03-29	352.59
COWICHAN TOWING LTD.	2011-06-09	352.59
KUSTOM TOWING (2009) LTD.	2011-05-16	352.59
PAYLESS AUTO TOWING LTD.	2011-07-29	352.59

CLOVER TOWING LTD.	2012-02-02	351.90
ZZZ SUNDRY ACCOUNTS	2011-09-28	351.90
MARIO'S TOWING LTD.	2011-07-29	349.77
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	348.45
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	345.00
ROADWAY TOWING LTD.	2011-10-01	343.39
ZZZ SUNDRY ACCOUNTS	2011-08-01	341.51
ZZZ SUNDRY ACCOUNTS	2011-09-30	341.39
GEM TOWING LTD.	2011-11-03	339.02
OTTER POINT COLLISION LTD.	2011-09-30	338.33
CLUB TOWING	2011-07-29	336.49
MARIO'S TOWING LTD.	2011-10-01	336.49
MARIO'S TOWING LTD.	2011-11-24	336.49
BAYVIEW AUTO TOWING	2011-10-21	333.04
BUSTERS TOWING	2011-07-20	333.04
BUSTERS TOWING	2011-08-31	333.04
ZZZ SUNDRY ACCOUNTS	2011-09-28	333.04
UNITOW SERVICES (1978) LTD.	2011-12-20	333.00
UNITOW SERVICES (1978) LTD.	2011-07-29	332.35
BUSTERS TOWING	2012-03-29	331.43
WALLY'S TOWING	2011-10-01	331.25
MID ISLAND TOWING & TRANSPORT LTD.	2011-07-29	330.44
ALL-WAYS TOWING & RECOVERY	2011-07-20	330.36
MARIO'S TOWING LTD.	2011-07-29	327.97
UNITOW SERVICES (1978) LTD.	2011-05-24	324.06
UNITOW SERVICES (1978) LTD.	2011-05-24	323.84
ACE AUTO TOWING	2011-11-03	323.03
TOM'S & MERRITT TOWING LTD.	2011-06-09	320.39
EXCEPTIONAL TOWING	2011-08-01	319.28
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	317.86
GEORGIA STRAIGHT TOWING	2011-11-24	317.57
WALLY'S TOWING	2011-06-09	314.17
ZZZ SUNDRY ACCOUNTS	2011-07-14	314.17
BUSTERS TOWING	2011-10-21	313.49
BUSTERS TOWING	2012-01-06	313.49
BUSTERS TOWING	2011-06-09	313.49
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	313.49
TOTEM TOWING SERVICE	2011-11-24	313.49
DON'S AUTO TOWING LTD.	2011-05-16	313.26
BUSTERS TOWING	2011-08-09	307.22
UNITOW SERVICES (1978) LTD.	2011-12-20	305.90
HOPE TOWING LTD.	2011-05-16	304.29
MARIO'S TOWING LTD.	2011-11-03	304.29
SCRAP KING AUTOWRECKING & TOWING LTD.	2012-03-16	303.14
UNITOW SERVICES (1978) LTD.	2011-07-29	302.91
ABLE TOWING	2011-06-09	301.47
PIONEER MOTORS LTD	2011-07-27	300.71

CITY OF NEW WESTMINSTER	2011-10-21	299.92
PENINSULA TOWING	2011-11-24	296.93
NORTHERN CAPITAL TOWING LTD.	2011-07-27	296.01
ROADWAY TOWING LTD.	2011-10-01	295.32
COWICHAN TOWING LTD.	2011-09-30	294.17
GEM TOWING LTD.	2011-10-21	293.94
TOTEM TOWING SERVICE	2011-12-12	293.94
ZZZ SUNDRY ACCOUNTS	2011-07-20	293.94
MARIO'S TOWING LTD.	2011-05-16	293.02
UNITOW SERVICES (1978) LTD.	2011-10-01	292.15
MARIO'S TOWING LTD.	2011-05-16	291.19
NORTHERN CAPITAL TOWING LTD.	2011-05-24	289.80
COLD COUNTRY AUTO	2012-01-25	288.19
DEL ORO TOWING	2011-08-31	288.19
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	288.19
DEL ORO TOWING	2011-08-31	287.04
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	286.35
ARCHIE'S AUTOWRECKING & TOWING	2011-12-12	285.37
EXCEPTIONAL TOWING	2011-11-24	285.37
LANDON COLLISION & TOWING LTD.	2011-05-16	284.05
ZZZ SUNDRY ACCOUNTS	2011-07-20	283.36
DEL ORO TOWING	2011-05-16	278.17
COMOX VALLEY DODGE CHRYSLER JEEP LTD.	2012-01-16	276.92
BUSTERS TOWING	2012-01-06	274.39
UNITOW SERVICES (1978) LTD.	2011-05-24	274.39
CLOVER TOWING LTD.	2011-10-21	273.70
MODERN TIRE & TOWING INC.	2011-07-29	273.70
PARKSVILLE TOWING	2011-08-09	272.09
PRONTO TOWING LTD.	2011-11-24	272.09
USHER'S TOWING	2011-05-24	272.09
RUSTY'S AUTO TOWING LTD.	2011-11-24	269.79
KUSTOM TOWING (2009) LTD.	2011-11-22	268.12
UNITOW SERVICES (1978) LTD.	2011-07-29	268.12
UNITOW SERVICES (1978) LTD.	2011-11-03	266.80
MITCHELL'S TOWING LTD.	2011-05-16	265.19
MITCHELL'S TOWING LTD.	2011-05-16	265.19
UNITOW SERVICES (1978) LTD.	2011-07-29	263.81
ZZZ SUNDRY ACCOUNTS	2011-09-28	263.81
MARIO'S TOWING LTD.	2011-10-01	260.82
UCLUELET PETRO-CANADA	2011-11-24	256.53
ALBERNI TOWING	2011-12-20	255.99
PENTICTON TOWING & RECOVERY	2011-06-09	255.99
ZZZ REVENUE REFUNDS	2011-05-16	255.00
BUSTERS TOWING	2011-10-21	254.84
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	254.84
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	254.84
PAYLESS AUTO TOWING LTD.	2011-10-01	254.84

ZZZ SUNDRY ACCOUNTS	2011-07-29	254.84
ZZZ SUNDRY ACCOUNTS	2011-08-09	254.84
CARE TOWING (1991) LTD.	2012-03-09	245.87
CITY OF NEW WESTMINSTER	2011-10-21	244.26
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	243.25
UNITOW SERVICES (1978) LTD.	2011-05-24	240.91
COLD COUNTRY AUTO	2012-01-25	239.97
EXCEPTIONAL TOWING	2011-11-24	239.89
GEORGIA STRAIGHT TOWING	2011-11-24	239.89
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-08-01	235.29
ZZZ SUNDRY ACCOUNTS	2011-12-20	234.47
ZZZ REVENUE REFUNDS	2011-05-16	233.58
ZZZ SUNDRY ACCOUNTS	2011-12-12	228.99
UNITOW SERVICES (1978) LTD.	2011-05-24	227.70
COMOX VALLEY TOWING & RECOVERY	2011-08-01	225.40
CLASSIC TOWING	2011-12-12	223.79
EFM TOWING	2011-11-24	223.79
ZZZ SUNDRY ACCOUNTS	2011-07-29	223.79
ZZZ SUNDRY ACCOUNTS	2012-01-06	223.79
ZZZ SUNDRY ACCOUNTS	2011-10-05	221.72
UNITOW SERVICES (1978) LTD.	2011-07-29	218.89
CLOVER TOWING LTD.	2011-08-09	217.52
ROADWAY TOWING LTD.	2011-05-24	215.74
24 HR. TOWING	2012-03-09	215.27
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	214.13
ALBERNI TOWING	2011-11-22	209.30
MITCHELL'S TOWING LTD.	2011-07-29	209.01
CLOVER TOWING LTD.	2011-10-21	208.15
ZZZ SUNDRY ACCOUNTS	2011-12-20	207.69
SPARWOOD TOWING	2011-05-24	204.11
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	203.55
COQUITLAM TOWING & STORAGE CO. LTD.	2011-06-09	200.56
	2011-09-20	200.56
UNITOW SERVICES (1978) LTD.	2011-05-24	197.57
ZZZ SUNDRY ACCOUNTS	2011-07-14	197.57
BUSTERS TOWING	2011-06-09	196.19
CITY OF NEW WESTMINSTER	2011-07-20	196.19
MAPLE RIDGE TOWING (1981) LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2012-01-06	196.19
CLOVER TOWING LTD.	2011-10-21	195.50
ZZZ SUNDRY ACCOUNTS	2012-01-06	194.58
RUSTY'S AUTO TOWING LTD.	2011-08-31	194.40
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	191.59
ZZZ SUNDRY ACCOUNTS	2011-12-12	191.59

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	188.60
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	187.45
AJ 24 HOUR TOWING	2011-10-21	186.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-09-30	184.00
RUSTY'S AUTO TOWING LTD.	2011-08-09	184.00
ZZZ SUNDRY ACCOUNTS	2011-11-24	183.00
AJ 24 HOUR TOWING	2012-01-25	182.62
UNITOW SERVICES (1978) LTD.	2012-01-25	182.62
BOYCE AUTO TOWING RICHMOND	2011-11-22	181.01
MARIO'S TOWING LTD.	2012-01-16	180.32
JACK'S TOWING LTD.	2012-03-29	179.63
JIMCO TOWING LTD.	2011-07-20	178.48
ZZZ SUNDRY ACCOUNTS	2011-09-28	178.02
BUSTERS TOWING	2012-01-16	176.64
COQUITLAM TOWING & STORAGE CO. LTD.	2011-09-30	176.64
O'CONNOR TOWING	2011-11-24	176.64
WESTSHORE TOWING LTD.	2011-08-31	176.64
ZZZ SUNDRY ACCOUNTS	2011-09-28	176.64
ZZZ SUNDRY ACCOUNTS	2011-11-22	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-17	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-19	176.64
ZZZ SUNDRY ACCOUNTS	2012-02-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ABLE TOWING	2011-06-09	175.49
ALBERNI TOWING	2011-10-21	175.49
DEL ORO TOWING	2011-07-29	175.49
DEL ORO TOWING	2011-11-24	175.49
MARIO'S TOWING LTD.	2011-05-16	175.49
PARKSVILLE TOWING	2011-07-27	175.49
PRO TOW	2011-07-29	175.49
ZZZ SUNDRY ACCOUNTS	2011-12-20	175.49
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	175.45
PENTICTON TOWING & RECOVERY	2012-01-06	172.67
ZZZ SUNDRY ACCOUNTS	2011-07-29	170.37
ROADWAY TOWING LTD.	2012-03-16	169.91
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	167.21
TOTEM TOWING SERVICE	2012-01-06	163.17
GEORGIA STRAIGHT TOWING	2012-01-25	162.03
CITY OF NEW WESTMINSTER	2011-10-21	160.08
AUTOW QUESNEL TOWING LTD	2011-10-21	159.39
COLUMBIA TOWING LTD.	2011-11-22	159.39
DON'S AUTO TOWING LTD.	2011-08-01	159.39
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	159.39
LAKE COUNTRY TOWING LTD.	2012-03-29	159.39
RON'S AUTO TOWING	2012-02-29	159.39
ZZZ SUNDRY ACCOUNTS	2011-07-29	159.39

ISLAND THUNDER TOWING	2011-07-20	159.38
GEM TOWING LTD.	2011-07-29	157.09
UNITOW SERVICES (1978) LTD.	2011-11-03	157.09
UNITOW SERVICES (1978) LTD.	2011-12-20	157.09
ZZZ SUNDRY ACCOUNTS	2011-10-01	157.09
SPORTSMAN'S CORNER GAS 2002	2011-05-24	155.25
COQUITLAM TOWING & STORAGE CO. LTD.	2012-03-16	152.49
CLOVER TOWING LTD.	2011-09-30	150.36
ZZZ SUNDRY ACCOUNTS	2011-09-28	150.19
RELIABLE AUTO TOWING SERVICES	2011-08-09	149.50
UNITOW SERVICES (1978) LTD.	2011-05-24	149.50
ZZZ SUNDRY ACCOUNTS	2011-12-12	148.30
UNITOW SERVICES (1978) LTD.	2011-05-24	147.89
VERNON AUTO TOWING LTD.	2011-05-24	143.29
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	139.15
ZZZ SUNDRY ACCOUNTS	2011-08-09	137.89
CITY OF NEW WESTMINSTER	2011-12-20	137.54
CLOVER TOWING LTD.	2011-12-20	137.54
ZZZ SUNDRY ACCOUNTS	2011-06-09	137.54
CLOVER TOWING LTD.	2011-07-29	136.85
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2012-01-06	135.93
ZZZ SUNDRY ACCOUNTS	2011-12-12	135.90
	2011-04-19	133.93
ALBERNI TOWING	2011-10-21	127.19
ROD'S TOWING	2011-07-29	127.19
ZZZ SUNDRY ACCOUNTS	2011-11-22	127.19
ZZZ SUNDRY ACCOUNTS	2011-06-09	127.19
ZZZ SUNDRY ACCOUNTS	2011-12-12	119.22
WALLY'S TOWING	2011-05-24	117.99
KUSTOM TOWING (2009) LTD.	2011-10-01	117.30
MARIO'S TOWING LTD.	2012-01-06	111.09
NORTHERN CAPITAL TOWING LTD.	2011-07-29	111.09
RON'S AUTO TOWING	2012-03-29	111.09
ZZZ SUNDRY ACCOUNTS	2011-06-09	101.00
PAYLESS AUTO TOWING LTD.	2012-02-20	100.97
BUSTERS TOWING	2012-01-06	97.75
SPORTSMAN'S CORNER GAS 2002	2011-05-24	80.50
ALBERNI TOWING	2011-12-20	78.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	78.20
ZZZ SUNDRY ACCOUNTS	2011-09-30	78.20
PRISM TOWING	2012-02-29	65.00
DRAKE TOWING LTD.	2011-08-31	58.65
ZZZ SUNDRY ACCOUNTS	2011-05-26	55.13
ROADHOUSE TOWING	2011-06-09	48.29
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	41.46
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	37.29
ZZZ SUNDRY ACCOUNTS	2012-01-19	32.20

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	-41.46	
BUSTERS TOWING	2012-01-17	-176.64	
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-15	-200.56	
	2011-09-20	-200.56	
ZZZ SUNDRY ACCOUNTS	2011-12-20	-234.47	
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	-243.25	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-435.40	
TERRY'S TOWING SERVICE	2011-05-24	-447.71	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-487.65	
	2011-08-25	-629.32	
ZZZ REVENUE REFUNDS	2011-05-16	-762.60	
ZZZ SUNDRY ACCOUNTS	2011-07-15	-811.67	
	2012-02-08	-1,359.11	
	2011-07-27	-1,849.47	
	2012-03-30		-20,000.00
	2011-07-07		-41,582.69
		153,881.30	

Not Towing Fee
Not Towing Fee

Clayton, Penny L JAG:EX

From: Mazzei, Linda D JAG:EX
Sent: Wednesday, May 30, 2012 3:04 PM
To: Handgraaf, Harjeet JAG:EX
Cc: Stewart, Terry J JAG:EX
Subject: FW: s.13

Arnie, Terry has taken over this file so I am forwarding this to him.

From: Handgraaf, Harjeet JAG:EX
Sent: Wednesday, May 30, 2012 2:28 PM
To: Harrison, Jackie P JAG:EX
Cc: Mazzei, Linda D JAG:EX
Subject: FW: s.13

Can you advise if and when these fees are changing????

Thanks
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: Kazmiruk, Dan F JAG:EX
Sent: Wednesday, May 30, 2012 2:22 PM
To: Handgraaf, Harjeet JAG:EX
Cc: Mazzei, Linda D JAG:EX
Subject: s.13 1

Hi Arnie,

As discussed, I am providing a link to the *Lien on Impounded Motor Vehicle Regulation*. When the vehicle impoundment laws were changed in 2010, the old towing and storage fee regulation (43.05 of the *Motor Vehicle Act Regulations*) was repealed and this stand-alone regulation took its place.

s.13

s.13

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628

Dan Kazmiruk
Senior Policy Advisor, Policy & Research Branch
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Tel: 250-952-6922 | Fax: 250-356-5568

Period Name	CLIENT	RC	SVC	STOB	PROJ
12-Jul	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Jun	10	1509A	62910	8585	1508021
12-Jul	10	1509A	62910	8585	1508021
12-Feb	10	1509E	62910	8585	1508021
12-Sep	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Feb	10	1509E	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Dec	10	1509E	62910	8585	1508021
12-Nov	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Nov	10	1509E	62910	8585	1508021
12-Mar	10	1509E	62910	8585	1508021
12-Nov	10	1509E	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Sep	10	1509E	62910	8585	1508021
12-Oct	10	1509E	62910	8585	1508021
12-Dec	10	1509E	62910	8585	1508021
12-Dec	10	1509E	62910	8585	1508021
12-Mar	10	1509E	62910	8585	1508021
12-Apr	10	1509A	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Dec	10	1509E	62910	8585	1508021
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12-Mar	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Feb	10	1509E	62910	8585	1508021
12-Jun	10	1509B	62910	8585	1508021
12-Oct	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Dec	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Oct	10	1509E	62910	8585	1508021
12-Sep	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-Oct	10	1509E	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021

12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
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12-Oct	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509N	62910	8585	1508021
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12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021

12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
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12-Jun	10 1509B	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
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12-Jul	10 1509E	62910	8585	1508021
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12-Oct	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Mar	10 1509N	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021

12-Jun	10 1509B	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
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Supplier Name	Effective Date	Actual Amount
		0.00
	2011-07-07	41,582.69
	2011-05-31	20,000.00
BUSTERS TOWING	2011-08-31	839.73
ZZZ SUNDRY ACCOUNTS	2011-06-09	811.67
ZZZ SUNDRY ACCOUNTS	2011-07-15	811.67
ZZZ SUNDRY ACCOUNTS	2012-02-20	795.51
	2011-09-30	791.66
ZZZ REVENUE REFUNDS	2011-05-16	762.60
ZZZ SUNDRY ACCOUNTS	2011-07-29	756.62
ZZZ REVENUE REFUNDS	2011-05-16	750.95
ZZZ SUNDRY ACCOUNTS	2012-02-29	736.86
ZZZ SUNDRY ACCOUNTS	2011-08-09	734.39
ZZZ SUNDRY ACCOUNTS	2011-12-12	733.01
ZZZ SUNDRY ACCOUNTS	2011-11-22	716.45
CLOVER TOWING LTD.	2011-07-20	713.49
ZZZ SUNDRY ACCOUNTS	2011-11-03	710.47
ZZZ SUNDRY ACCOUNTS	2012-03-16	710.47
ZZZ SUNDRY ACCOUNTS	2011-11-22	707.48
KUSTOM TOWING (2009) LTD.	2011-08-31	704.49
ZZZ SUNDRY ACCOUNTS	2011-09-28	704.49
ZZZ SUNDRY ACCOUNTS	2011-10-01	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-12	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-01	704.49
ZZZ SUNDRY ACCOUNTS	2012-03-09	704.49
COQUITLAM TOWING & STORAGE CO. LTD.	2011-04-21	667.74
RUSTY'S AUTO TOWING LTD.	2011-07-27	644.05
ZZZ SUNDRY ACCOUNTS	2011-08-31	623.99
ZZZ SUNDRY ACCOUNTS	2011-12-12	615.02
ZZZ SUNDRY ACCOUNTS	2011-12-12	610.82
KOMAR ENTERPRISES	2012-03-29	606.05
ZZZ SUNDRY ACCOUNTS	2011-07-29	606.05
ZZZ SUNDRY ACCOUNTS	2012-02-20	603.06
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	592.81
ZZZ SUNDRY ACCOUNTS	2011-10-21	577.99
PARKSVILLE TOWING	2011-07-27	561.89
UNITOW SERVICES (1978) LTD.	2011-07-29	541.38
RUSTY'S AUTO TOWING LTD.	2011-12-20	532.91
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	529.92
PENINSULA TOWING	2011-10-01	528.54
RUSTY'S AUTO TOWING LTD.	2011-09-30	523.94
UNITOW SERVICES (1978) LTD.	2011-07-27	521.81
ROADWAY TOWING LTD.	2011-07-29	520.95
UNITOW SERVICES (1978) LTD.	2011-10-01	517.96
ROADWAY TOWING LTD.	2011-08-09	517.08
TOTEM TOWING SERVICE	2011-07-27	516.35

ZZZ SUNDRY ACCOUNTS	2011-11-22	515.20
CITY OF NEW WESTMINSTER	2011-08-01	514.97
LAKE COUNTRY TOWING LTD.	2011-12-12	513.59
BUSTERS TOWING	2012-03-29	513.36
KUSTOM TOWING (2009) LTD.	2011-10-01	508.99
KUSTOM TOWING (2009) LTD.	2011-05-16	508.99
MITCHELL'S TOWING LTD.	2011-07-27	508.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	508.99
MITCHELL'S TOWING LTD.	2011-07-29	507.20
RUSTY'S AUTO TOWING LTD.	2011-11-24	504.39
CITY OF NEW WESTMINSTER	2011-10-21	503.84
COQUITLAM TOWING & STORAGE CO. LTD.	2011-12-12	502.26
TONKS TOWING LTD.	2011-10-01	501.40
UNITOW SERVICES (1978) LTD.	2011-07-27	500.42
CLOVER TOWING LTD.	2011-08-31	500.00
BOYCE AUTO TOWING RICHMOND	2011-10-21	499.79
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	499.79
O'CONNOR TOWING	2011-11-24	496.80
CITY OF NEW WESTMINSTER	2011-11-22	495.42
RUSTY'S AUTO TOWING LTD.	2011-08-09	495.42
ROADWAY TOWING LTD.	2011-08-31	493.81
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	490.32
BUSTERS TOWING	2011-10-21	489.44
UNITOW SERVICES (1978) LTD.	2011-11-03	489.44
WALLY'S TOWING	2011-08-31	489.44
ROADWAY TOWING LTD.	2011-07-27	487.83
ZZZ SUNDRY ACCOUNTS	2012-03-16	487.65
ZZZ SUNDRY ACCOUNTS	2012-02-02	487.65
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	485.18
CITY OF NEW WESTMINSTER	2011-07-29	484.84
CLOVER TOWING LTD.	2011-07-20	484.84
ZZZ SUNDRY ACCOUNTS	2011-06-09	484.84
AURORA TRUCK CENTRE LTD.	2011-07-20	483.10
ZZZ REVENUE REFUNDS	2011-05-16	483.00
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	481.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	481.85
DALY'S AUTO CENTRE LTD.	2011-05-16	480.28
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	478.86
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-05-16	478.86
UNITOW SERVICES (1978) LTD.	2011-11-24	477.25
UNITOW SERVICES (1978) LTD.	2011-10-01	475.87
BUSTERS TOWING	2011-07-20	472.88
OFF ROAD TOWING LTD.	2012-03-29	472.88
GEORGIA STRAIGHT TOWING	2011-06-09	471.96
BUSTERS TOWING	2011-10-21	471.27
RELIABLE AUTO TOWING SERVICES	2011-10-01	471.27
BUSTERS TOWING	2011-10-21	469.89

BUSTERS TOWING	2012-03-29	469.89
BUSTERS TOWING	2011-06-09	469.89
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	469.89
MITCHELL'S TOWING LTD.	2011-12-20	469.89
PAYLESS AUTO TOWING LTD.	2011-08-31	469.89
PENINSULA TOWING	2011-08-31	469.89
UNITOW SERVICES (1978) LTD.	2011-11-03	469.89
CLOVER TOWING LTD.	2011-12-12	468.28
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	465.29
CLOVER TOWING LTD.	2011-07-20	462.30
CLOVER TOWING LTD.	2011-08-01	460.90
ROADWAY TOWING LTD.	2011-08-09	460.69
UNITOW SERVICES (1978) LTD.	2011-11-24	460.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	460.00
TOTEM TOWING SERVICE	2011-07-27	459.31
UNITOW SERVICES (1978) LTD.	2011-10-01	457.70
ZZZ SUNDRY ACCOUNTS	2011-12-20	456.32
ZZZ SUNDRY ACCOUNTS	2011-07-27	454.87
BAYVIEW AUTO TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-07-20	450.34
BUSTERS TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-12-20	450.34
BUSTERS TOWING	2012-01-25	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
KUSTOM TOWING (2009) LTD.	2011-08-09	450.34
KUSTOM TOWING (2009) LTD.	2011-05-16	450.34
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	450.34
MAPLE RIDGE TOWING (1981) LTD.	2012-01-25	450.34
MITCHELL'S TOWING LTD.	2011-05-16	450.34
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-09	450.34
RELIABLE AUTO TOWING SERVICES	2011-06-09	450.34
SWEDE'S TOWING	2011-12-12	449.20
JACK'S TOWING LTD.	2011-08-09	448.73
UNITOW SERVICES (1978) LTD.	2011-08-31	448.73
TERRY'S TOWING SERVICE	2011-05-24	447.71
PENTICTON TOWING & RECOVERY	2012-01-06	446.99
ZZZ SUNDRY ACCOUNTS	2011-06-09	446.08
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	445.74
SPARWOOD TOWING	2011-06-09	444.61
249513 B.C. LTD	2011-10-01	442.06
UNITOW SERVICES (1978) LTD.	2011-07-29	441.14
BUSTERS TOWING	2011-10-21	439.76
UNITOW SERVICES (1978) LTD.	2011-10-01	439.76
UNITOW SERVICES (1978) LTD.	2011-05-24	439.76
ZZZ SUNDRY ACCOUNTS	2012-03-16	435.40
MILL BAY TOWING AND RECOVERY LTD.	2011-05-16	434.93

TOTEM TOWING SERVICE	2011-06-09	433.78
UNITOW SERVICES (1978) LTD.	2011-07-29	433.78
COMOX VALLEY TOWING & RECOVERY	2011-11-22	433.09
ZZZ SUNDRY ACCOUNTS	2012-02-20	433.09
UNITOW SERVICES (1978) LTD.	2011-07-27	431.42
AJ 24 HOUR TOWING	2011-08-01	430.79
BUSTERS TOWING	2011-07-20	430.79
BUSTERS TOWING	2011-06-09	430.79
PAYLESS AUTO TOWING LTD.	2011-10-01	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
UNITOW SERVICES (1978) LTD.	2011-12-20	430.79
ZZZ SUNDRY ACCOUNTS	2011-10-28	430.79
BUSTERS TOWING	2011-10-21	429.18
ZZZ SUNDRY ACCOUNTS	2011-07-27	428.95
CLOVER TOWING LTD.	2011-11-03	426.19
UNITOW SERVICES (1978) LTD.	2011-07-27	426.19
MODERN TIRE & TOWING INC.	2011-07-27	424.20
UNITOW SERVICES (1978) LTD.	2011-08-31	423.20
ZZZ SUNDRY ACCOUNTS	2011-09-28	420.21
ACE AUTO TOWING	2011-08-01	419.98
ROD'S TOWING	2011-12-09	418.83
B.K.V. TOWING	2011-06-09	417.15
CLOVER TOWING LTD.	2011-08-09	417.07
OTTER POINT COLLISION LTD.	2012-03-16	416.99
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BUSTERS TOWING	2012-01-06	411.24
BUSTERS TOWING	2012-03-29	411.24
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	411.24
COQUITLAM TOWING & STORAGE CO. LTD.	2011-11-22	411.23
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	409.86
VERNON AUTO TOWING LTD.	2011-05-24	407.79
MARIO'S TOWING LTD.	2011-12-20	405.72
UNITOW SERVICES (1978) LTD.	2011-07-27	404.51
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	400.89
J.D. TOWING INC.	2011-12-12	400.89
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	400.89
VERNON AUTO TOWING LTD.	2011-12-12	400.89
TERRY'S TOWING SERVICE	2011-05-24	399.74
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	396.06
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	396.06
UNITOW SERVICES (1978) LTD.	2011-10-01	396.06
RUSTY'S AUTO TOWING LTD.	2011-05-24	392.37
BUSTERS TOWING	2011-08-09	391.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	390.77
RUSTY'S AUTO TOWING LTD.	2011-06-09	387.07

MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	384.96
COWICHAN TOWING LTD.	2011-12-12	384.79
EFM TOWING	2011-06-09	384.79
OTTER POINT COLLISION LTD.	2011-12-12	384.79
PENTICTON TOWING & RECOVERY	2012-01-06	384.79
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-29	384.10
NORTHERN CAPITAL TOWING LTD.	2011-10-01	383.68
COQUITLAM TOWING & STORAGE CO. LTD.	2011-10-21	381.11
CLOVER TOWING LTD.	2011-07-20	379.50
MARIO'S TOWING LTD.	2011-12-20	377.66
RUSTY'S AUTO TOWING LTD.	2011-05-16	376.51
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	375.13
DRAKE TOWING LTD.	2011-07-29	373.52
MARIO'S TOWING LTD.	2011-05-16	373.52
BUSTERS TOWING	2012-01-06	372.14
BUSTERS TOWING	2012-03-29	372.14
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	372.14
MITCHELL'S TOWING LTD.	2011-08-31	372.14
PAYLESS AUTO TOWING LTD.	2011-08-31	372.14
WESTSHORE TOWING LTD.	2011-05-24	372.13
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	371.32
PENINSULA TOWING	2011-11-24	370.53
ROADWAY TOWING LTD.	2011-05-24	370.53
MARIO'S TOWING LTD.	2011-07-29	369.32
CLUB TOWING	2011-08-01	368.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	367.57
RUSTY'S AUTO TOWING LTD.	2011-06-09	367.54
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	365.87
TOTEM TOWING SERVICE	2011-05-24	365.87
ZZZ SUNDRY ACCOUNTS	2011-09-28	365.87
ROADWAY TOWING LTD.	2011-10-01	362.94
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	361.55
AA MERRITT MOUNTAIN TOWING & RECOVERY LTD.	2011-08-01	357.42
CLOVER TOWING LTD.	2011-07-20	356.96
PAYLESS AUTO TOWING LTD.	2011-08-31	356.96
ZZZ SUNDRY ACCOUNTS	2011-09-28	356.96
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-12-12	355.58
ZZZ SUNDRY ACCOUNTS	2011-07-27	355.58
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	353.97
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	353.97
TOTEM TOWING SERVICE	2011-07-27	353.97
AJ 24 HOUR TOWING	2011-11-22	352.59
ALL-WAYS TOWING & RECOVERY	2011-07-20	352.59
BUSTERS TOWING	2012-03-29	352.59
COWICHAN TOWING LTD.	2011-06-09	352.59
KUSTOM TOWING (2009) LTD.	2011-05-16	352.59
PAYLESS AUTO TOWING LTD.	2011-07-29	352.59

CLOVER TOWING LTD.	2012-02-02	351.90
ZZZ SUNDRY ACCOUNTS	2011-09-28	351.90
MARIO'S TOWING LTD.	2011-07-29	349.77
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	348.45
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	345.00
ROADWAY TOWING LTD.	2011-10-01	343.39
ZZZ SUNDRY ACCOUNTS	2011-08-01	341.51
ZZZ SUNDRY ACCOUNTS	2011-09-30	341.39
GEM TOWING LTD.	2011-11-03	339.02
OTTER POINT COLLISION LTD.	2011-09-30	338.33
CLUB TOWING	2011-07-29	336.49
MARIO'S TOWING LTD.	2011-10-01	336.49
MARIO'S TOWING LTD.	2011-11-24	336.49
BAYVIEW AUTO TOWING	2011-10-21	333.04
BUSTERS TOWING	2011-07-20	333.04
BUSTERS TOWING	2011-08-31	333.04
ZZZ SUNDRY ACCOUNTS	2011-09-28	333.04
UNITOW SERVICES (1978) LTD.	2011-12-20	333.00
UNITOW SERVICES (1978) LTD.	2011-07-29	332.35
BUSTERS TOWING	2012-03-29	331.43
WALLY'S TOWING	2011-10-01	331.25
MID ISLAND TOWING & TRANSPORT LTD.	2011-07-29	330.44
ALL-WAYS TOWING & RECOVERY	2011-07-20	330.36
MARIO'S TOWING LTD.	2011-07-29	327.97
UNITOW SERVICES (1978) LTD.	2011-05-24	324.06
UNITOW SERVICES (1978) LTD.	2011-05-24	323.84
ACE AUTO TOWING	2011-11-03	323.03
TOM'S & MERRITT TOWING LTD.	2011-06-09	320.39
EXCEPTIONAL TOWING	2011-08-01	319.28
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	317.86
GEORGIA STRAIGHT TOWING	2011-11-24	317.57
WALLY'S TOWING	2011-06-09	314.17
ZZZ SUNDRY ACCOUNTS	2011-07-14	314.17
BUSTERS TOWING	2011-10-21	313.49
BUSTERS TOWING	2012-01-06	313.49
BUSTERS TOWING	2011-06-09	313.49
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	313.49
TOTEM TOWING SERVICE	2011-11-24	313.49
DON'S AUTO TOWING LTD.	2011-05-16	313.26
BUSTERS TOWING	2011-08-09	307.22
UNITOW SERVICES (1978) LTD.	2011-12-20	305.90
HOPE TOWING LTD.	2011-05-16	304.29
MARIO'S TOWING LTD.	2011-11-03	304.29
SCRAP KING AUTOWRECKING & TOWING LTD.	2012-03-16	303.14
UNITOW SERVICES (1978) LTD.	2011-07-29	302.91
ABLE TOWING	2011-06-09	301.47
PIONEER MOTORS LTD	2011-07-27	300.71

CITY OF NEW WESTMINSTER	2011-10-21	299.92
PENINSULA TOWING	2011-11-24	296.93
NORTHERN CAPITAL TOWING LTD.	2011-07-27	296.01
ROADWAY TOWING LTD.	2011-10-01	295.32
COWICHAN TOWING LTD.	2011-09-30	294.17
GEM TOWING LTD.	2011-10-21	293.94
TOTEM TOWING SERVICE	2011-12-12	293.94
ZZZ SUNDRY ACCOUNTS	2011-07-20	293.94
MARIO'S TOWING LTD.	2011-05-16	293.02
UNITOW SERVICES (1978) LTD.	2011-10-01	292.15
MARIO'S TOWING LTD.	2011-05-16	291.19
NORTHERN CAPITAL TOWING LTD.	2011-05-24	289.80
COLD COUNTRY AUTO	2012-01-25	288.19
DEL ORO TOWING	2011-08-31	288.19
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	288.19
DEL ORO TOWING	2011-08-31	287.04
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	286.35
ARCHIE'S AUTOWRECKING & TOWING	2011-12-12	285.37
EXCEPTIONAL TOWING	2011-11-24	285.37
LANDON COLLISION & TOWING LTD.	2011-05-16	284.05
ZZZ SUNDRY ACCOUNTS	2011-07-20	283.36
DEL ORO TOWING	2011-05-16	278.17
COMOX VALLEY DODGE CHRYSLER JEEP LTD.	2012-01-16	276.92
BUSTERS TOWING	2012-01-06	274.39
UNITOW SERVICES (1978) LTD.	2011-05-24	274.39
CLOVER TOWING LTD.	2011-10-21	273.70
MODERN TIRE & TOWING INC.	2011-07-29	273.70
PARKSVILLE TOWING	2011-08-09	272.09
PRONTO TOWING LTD.	2011-11-24	272.09
USHER'S TOWING	2011-05-24	272.09
RUSTY'S AUTO TOWING LTD.	2011-11-24	269.79
KUSTOM TOWING (2009) LTD.	2011-11-22	268.12
UNITOW SERVICES (1978) LTD.	2011-07-29	268.12
UNITOW SERVICES (1978) LTD.	2011-11-03	266.80
MITCHELL'S TOWING LTD.	2011-05-16	265.19
MITCHELL'S TOWING LTD.	2011-05-16	265.19
UNITOW SERVICES (1978) LTD.	2011-07-29	263.81
ZZZ SUNDRY ACCOUNTS	2011-09-28	263.81
MARIO'S TOWING LTD.	2011-10-01	260.82
UCLUELET PETRO-CANADA	2011-11-24	256.53
ALBERNI TOWING	2011-12-20	255.99
PENTICTON TOWING & RECOVERY	2011-06-09	255.99
ZZZ REVENUE REFUNDS	2011-05-16	255.00
BUSTERS TOWING	2011-10-21	254.84
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	254.84
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	254.84
PAYLESS AUTO TOWING LTD.	2011-10-01	254.84

ZZZ SUNDRY ACCOUNTS	2011-07-29	254.84
ZZZ SUNDRY ACCOUNTS	2011-08-09	254.84
CARE TOWING (1991) LTD.	2012-03-09	245.87
CITY OF NEW WESTMINSTER	2011-10-21	244.26
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	243.25
UNITOW SERVICES (1978) LTD.	2011-05-24	240.91
COLD COUNTRY AUTO	2012-01-25	239.97
EXCEPTIONAL TOWING	2011-11-24	239.89
GEORGIA STRAIGHT TOWING	2011-11-24	239.89
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-08-01	235.29
ZZZ SUNDRY ACCOUNTS	2011-12-20	234.47
ZZZ REVENUE REFUNDS	2011-05-16	233.58
ZZZ SUNDRY ACCOUNTS	2011-12-12	228.99
UNITOW SERVICES (1978) LTD.	2011-05-24	227.70
COMOX VALLEY TOWING & RECOVERY	2011-08-01	225.40
CLASSIC TOWING	2011-12-12	223.79
EFM TOWING	2011-11-24	223.79
ZZZ SUNDRY ACCOUNTS	2011-07-29	223.79
ZZZ SUNDRY ACCOUNTS	2012-01-06	223.79
ZZZ SUNDRY ACCOUNTS	2011-10-05	221.72
UNITOW SERVICES (1978) LTD.	2011-07-29	218.89
CLOVER TOWING LTD.	2011-08-09	217.52
ROADWAY TOWING LTD.	2011-05-24	215.74
24 HR. TOWING	2012-03-09	215.27
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	214.13
ALBERNI TOWING	2011-11-22	209.30
MITCHELL'S TOWING LTD.	2011-07-29	209.01
CLOVER TOWING LTD.	2011-10-21	208.15
ZZZ SUNDRY ACCOUNTS	2011-12-20	207.69
SPARWOOD TOWING	2011-05-24	204.11
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	203.55
COQUITLAM TOWING & STORAGE CO. LTD.	2011-06-09	200.56
	2011-09-20	200.56
UNITOW SERVICES (1978) LTD.	2011-05-24	197.57
ZZZ SUNDRY ACCOUNTS	2011-07-14	197.57
BUSTERS TOWING	2011-06-09	196.19
CITY OF NEW WESTMINSTER	2011-07-20	196.19
MAPLE RIDGE TOWING (1981) LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2012-01-06	196.19
CLOVER TOWING LTD.	2011-10-21	195.50
ZZZ SUNDRY ACCOUNTS	2012-01-06	194.58
RUSTY'S AUTO TOWING LTD.	2011-08-31	194.40
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	191.59
ZZZ SUNDRY ACCOUNTS	2011-12-12	191.59

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	188.60
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	187.45
AJ 24 HOUR TOWING	2011-10-21	186.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-09-30	184.00
RUSTY'S AUTO TOWING LTD.	2011-08-09	184.00
ZZZ SUNDRY ACCOUNTS	2011-11-24	183.00
AJ 24 HOUR TOWING	2012-01-25	182.62
UNITOW SERVICES (1978) LTD.	2012-01-25	182.62
BOYCE AUTO TOWING RICHMOND	2011-11-22	181.01
MARIO'S TOWING LTD.	2012-01-16	180.32
JACK'S TOWING LTD.	2012-03-29	179.63
JIMCO TOWING LTD.	2011-07-20	178.48
ZZZ SUNDRY ACCOUNTS	2011-09-28	178.02
BUSTERS TOWING	2012-01-16	176.64
COQUITLAM TOWING & STORAGE CO. LTD.	2011-09-30	176.64
O'CONNOR TOWING	2011-11-24	176.64
WESTSHORE TOWING LTD.	2011-08-31	176.64
ZZZ SUNDRY ACCOUNTS	2011-09-28	176.64
ZZZ SUNDRY ACCOUNTS	2011-11-22	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-17	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-19	176.64
ZZZ SUNDRY ACCOUNTS	2012-02-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ABLE TOWING	2011-06-09	175.49
ALBERNI TOWING	2011-10-21	175.49
DEL ORO TOWING	2011-07-29	175.49
DEL ORO TOWING	2011-11-24	175.49
MARIO'S TOWING LTD.	2011-05-16	175.49
PARKSVILLE TOWING	2011-07-27	175.49
PRO TOW	2011-07-29	175.49
ZZZ SUNDRY ACCOUNTS	2011-12-20	175.49
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	175.45
PENTICTON TOWING & RECOVERY	2012-01-06	172.67
ZZZ SUNDRY ACCOUNTS	2011-07-29	170.37
ROADWAY TOWING LTD.	2012-03-16	169.91
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	167.21
TOTEM TOWING SERVICE	2012-01-06	163.17
GEORGIA STRAIGHT TOWING	2012-01-25	162.03
CITY OF NEW WESTMINSTER	2011-10-21	160.08
AUTOW QUESNEL TOWING LTD	2011-10-21	159.39
COLUMBIA TOWING LTD.	2011-11-22	159.39
DON'S AUTO TOWING LTD.	2011-08-01	159.39
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	159.39
LAKE COUNTRY TOWING LTD.	2012-03-29	159.39
RON'S AUTO TOWING	2012-02-29	159.39
ZZZ SUNDRY ACCOUNTS	2011-07-29	159.39

ISLAND THUNDER TOWING	2011-07-20	159.38
GEM TOWING LTD.	2011-07-29	157.09
UNITOW SERVICES (1978) LTD.	2011-11-03	157.09
UNITOW SERVICES (1978) LTD.	2011-12-20	157.09
ZZZ SUNDRY ACCOUNTS	2011-10-01	157.09
SPORTSMAN'S CORNER GAS 2002	2011-05-24	155.25
COQUITLAM TOWING & STORAGE CO. LTD.	2012-03-16	152.49
CLOVER TOWING LTD.	2011-09-30	150.36
ZZZ SUNDRY ACCOUNTS	2011-09-28	150.19
RELIABLE AUTO TOWING SERVICES	2011-08-09	149.50
UNITOW SERVICES (1978) LTD.	2011-05-24	149.50
ZZZ SUNDRY ACCOUNTS	2011-12-12	148.30
UNITOW SERVICES (1978) LTD.	2011-05-24	147.89
VERNON AUTO TOWING LTD.	2011-05-24	143.29
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	139.15
ZZZ SUNDRY ACCOUNTS	2011-08-09	137.89
CITY OF NEW WESTMINSTER	2011-12-20	137.54
CLOVER TOWING LTD.	2011-12-20	137.54
ZZZ SUNDRY ACCOUNTS	2011-06-09	137.54
CLOVER TOWING LTD.	2011-07-29	136.85
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2012-01-06	135.93
ZZZ SUNDRY ACCOUNTS	2011-12-12	135.90
	2011-04-19	133.93
ALBERNI TOWING	2011-10-21	127.19
ROD'S TOWING	2011-07-29	127.19
ZZZ SUNDRY ACCOUNTS	2011-11-22	127.19
ZZZ SUNDRY ACCOUNTS	2011-06-09	127.19
ZZZ SUNDRY ACCOUNTS	2011-12-12	119.22
WALLY'S TOWING	2011-05-24	117.99
KUSTOM TOWING (2009) LTD.	2011-10-01	117.30
MARIO'S TOWING LTD.	2012-01-06	111.09
NORTHERN CAPITAL TOWING LTD.	2011-07-29	111.09
RON'S AUTO TOWING	2012-03-29	111.09
ZZZ SUNDRY ACCOUNTS	2011-06-09	101.00
PAYLESS AUTO TOWING LTD.	2012-02-20	100.97
BUSTERS TOWING	2012-01-06	97.75
SPORTSMAN'S CORNER GAS 2002	2011-05-24	80.50
ALBERNI TOWING	2011-12-20	78.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	78.20
ZZZ SUNDRY ACCOUNTS	2011-09-30	78.20
PRISM TOWING	2012-02-29	65.00
DRAKE TOWING LTD.	2011-08-31	58.65
ZZZ SUNDRY ACCOUNTS	2011-05-26	55.13
ROADHOUSE TOWING	2011-06-09	48.29
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	41.46
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	37.29
ZZZ SUNDRY ACCOUNTS	2012-01-19	32.20

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	-41.46	
BUSTERS TOWING	2012-01-17	-176.64	
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-15	-200.56	
	2011-09-20	-200.56	
ZZZ SUNDRY ACCOUNTS	2011-12-20	-234.47	
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	-243.25	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-435.40	
TERRY'S TOWING SERVICE	2011-05-24	-447.71	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-487.65	
	2011-08-25	-629.32	
ZZZ REVENUE REFUNDS	2011-05-16	-762.60	
ZZZ SUNDRY ACCOUNTS	2011-07-15	-811.67	
	2012-02-08	-1,359.11	
	2011-07-27	-1,849.47	
	2012-03-30		-20,000.00
	2011-07-07		-41,582.69
		153,881.30	

Not Towing Fee
Not Towing Fee

Intake Agent Messaging
Re: Vehicle Impoundment Personal Item Retrieval

Key Points

- MVA *does* allow access to personal items
 - Access for Registered Owner (RO) only – not to driver
- ROs should contact ILO to discuss terms of access
- ROs have a legal obligation to pay Towing & Storage Fees
- ROs should consider paying all or part of fees when picking up personal items
- ILO (or representative) *must* accompany ROs to retrieve items
- “Personal items” do *not* include:
 - Insurance Papers
 - Registration Papers
 - Tires or mags
 - Car batteries
 - Steering Wheels
 - Other items attached to vehicle, including car stereos, GPS and other wired-in electronic devices
 - Other items required for driving vehicle

OSMV Approach With Vehicle Owners

Access to Personal Property:

Contacted by Vehicle Owner:

- If there is a conflict over access to personal items OSMV Staff should encourage the vehicle owner to pay all or part of the fees when picking up personal items
- Conflicts between owners and ILOs are a civil matter and OSMV staff should not attempt to arbitrate or provide advice. Owners may contact a lawyer if they are having a persistent problem with an ILO

Contacted by ILOs:

- Where appropriate inform ILO that a vehicle owner has contacted us and that we have encouraged them to pay all or part of the fees when picking up personal items.

- Where appropriate inform the ILO that conflicts between an owners and an ILO are a civil matter and OSMV staff will not attempt to arbitrate or provide advice to owners.

Valuation of Vehicle:

Contacted by Vehicle Owner

- The OSMV bases its valuation assessments on an office review (mileage, Gold Book, pictures), tempered by the ILOs on-the-ground appraisal of a vehicle's condition and general marketability.

Contacted by ILOs:

- The estimate provided by the ILO about the value of a vehicle should be given significant weight.
- OSMV staff should temper valuation assessments (mileage, Gold Book, pictures) by the ILO's on-the-ground appraisal of a vehicle's condition and general marketability.

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES
SUMMARY FORM FOR BRIEFING DOCUMENTS

Date: October 14, 2009

CLIFF: 380463

Type of document: RFL

ISSUE: VI RFL

Next Steps:

To DM and the SG for approval

COMMENTS:

Rush

Stakeholders contacted:

OSMV involvement:

APPROVED BY:	INITIALS:
Policy Analyst: Ph: 250- 387-1752	
Director, Policy & Research Branch: Nancy Letkeman Ph: 250-356-0097	
Director, Hearing & Fair Practices Ph: (if required)	
Director, Management Services Ph: (if required)	
Deputy Superintendent: Ph: (if required)	
Superintendent of Motor Vehicles: Steve Martin Ph: 250-387-3437	

Clayton, Penny L JAG:EX

From: Stewart, Terry J JAG:EX
Sent: Tuesday, July 24, 2012 1:01 PM
To: Stewart, Terry J JAG:EX
Subject: Ken Hendricks Question on ILO agreement and impound rate harmonization

Call Ken, ARA, at 604 – 419-4836

- Question about new ILO agreements
- When vehicle impound harmonization will go ahead

From: Stewart, Terry J JAG:EX
Sent: Wednesday, May 23, 2012 9:05 AM
To: 'Ken Hendricks'
Subject: RE: Question on ILO agreement

Hi Ken.

I have some information on the three questions you asked last week about new ILO agreements that ILO's have received.

- Why are these being sent out?
- Are they being sent to all ILO's?
These were sent out to all ILO's because, in many cases, the info that OSMV had on file for ILOs was out of date. The purpose was to ensure this info was up to date for all ILO's.
- The agreement contains a reference to ICBC's Vendor Policies and Procedures Manual, why was this added?
I was told that this has been in place for a number of years. One of the requirements for ILO's is to have an ICBC vendor number. If an ILO has an ICBC vendor number it would follow that they would be expected to follow ICBC's vendor policies and procedures.

I hope this is helpful.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Thursday, May 17, 2012 11:25 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks Terry,

I am attaching a copy of the harmonization recommendations we sent to Brad earlier this year. Please feel free to call or email me with any questions or concerns.

Ken

From: Stewart, Terry J JAG:EX [<mailto:Terry.J.Stewart@gov.bc.ca>]
Sent: May-17-12 11:23 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

The person who can provide me with the info on the ILO's is out of the office this week. I will speak with them next week and get back to you as soon as possible.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]

Sent: Wednesday, May 16, 2012 10:47 AM

To: Stewart, Terry J JAG:EX

Subject: Question on ILO agreement

Hello Terry,

This is Ken Hendricks, I am the ARA consultant for the Towing & Recovery division. Dana Tadla gave you our President's Ken McCormack's email and it was forwarded to myself.

I am in the office most days and can be reached at my direct line 604-419-4836.

There are a few matters I need to discuss with you before the OSMV moves forward with rate harmonization. As well, I have a couple of questions with regards to the new ILO agreement being sent out to towers.

I look forward to speaking with you

Ken Hendricks

Pages 167 through 168 redacted for the following reasons:

s.14



Ministry of Public Safety & Solicitor General
Corporate Policy & Planning Office

Order in Council Approval Form

Name of Legislation: s.13

CLIFF #: 371740

Originating Branch contact: Brad Gerhart

Phone: 250-387-1752
Fax: 250-356-5568
Email: Bradley.Gerhart@gov.bc.ca

Time Sensitivity:

	Signature and Name (please print)	Date
Branch Contact/Analyst		
Originating Branch ADM		
CPPO Director/Manager		
DSG		
DSG Comments:		

Page 170 redacted for the following reason:

s.14, s.13

Background:

The provincial VI program is a road safety program that requires police to immediately remove prohibited or unlicensed drivers and street racers from the road by impounding the vehicle they are operating. A vehicle operated in a street race can be impounded for 48 hours, or 30 days if the driver was subject to a previous impoundment for street racing in the last two years. A vehicle can be also be impounded for 30 days or longer if the driver does not have a valid driver's licence and has been previously convicted of driving without a licence. A vehicle can be impounded for 60 days or longer if the driver is prohibited from driving or their driver's licence has been suspended.

In total, more than 47,000 vehicles were impounded in 2007. About 9,760 vehicles were impounded under the VI Program for more than 24 hours.

Table 1 – Number of Vehicles Impounded in 2007

Impoundment period	24 hour	48 hour	30 day	60/90 day	Wrongful Impoundment	Stolen
Number of vehicles impounded	37,052*	99	5978 (12 for street racing)	3699	14	11

*Police are authorized to impound the vehicle for 24 hours when a 24-hour prohibition is issued and these are not included in the VI Program.

Of the vehicles impounded for 30 days or longer, 20% (or about 1832 vehicles) were abandoned because it would have cost more to pay the towing and storage fees than the vehicle was worth to the owner. When a vehicle is abandoned, the ILO can apply to the Superintendent to sell or scrap the vehicle. However, the process typically does not cover the full costs of the impoundment charges. As a user-pay model program the Province does not reimburse ILOs for towing, storing or disposing of unclaimed vehicles.

Key Points:

-
-
-

APPROVED BY:

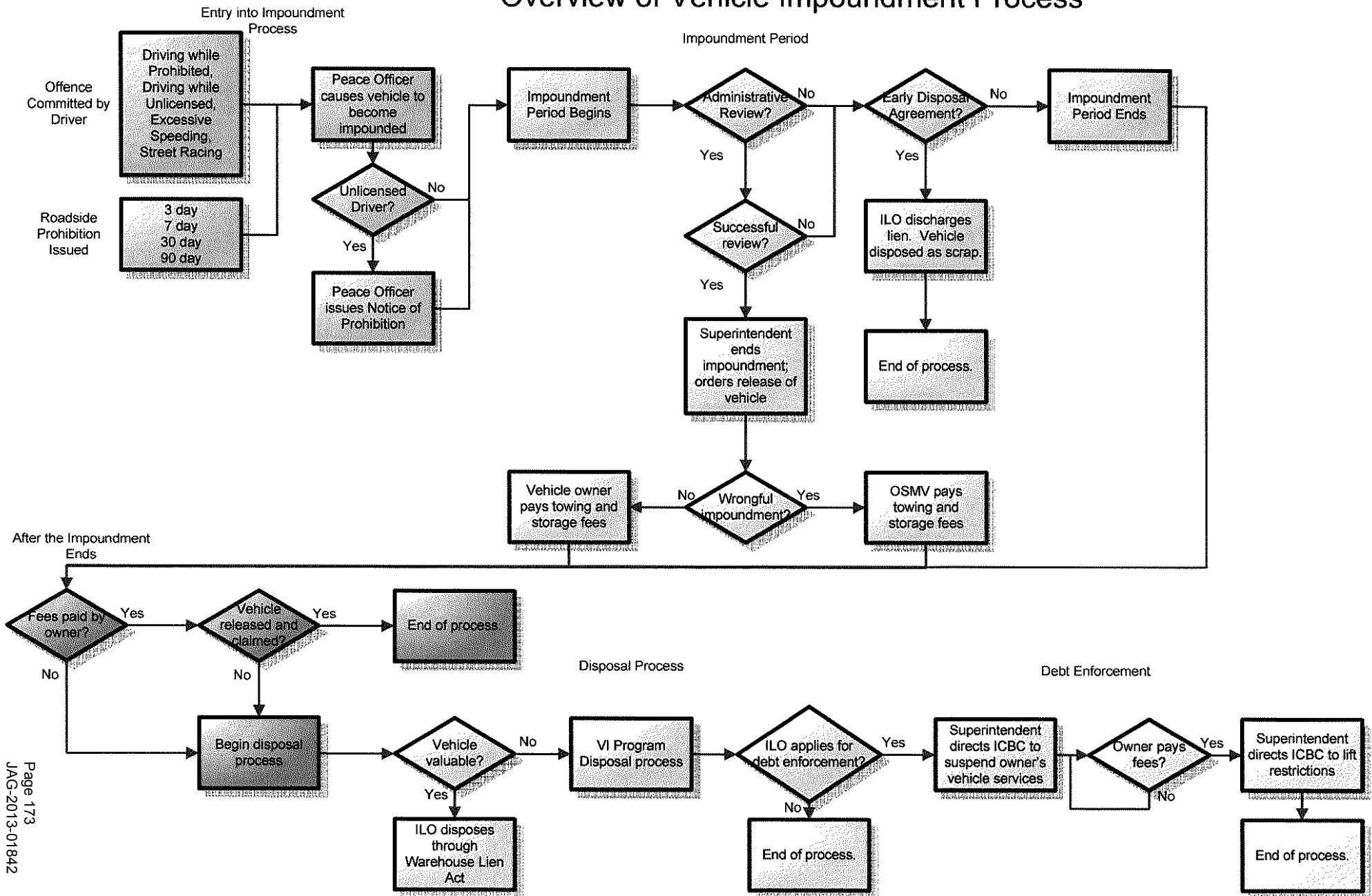
John van Dongen, Solicitor General

Contact Name: Brad Gerhart
Phone number: 250- 387-1752

Alternate Contact: Nancy Letkeman
Phone number: 250-356-0097

Prepared by: Brad Gerhart

Overview of Vehicle Impoundment Process



Pages 174 through 177 redacted for the following reasons:

s.12

s.13



Automotive Retailers Association

01/25/2012

Bradley R. Gerhart
Assistant Director, Policy and Research Branch
Office of the Superintendent of Motor Vehicles
Ministry of Public Safety and Solicitor General

Dear Brad Gerhart,

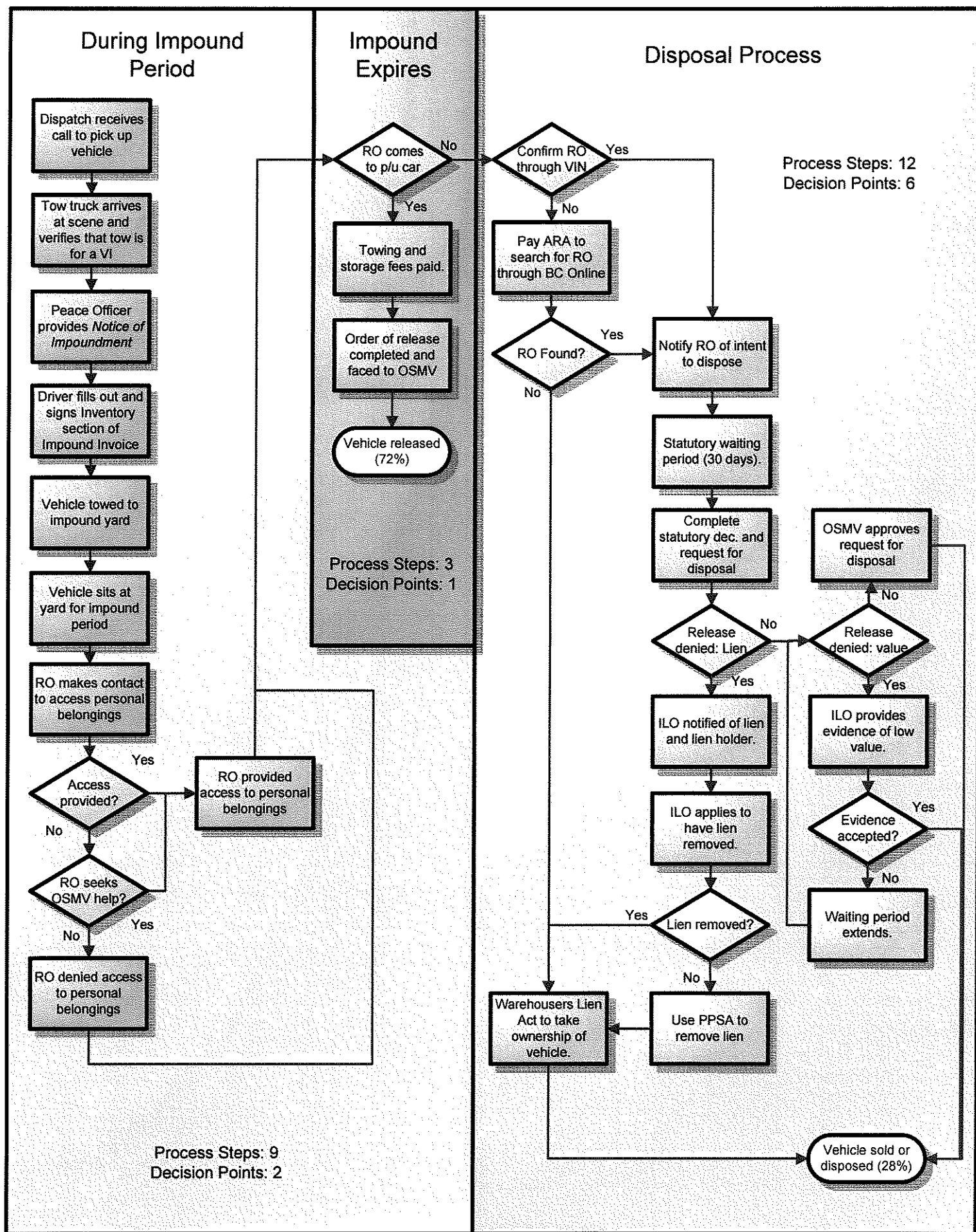
It has been well over two years since the ARA had requested an increase in the OSMV prescribed rates for vehicle impound services. Rising property values, higher property taxes and an increase in the cost of living were all factors contributing to this request. These costs have not gone away and indeed have only increased further. Our request had been put on hold due to several mitigating factors one of which has been the issue concerning *rate harmonization*.

On January 12, 2012 representatives from the Automotive Retailers Association met with the OSMV to discuss issues concerning the 'harmonization' of vehicle impound rates with ICBC rates as tabled in schedule CL332. One of our primary objectives for this meeting was to develop a working understanding and definition of what is meant by use of the term *harmonization*. Based on this meeting and subsequent dialogue the ARA understands harmonization to mean ***matching expected vehicle impound services with existing ICBC CL332 rates***. However, the methodology ICBC employs in calculating its rates is strictly based on its own needs, which are not in alignment with services demanded of the vehicle impound program.

s.13

Pages 179 through 180 redacted for the following reasons:

s.13





OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES

Vehicle Impoundment Program Review Project Charter

Version 2.0

Project Charter

Project Name: Vehicle Impoundment Program Review

Branch: Policy and Research, Office of the Superintendent of Motor Vehicles

Prepared By	Project/Organization Role
Dan Kazmiruk	Policy Analyst, OSMV

Approvals

Project Sponsor:	Signature:	Date:
Nancy Letkeman, Director, Policy and Research Branch, Office of the Superintendent of Motor Vehicles		
Executive Sponsor:	Signature:	Date:
Steve Martin, Superintendent of Motor Vehicles		

Project Charter Version Control

Version	Date	Author	Change Description
1.1	March 27, 2009	Dan Kazmiruk	Initial Draft – for Internal Review
1.2	April 3, 2009	Dan Kazmiruk	Initial Draft - updated after first internal review
1.3	April 6, 2009	Dan Kazmiruk	Draft for Project Sponsor Review
1.4	April 16, 2009	Dan Kazmiruk	Updated per N. Letkeman feedback
2.0	April 16, 2009	Dan Kazmiruk	Minor changes for signoff document

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1. PROJECT CHARTER PURPOSE

This document defines the project in terms of objectives, scope, stakeholders and major deliverables. Approval of this document allows detailed Project Planning to begin.

2. PROJECT PURPOSE

The purpose of the project is to review the structure of the Vehicle Impoundment Program (VI) to ensure that it meets the needs of government, clients and OSMV's partners. The VI program as currently structured is at risk of collapse as Impound Lot Operators (ILO) are no longer willing to bear the cost of low value vehicles abandoned by their owners.

3. BACKGROUND

The provincial VI Program is an important road safety program that allows police to immediately remove prohibited or unlicensed drivers and street racers from the road by impounding the vehicles they are operating. The *Motor Vehicle Act* (MVA) mandates the amount of time that the vehicle must be impounded; ranging from 48 hours for a first incident of street racing (30 days for a second incident) to 30, 60 or 90 days for unlicensed, suspended, or prohibited drivers.

The owner of the vehicle must pay the towing and storage costs related to the impoundment to ILOs before the vehicle is released at the end of the impoundment period. There are about 200 ILOs that are affiliated with the VI Program. Every authorized ILO must comply with the VI Program's fees, storage rules and standards. Sections 104.5 (2)(a) and 105.4 (2)(a) of the MVA expressly authorize the ILO to charge fees related to the costs incurred for towing, storage, care, etc. The impoundment fee structure is prescribed by division 43.05 of the MVA Regulations.

It has become evident that large numbers of abandoned vehicles are tying up valuable impound lot space for some time after the impoundment period is over. Retention rates for abandoned vehicles average 25% in the lower mainland and Victoria to 50-75% in the rest of the province. This means that many ILOs outside the lower mainland are refusing to accept vehicles, or threatening to refuse to accept vehicles, impounded through the VI program because they cannot recover their towing and storage costs. Their non-participation jeopardizes a crucial road safety program because police will not be able to enforce vehicle impoundment provisions of the MVA.

It should be noted that the issue of abandonment of low value vehicles is larger than the VI program. The issue is affecting the Ministry of Transportation and Infrastructure, municipalities, and other private entities, such as apartment managers that ask for vehicles to be towed.

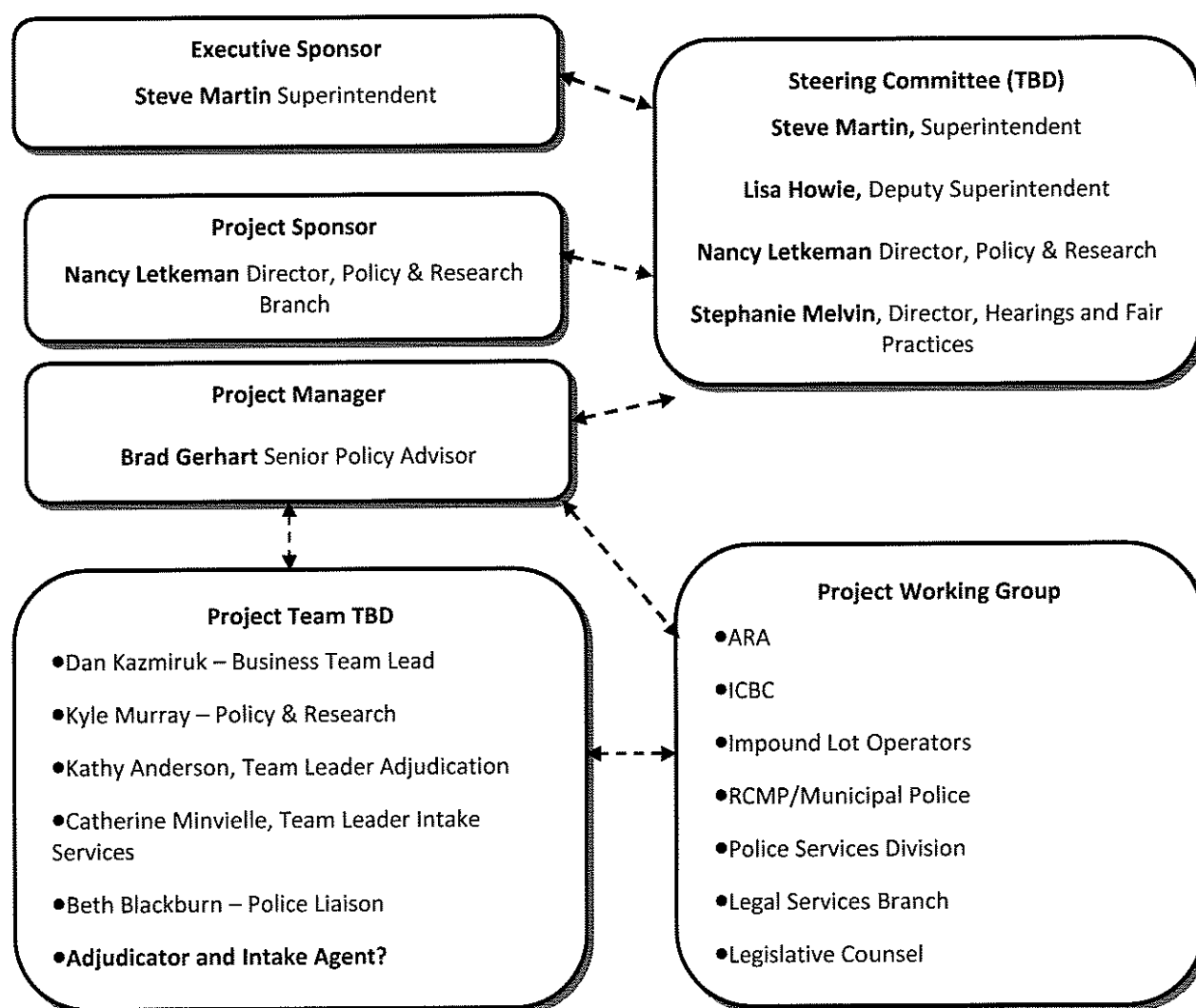
Last year the BC Automotive Retailers Association (ARA), representing the towing and impound lot industry, made a strong case for increasing towing and storage rates in BC. They cited rising fuel costs, rising land and leasing costs and increased operating expenses (administrative, security, etc.). On December 3, 2008, Treasury Board approved a fee increase of 15%. The proposed rate hike of 15% was,

at that time, consistent with municipally-set towing and storage rates and other jurisdictions across Canada. They were also in line with 2008 ICBC rates. The new rates are expected to come into force on or before April 1, 2009. In addition, the Superintendent of Motor Vehicles and staff met with approximately 70 ILOs and the ARA on February 16, 2009 for a frank discussion of the pressures being faced by the industry.

The Minister has committed to the ARA that there will be a full review of the VI Program. This review will include a review of the policy and legislative framework for towing and storage compensation provided for under the MVA and by the Insurance Corporation of British Columbia. The Minister also committed that staff will consult with the ARA during the review and on any proposed changes to that framework. Completion of this review is targeted for October 31, 2009.

4. PROJECT ORGANIZATION

The following chart shows the proposed project team structure and project team members (TBD). Other team members may be identified during the project. Please refer to Section XX for Roles and Responsibilities.



5. PROJECT SCOPE

The project will focus on the problems with the VI program as it relates to the impoundment and release or disposal of vehicles. The project will also look to ensure adequate funding for the program, which may include developing accountability mechanisms for drivers and owners of impounded vehicles.

5.1 Goals and Objectives

Goals	Objectives	Target Dates
Fully understand the problem with abandoned vehicles	<ul style="list-style-type: none"> • Cross-jurisdictional review to understand how other jurisdictions fund program and manage vehicles • Understand major program issues across other jurisdictions; what's working, what isn't • Working group meeting to understand problem areas experienced by partners and stakeholders • Understand vehicle valuation and how it changes over time • Understand actual costs associated with vehicle storage 	April 2009
Develop new program framework	<ul style="list-style-type: none"> • Use working group meeting to identify solutions that would resolve issues affecting program • To review feedback from working group meeting and develop new program model • To develop options that ensure adequate funding to support proposed program • To confirm that program model meets needs of key partners and stakeholders • Fee Issue Paper (FIP) prepared if necessary • Request for Legislation (RFL) prepared 	Summer-Fall 2009
Develop new legislation and regulations	<ul style="list-style-type: none"> • Received approval to amend legislation • Received fee approval from Treasury Board • Updated legislation and regulations developed • Update policies and procedures 	Winter-Spring 2010 and ongoing
Program Evaluation	<ul style="list-style-type: none"> • Review and evaluate program at later date to determine if the program is achieving its intended objectives or if there continue to be issues with program design 	Ongoing

Project Charter – Vehicle Impoundment Program Review

Goals	Objectives	Target Dates
Enhanced road safety	<ul style="list-style-type: none"> Sustainable VI program that ensures that prohibited, suspended and unlicensed drivers promptly lose their vehicles 	Ongoing

5.2 Potential Stakeholder Impacts

The VI Program review will involve a number of organizations both inside and outside government. For the purposes of the VI Review Project partners are defined as other government ministries, direct service delivery partners or organizations. These partners have a vital role and their buy-in is critical to the success of both the project and the VI Program. Stakeholders are outside government agencies with interest in the project or in the issue generally. The following table lists the partners and stakeholders involved in this project:

Target	Impact
Impound Lot Operators (ILOs) ARA	<ul style="list-style-type: none"> Vehicles impounded in the VI program are stored by ILOs on OSMV's behalf The program provides ILOs a steady revenue source when impounded vehicles are retrieved as intended Abandoned low value vehicles threaten that revenue when the ILO must retain the vehicle for an extended period of time with no hope of recovering towing and storage fees A stopgap solution has been to increase towing and storage rates, however, it must be cautioned that higher rates have the potential to further exacerbate the abandoned vehicle problem. ILOs, particularly in rural areas are impacted by abandoned vehicles and are most at risk of opting out of the program if significant changes are not made to the way in which vehicles are managed through the program The ARA's Towing and Recovery Division represents the interests of the towing industry in British Columbia
Police Police Services Division	<ul style="list-style-type: none"> Under s. 104.1 and 105.1 of the Motor Vehicle Act police are compelled to impound vehicles driven by certain unlicensed, prohibited and suspended drivers Police view vehicle impoundment as a swift and immediate deterrent to those who would engage in a street race or drive when they are not licensed to do so. Police are impacted in areas where there are no registered ILOs willing to accept vehicles impounded in the VI program It is anticipated that the Notice of Impoundment will need to be amended, although no new training is anticipated at this time
ICBC	<ul style="list-style-type: none"> ICBC sets towing and storage rates for vehicles stored under its programs ICBC Driver Licensing Centers: <ul style="list-style-type: none"> authorize the release of impounded vehicles to registered

Project Charter – Vehicle Impoundment Program Review

Target	Impact
	<p>owners after the impound period under authority delegated by the Superintendent of Motor Vehicles</p> <ul style="list-style-type: none"> ○ accept statutory declarations from ILOs intending to dispose of unclaimed vehicles • As a key service delivery partner ICBC has an interest in any program changes
OSMV Intake Services Team	<ul style="list-style-type: none"> • Involved in all aspects of VI program. Changes to the program have potential to affect day-to-day program operations
OSMV Adjudication Team	<ul style="list-style-type: none"> • Conduct all VI program reviews. Changes to review and vehicle release process have potential to affect how reviews are conducted as well as review volumes
OSMV Management Services	<ul style="list-style-type: none"> • Responsible for processing review fee refunds and paying towing and storage fees following certain successful VI reviews. Any changes affecting financial aspects of program will affect Management Services • Any system changes are needed as a result of the review will require participation of Management Services
Legal Services Branch	<ul style="list-style-type: none"> • Would provide legal advice on any policy and legislative initiatives
Legislative Counsel	<ul style="list-style-type: none"> • Will be responsible for drafting any legislative or regulatory changes

5.3 Project Deliverables

The major deliverable products for this project are:

Milestone	Deliverable
1. Project Charter	<ul style="list-style-type: none"> • Approval ETA mid-April 2009
2. Working Group Meetings (Internal and External)	<ul style="list-style-type: none"> • Needs assessment for partners/stakeholders with an interest in VI program • Options identified to manage vehicles and their owners through the program • Realistic profits and costs associated with participation in the VI Program identified • “Accountability loop” for drivers, owners and impound lots participating in the program is identified • Resulting straw dog “made in BC” solution will inform next steps in VI program review and timelines • ETA April 30, 2009 for initial meetings – and ongoing as required for check-ins and reviews

Project Charter – Vehicle Impoundment Program Review

Milestone	Deliverable
3. Draft Program Model	<ul style="list-style-type: none"> • Late Spring 2009
4. Decision Note	<ul style="list-style-type: none"> • BN summarizing the findings and specific recommendations for legislative and policy amendments for Steering Committee • Develop Decision note for Minister outlining current problems, potential risks, and solution (amending VI legislation as recommended through consultative process) • ETA: Late Spring 2009

s.13

10. Develop Policies and Procedures	<ul style="list-style-type: none"> • Determine specifics of vehicles will be managed through the program • Update forms (Notice of Impoundment and other program-related notices and forms) forms) • Update policies and procedures manual
-------------------------------------	---

Project Charter – Vehicle Impoundment Program Review

Milestone	Deliverable
11. Training	<ul style="list-style-type: none"> • Training sessions will be developed for OSMV intake staff and adjudicators as required depending on new process • Training packages developed for police and ILOs • ETA Spring 2010
12. Education and Communication Materials prepared	<ul style="list-style-type: none"> • Communication packages developed for OSMV staff, police, ILOs, ICBC • Support PAB in preparation of materials for any announcements that may be made • Program fact sheets updated
13. Legislation is passed	<ul style="list-style-type: none"> • The amendments will be passed and brought into force (either upon Royal Assent, at a later date, or through a regulation). • ETA: Spring 2010

6. PROJECT CONDITIONS

6.1 Project Assumptions

- Ministry supports project and recognizes the need for change
- It is possible to come up with a redefined program that will withstand legal challenge
- Police agencies will support and actively participate in project
- ARA will support and actively participate in project
- ICBC will support and actively participate in project
- Required legislation and/or regulatory changes will be supported by post-election Minister and approved by Cabinet
- Any new fee application required would be supported by Treasury Board Subcommittee and Treasury Board
- Legislative Assembly passes legislative amendments
- No formidable legal issues in drafting legislation or regulations
- Resources (i.e. personnel) are available, when required

6.2 Project Risks

- No funding allocated for project

- Timeline is dependent upon approval of legislative changes

7. PROJECT APPROACH

The VI Program is at risk for the reasons outlined in the Background section of this document.

The project will look at contributing factors to the problem of abandoned vehicles and attempt to identify relationships between the vehicle owner, the length of the impoundment, the reasons for impoundment and any other factors that contribute to a vehicle being abandoned. The project will also look for commonalities among the vehicles being abandoned. In addition to this primary purpose, the project will look at other components of the program and recommend an accountability structure to ensure the program is self supporting, with no additional burden to the taxpayer.

The project will also review program models and conduct interviews with key program personnel in other jurisdictions to determine the extent of the vehicle abandonment issue in their provinces, and their legislative scheme for managing abandoned vehicles. The project will also obtain any research-based or anecdotal evidence around the issue from these personnel.

The key early activity in the project will be to meet with working groups of key program partners and stakeholders, both internal and external. It is vital to the success of the project that the key external partners and stakeholders, such as police and ILOs are engaged in the process and have a voice in design of the modified VI Program.

The purpose of these meetings will be to fully review the current legislation and process and seek their views on what a successful VI program will look like to them. At the end of this process, it is expected that the working group will have collaboratively designed a high-level model that the project team will use to design a detailed program model, legislative proposal and begin the approval process.

The working group is expected to remain a resource to the project team throughout the process. However, it is also important to note that ILOs have a financial stake in the program and it is important that the Ministry ensures a balanced perspective that preserves the integrity of the program without significantly adding to the burden of vehicle owners who retrieve their vehicles at the end of their impoundment terms.

8. PROJECT TEAM ROLES AND RESPONSIBILITIES

The project team members report to the project manager on all matters related to the project. The project manager reports directly to the project sponsor and is accountable to the steering committee.

8.1 Executive Sponsor

Steve Martin, Superintendent, Office of the Superintendent of Motor Vehicles

- provides strategic advice and guidance

- provides executive support as required to support the work of project including briefing the deputy minister and minister
- sits as member of the Project Steering Committee
- approves the Project Charter and any subsequent changes brought forward by Project Sponsor
- makes the final decision on matters brought to him by the Project Sponsor

8.2 Project Sponsor

Nancy Letkeman, Director, Policy & Research Branch, Office of the Superintendent of Motor Vehicles

- provides project support for the project within OSMV including resolving, or facilitating the resolution of any budget or human resource issues brought by the Project Manager, Steering Committee or Executive Sponsor.
- ensures the financial and human resources are available for the project as outlined in the Project Charter
- manages all financial matters associated with the project
- oversees the work of the Project Manager including approving project work plans and schedules
- approves changes to Project Charter, and determines which changes to the Project Charter must go forward to the Executive Sponsor for ultimate approval

8.3 Project Steering Committee (TBD)

Steve Martin, Superintendent of Motor Vehicles, OSMV

Lisa Howie, Deputy Superintendent of Motor Vehicles, OSMV

Nancy Letkeman, Director, Policy & Research Branch, OSMV

Stephanie Melvin, Director, Hearings and Fair Practices, OSMV

The Project Steering Committee:

- provides overall direction to the Project including review of, and participation in, the development of the Project Charter
- makes decisions on timing, resources, and policy issues brought to the Steering Committee by the Project Manager
- attends meetings as requested by the Project Manager; if a Steering Committee member cannot attend, delegates cannot be sent
- reviews and approves the key deliverables of the project

NOTE: Decisions of the Steering Committee will be made by consensus. If the Steering Committee is unable to reach consensus, the Executive Sponsor will make the final decision

8.4 Project Manager

Brad Gerhart Senior Policy Advisor, OSMV

The Project Manager:

- Is responsible for the day-to-day management of the project including:

- assigning tasks with time frames to the project team members
- providing oversight and guidance to the project team
- supporting the work for the project team members
- document management and distribution
- responsible for the project charter and project work plan
- monitors project progress
- anticipates and manages project and human resource issues
- assesses change requests and brings necessary change requests forward to Project Sponsor for approval
- responsible for ongoing communications with partners and stakeholders
- coordinates Steering Committee meetings, records and distributes record of decisions to committee members
- responsible for project deliverables
- reports directly to the Project Sponsor
- provides regular monthly reports to the Steering Committee
- calls/responds to calls for meetings of, or other information requests, by the Steering Committee, as required
- provides recommendations and advice to the Steering Committee regarding project deliverables
- provides ongoing updates to stakeholders

8.5 Project Team

Project Team members:

- identify all activities and time estimates required to accomplish project objectives and create project deliverables
- organize activities into work packages to be completed by specific team member(s)
- are accountable for completing assigned work package(s)
- report to the Project Manager for all tasks and issues related to their work on the project
- meet as a team or in smaller working groups as required
- inform the Project Manager if they are having difficulty managing their workload
- ensure the Project Manager is aware of their schedule including flex days, scheduled holidays and regularly scheduled meetings that will impact time-lines of project deliverables
- Prepares legislative proposal and guides the legislative process

Project Charter – Vehicle Impoundment Program Review

Member	Roles and Responsibilities
Dan Kazmiruk, Policy Analyst, OSMV	<ul style="list-style-type: none"> • Provide subject matter expertise related to the VI program • Draft Project Charter • Lead on legislative and regulatory amendments • Oversees and coordinates development of operational policies and procedures • Leads development of OSMV staff training and communication materials
Kyle Murray, Policy Analyst, OSMV	<ul style="list-style-type: none"> • Researches VI program models in other jurisdictions • Research vehicle values and depreciation • Data-modeling to support program review • Supports legislative process
Kathy Anderson, Team Leader Adjudication, OSMV Catherine Minvielle, Team Leader Intake Services, OSMV April Paxton, Team Leader Intake Services, OSMV	<ul style="list-style-type: none"> • Provides input on development of operational policies and procedures • Lead development of any OSMV letters and template changes required • Implementation and training modified VI Program
[TBD], Adjudicator, OSMV [TBD], Intake Agent, OSMV	<ul style="list-style-type: none"> • Provide subject matter expertise related to current VI Program • Implementation and training support
Beth Blackburn, Police Liaison, OSMV	<ul style="list-style-type: none"> • Prepare training and communications material for police • Participate in program development as it relates to enforcement • Participate in police public awareness partnership • Develop and conduct police training sessions as required

8.6 Project Working Group

ARA

Impound Lot Operator Representatives

RCMP and Municipal Police

Police Services Division

Legal Services Branch (LSB)

Legislative Counsel

The Project Working Group (except LSB and Legislative Counsel):

- Attends partner/stakeholder working group meeting
- Represents the interests of their partner/stakeholder group
- Participates cooperatively in identifying problems and potential solutions
- Willingly participates as a resource for the project team as program model is developed and refined
- Provides timely feedback on requests to consult on program model drafts
- Reviews updated program models in preparation

LSB & Legislative Counsel:

- Provide legal advice to support project planning and implementation
- Responsible for drafting legislative and regulatory changes
- Preparing written comments on the feasibility of legislative and regulatory changes and submitting the RFL and comments to Cabinet
- Drafting the legislation in consultation with the project team subject to approval of Steering Committee

9. PROJECT RISKS

To Be Developed by Project Team

Priority Criteria

- 1 – High-priority/critical-path issue; requires immediate follow-up and resolution.
- 2 – Medium-priority issue; requires follow-up before completion of next project milestone.
- 3 – Low-priority issue; to be resolved prior to project completion.
- 4 – Closed issue.

Risk	Likelihood/Priority
Impact-Mitigation Plan	Risk Owner

Risk	Likelihood/Priority
Impact-Mitigation Plan	Risk Owner

10. PROJECT REFERENCES

Reference	Description and Location
Motor Vehicle Act	http://www.qp.gov.bc.ca/statreg/stat/M/96318_00.htm Online copy of the <i>Motor Vehicle Act</i> . VI legislation begins at sections 104.1 and 105.1
VI Program	http://www.pssg.gov.bc.ca/osmv/publications/factsheets/VehicleImpoundmentProgram.pdf Online description of current VI Program
Alberta VI Legislation	http://www.qp.alberta.ca/574.cfm?page=T06.cfm&leg_type=Acts&isbncln=9780779738533 Relevant legislation in s. 77 and s. 173.1. http://www.qp.alberta.ca/574.cfm?page=2006_251.cfm&leg_type=Regs&isbncln=9780779733293 Regulations supporting VI Program. Note “worthless vehicle” provisions at s. 19
Ontario VI Legislation	http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h08_e.htm Relevant legislation begins at s. 55.1 http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_980631_e.htm Regulation respecting impound or release of vehicles
Quebec VI Legislation	http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_24_2/C24_2_A.html Relevant legislation begins at s. 209.1

11. PROJECT ACTION PLAN

To be developed

Clayton, Penny L JAG:EX

From: Ken Hendricks [kenhendricks@ara.bc.ca]
Sent: Wednesday, May 16, 2012 10:47 AM
To: Stewart, Terry J JAG:EX
Subject: Question on ILO agreement

Hello Terry,

This is Ken Hendricks, I am the ARA consultant for the Towing & Recovery division. Dana Tadla gave you our President's Ken McCormack's email and it was forwarded to myself.

I am in the office most days and can be reached at my direct line 604-419-4836.

There are a few matters I need to discuss with you before the OSMV moves forward with rate harmonization. As well, I have a couple of questions with regards to the new ILO agreement being sent out to towers.

I look forward to speaking with you

Ken Hendricks

Clayton, Penny L JAG:EX

From: Handgraaf, Harjeet JAG:EX
Sent: Wednesday, June 20, 2012 2:59 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Lien on Impounded Motor Vehicle Regulation

Hi Terry,

I apologize for not responding to your e-mail sooner!
Jun. 18/12 and have been trying to catch up on things.

s.22

We can certainly have a discussion on this matter at your convenience. Have a great afternoon!

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 14, 2012 11:34 AM
To: Handgraaf, Harjeet JAG:EX
Subject: FW: Lien on Impounded Motor Vehicle Regulation

Hello.

Deidre suggested I contact you regarding this.

It has to do with harmonizing the VI impound rates to be applied as a lien against a motor vehicle with fees approved by ICBC.

Most of the work was done already and I think we are very close to putting the new reg forward for Steve's approval.

I think the main issue to deal with now is the timing of implementation.

Feel free to give me a call if you have any questions or we can arrange to get together to discuss.

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

From: Moran, Deidre JAG:EX
Sent: Thursday, June 14, 2012 11:17 AM
To: Stewart, Terry J JAG:EX
Cc: Park, Kyou JAG:EX; Wang, Dongmei JAG:EX; Tanti, Marianne JAG:EX
Subject: RE: Lien on Impounded Motor Vehicle Regulation

Thanks – we've been working on a financial analysis and I'm not clear that we'd be able to consider the implications of the vehicle weight. I'm copying Kyou who has performed some analysis on the topic for his consideration.

In terms of timing, I'd recommend dialogue with Arnie Handgraff on this. As well, we may want our public facing documents to be updated and distributed and web updates prepared. In addition to Kyou, I am copying Marianne and their supervisor Dongmei for feedback on any issues for timing of the implementation. Please advise Terry and I.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web:<http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 14, 2012 11:13 AM
To: Moran, Deidre JAG:EX
Subject: Lien on Impounded Motor Vehicle Regulation

Hi Deirdre.

I think we are getting fairly close sending this for Steve's approval.

There is an item that is proposed to be added to what I sent you back in May.

s.13

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
P.O. Box 96127, Victoria, BC V8P 6C6

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 4:37 PM
To: Stewart, Terry J JAG:EX
Subject: RE: s.13

Thanks Terry – we'll take this data and estimate the total impact for making the change.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 4:35 PM
To: Moran, Deidre JAG:EX
Subject: RE: s.12

The most current financial analysis that I have seen is the data on the 2nd and subsequent pages of the draft BN I sent you.

The current Lien Reg, that sets the fees, may be viewed at:
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628

The proposed change to this Reg currently reads:

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(b)

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I would be glad to work with your staff to see if there is any other info I can provide.

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 3:12 PM
To: Stewart, Terry J JAG:EX
Subject: RE:

s.12

s.17

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
[Web:http://www.pssg.gov.bc.ca/osmv/](http://www.pssg.gov.bc.ca/osmv/)

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 2:23 PM
To: Moran, Deidre JAG:EX
Subject: RE: s.12

Here it is.

s.13

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 1:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE: s.13

Yes. For context, can you please provide me with a copy of the BN?

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web:<http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 1:51 PM
To: Moran, Deidre JAG:EX
Subject: s.13

Hello Deidre.

s.12

Is this something your area could help me with?

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Clayton, Penny L JAG:EX

From: Stewart, Terry J JAG:EX
Sent: Friday, June 22, 2012 1:01 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Lien on Impounded Motor Vehicle Regulation.

Resp?

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 21, 2012 11:40 AM
To: 'ken.wright@ICBC.com'
Subject: FW: Lien on Impounded Motor Vehicle Regulation.

Hi Ken.

s.14

s.14

Thanks.

Terry

From: Stewart, Terry J JAG:EX
Sent: Friday, June 1, 2012 1:50 PM
To: 'ken.wright@ICBC.com'
Subject: FW: Lien on Impounded Motor Vehicle Regulation.

Hi Ken.

Are you around this afternoon? If so, I'll call you up with a few questions that will hopefully resolve the outstanding issues so we can proceed with this one.

Thanks.

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 24, 2012 2:51 PM
To: 'ken.wright@ICBC.com'
Subject: RE: Lien on Impounded Motor Vehicle Regulation.

Hi Ken.

s.13

Thanks

Terry

From: Stewart, Terry J JAG:EX
Sent: Tuesday, May 15, 2012 2:40 PM
To: 'ken.wright@ICBC.com'
Subject: Lien on Impounded Motor Vehicle Regulation.

Hello Mr. Wright

I have been handed the file on the Lien on Impounded Motor Vehicle Regulation (LIMVR) that Linda Mazzei had been working with you on.

I met with Linda briefly this morning and she explained where things stand with developing this regulation.

I had a question about the fuel surcharge for towing. I understand this is set quarterly, and is currently 14.5%. Can you tell me when the next change to the surcharge is due?

It would be helpful for me to understand the mechanism for setting fuel surcharges. For example, the rates in the

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I also want to make sure I am looking at the most current version of the ICBC Towing and Rate Payment Schedule. The printed one in the file relates to "towing/storage services on or after May 15, 2011." Is this the one that is still in effect? Is this document online anywhere?

Feel free to give me a call or send me an email if you have any questions. However, I don't have access to voicemail right now, so if you call and don't get me I won't be able to hear any messages.

Terry

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Clayton, Penny L JAG:EX

From: Ken Hendricks [kenhendricks@ara.bc.ca]
Sent: Wednesday, May 23, 2012 12:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks for your help Terry

Ken

From: Stewart, Terry J JAG:EX [mailto:Terry.J.Stewart@gov.bc.ca]
Sent: May-23-12 9:05 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

I have some information on the three questions you asked last week about new ILO agreements that ILO's have received.

- Why are these being sent out?
- Are they being sent to all ILO's?
These were sent out to all ILO's because, in many cases, the info that OSMV had on file for ILOs was out of date. The purpose was to ensure this info was up to date for all ILO's.
- The agreement contains a reference to ICBC's Vendor Policies and Procedures Manual, why was this added?
I was told that this has been in place for a number of years. One of the requirements for ILO's is to have an ICBC vendor number. If an ILO has an ICBC vendor number it would follow that they would be expected to follow ICBC's vendor policies and procedures.

I hope this is helpful.

Terry

From: Ken Hendricks [mailto:kenhendricks@ara.bc.ca]
Sent: Thursday, May 17, 2012 11:25 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks Terry,

I am attaching a copy of the harmonization recommendations we sent to Brad earlier this year. Please feel free to call or email me with any questions or concerns.

Ken

From: Stewart, Terry J JAG:EX [mailto:Terry.J.Stewart@gov.bc.ca]
Sent: May-17-12 11:23 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

The person who can provide me with the info on the ILO's is out of the office this week. I will speak with them next week and get back to you as soon as possible.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]

Sent: Wednesday, May 16, 2012 10:47 AM

To: Stewart, Terry J JAG:EX

Subject: Question on ILO agreement

Hello Terry,

This is Ken Hendricks, I am the ARA consultant for the Towing & Recovery division. Dana Tadla gave you our President's Ken McCormack's email and it was forwarded to myself.

I am in the office most days and can be reached at my direct line 604-419-4836.

There are a few matters I need to discuss with you before the OSMV moves forward with rate harmonization. As well, I have a couple of questions with regards to the new ILO agreement being sent out to towers.

I look forward to speaking with you

Ken Hendricks

Clayton, Penny L JAG:EX

From: Anderson, Kathy E JAG:EX
Sent: Monday, June 25, 2012 10:45 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Removal of Personal Items from Impounded Vehicles and New VI Lien Regulation

Sorry Terry, which time works for you?

Kathy Anderson
Manager, Adjudication and Training
Direct: (250) 356-8068

From: Stewart, Terry J JAG:EX
Sent: Monday, June 25, 2012 9:43 AM
To: Anderson, Kathy E JAG:EX
Cc: Mazzei, Linda D JAG:EX
Subject: RE: Removal of Personal Items from Impounded Vehicles and New VI Lien Regulation

That time works for both of us.

Thanks

Terry

From: Anderson, Kathy E JAG:EX
Sent: Monday, June 25, 2012 9:41 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Removal of Personal Items from Impounded Vehicles and New VI Lien Regulation

I'm sorry, Terry, I thought I had us scheduled for discussion this week. Looks like I had the intention but no follow through. This week is going to be tight for Tony and I. Tony isn't here today, and I'm away from Wed to Fri. The only time that works for us is 3:30 to 4:30 Tuesday <if you would like 1 hour>. Otherwise we could do 30 minutes at noon on Tuesday.

Kathy Anderson
Manager, Adjudication and Training
Direct: (250) 356-8068

From: Stewart, Terry J JAG:EX
Sent: Monday, June 25, 2012 9:28 AM
To: Anderson, Kathy E JAG:EX
Cc: Esposito, Tony N JAG:EX
Subject: Removal of Personal Items from Impounded Vehicles and New VI Lien Regulation

Hi Kathy.

I am follow up on the New VI impound reg and the question of access to person property in impounded cars. Do you and Tony have some time to discuss these items this week? s.22 but my calendar is pretty open for the rest of the week.

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 14, 2012 9:57 AM
To: Anderson, Kathy E JAG:EX
Cc: Esposito, Tony N JAG:EX
Subject: RE: BP Item #68 - Removal of Personal Items from Impounded Vehicles

No problem.

Either of those days are fine for me, if you want to pick a time and a place I'll be there.

Terry

From: Anderson, Kathy E JAG:EX
Sent: Thursday, June 14, 2012 9:54 AM
To: Stewart, Terry J JAG:EX
Cc: Esposito, Tony N JAG:EX
Subject: RE: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Terry, I'm sorry but I've been very busy with the June 15th legislation approaching to make sure we have all our ducks in a row. Unfortunately, I'll be working out of the office tomorrow and don't know if I'll be able to make it into the office at all.

Monday the 18th or Friday the 22nd look open enough to book some time with Tony Esposito and I to go over VI. Would either of those days work for you?

Kathy Anderson
Manager, Adjudication and Training
Direct: (250) 356-8068

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 14, 2012 9:36 AM
To: Anderson, Kathy E JAG:EX
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Kathy.

Did you want to get together to discuss this? With the exception of 10-11 tomorrow, my day is open.

Terry

From: Stewart, Terry J JAG:EX
Sent: Wednesday, June 6, 2012 1:36 PM
To: Anderson, Kathy E JAG:EX
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Kathy.

I am the new 'VI guy,' but very new here. Hopefully I will be able to take a look at this tomorrow, if not I will be back in the office on Tuesday and will put some thought into this as soon as possible.

I have a few thoughts at the outset, but would like to discuss with you to get some background.

Do you want to set up some time to discuss this next week?

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Terry

From: Tadla, Dana JAG:EX
Sent: Tuesday, June 5, 2012 12:03 PM
To: Stewart, Terry J JAG:EX
Cc: Anderson, Kathy E JAG:EX
Subject: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Terry,

Here's another one. Please follow up with Kathy Anderson for more information.

We can discuss further if you wish.

Thanks
Dana

Dana Tadla
Director Policy & Research Branch
Office of the Superintendent of Motor Vehicles
BC Ministry of Justice
Phone: 250.356.0097 Cell: s.17

From: Anderson, Kathy E JAG:EX
Sent: Thursday, April 5, 2012 8:50 AM
To: Tadla, Dana JAG:EX
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Dana, I know you're very short handed in your department right now, so this may be something we just have to sit on. Plus I'm not sure who is the best person to ask this question. I know that Brad was the VI guy, but I'm aware that he's

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I've advised ICBC that the Act does say that personal property must be returned on request. However, we have no say in the tow lot's business, such as collecting partial payment of the impoundment, when allowing owners into the lot to gather their property after it's been impounded. If I'm missing anything that I could tell ICBC about what tow lot operators are allowed to charge then I'd be happy to add to them.

Thanks,

Kathy Anderson
Manager, Adjudication and Training
Direct: (250) 356-8068

From: Pottery, Jodi [mailto:Jodi.Pottery@icbc.com]
Sent: Monday, February 6, 2012 1:43 PM
To: Anderson, Kathy E SG:EX
Cc: Pottery, Jodi
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Kathy, here is a soft copy of the email I provided you Friday at the meeting. Thanks for following up on this!

.....
Jodi Pottery
Manager Driver Licensing Call Centre
Driver Licensing Division
ICBC building trust. driving confidence.
.....
2nd Floor 910 Government Street
Victoria | British Columbia | V8W 3Y8
direct: 250-978-8471
facsimile: 250-978-8001 | **mobile:** 250-812-8818
Save trees. Print only when necessary.

From: Cheli, Vittorio
Sent: Thursday, September 22, 2011 1:22 PM
To: Pottery, Jodi
Cc: Luchies, Jason; Thickens, David; Sather, Lori
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

s.13

Please let me know if I can provide any further support in helping you raise this with OSMV.

Thanks – Vitto

From: Cheli, Vittorio
Sent: Tuesday, September 20, 2011 9:27 AM
To: Luchies, Jason; Thickens, David
Subject: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Gentlemen – As you can see, this quarter's BP agenda certainly had some interesting items on it!

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I'm not sure if this is something that we ought to look at or redirect to OSMV for their consideration; but this looks to be a customer experience issue that might want to wade in on, as it sounds like our front line staff have to deal with the fallout.

Thanks – Vitto

Q3 2011 Best Practices

Item #	Year Q	Initiative Name	Issue Description	Sugge:
68	2011 Q3	Customer Service		s.13

.....
Vittorio F Cheli

Policy Advisor

Driver Licensing Policy

ICBC building trust. driving confidence.
.....

1st floor, 910 Government Street
Victoria | British Columbia | V8W 3Y8

telephone: 250-414-7904|
facsimile: 250-978-8025
e-mail: Vittorio.Cheli@icbc.com



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Clayton, Penny L JAG:EX

From: Piercy, Danielle JAG:EX
Sent: Friday, June 29, 2012 1:47 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Towing - Refuse to Issue licence- unpaid impound fees

Hi Terry,

You may want to contact:

Licensing Support Services

Manager Licensing Support Services Lisa Laupland
Ph.: 250-414-7639
Fax: 250-978-8011
Email: Lisa.Laupland@icbc.com

Manager Licensing & Violation Tickets Lisa Mitchner
Ph.: 250-978-8455
Fax: 250-978-8011
Email: Lisa.Mitchner@icbc.com

I'm certain they will point you in the right direction if I have provided you with the wrong names.

Danielle

Danielle Piercy
Team Leader, Adjudication
The Office of the Superintendent of Motor Vehicles
Ministry of Justice
Telephone: 250.387.2824
Facsimile: 250.356.6544

This message is confidential and may not be disclosed to anyone without the express written consent of the sender.



From: Stewart, Terry J JAG:EX
Sent: Friday, June 29, 2012 1:31 PM
To: Piercy, Danielle JAG:EX
Subject: FW: Towing - Refuse to Issue licence- unpaid impound fees

Hi Danielle.

When we met on the stairs yesterday you said you may be able to let me know who in ICBC I can contact regarding this.

s.22

so I thought I would touch base now before I forget.

Thanks.

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 21, 2012 2:44 PM
To: Piercy, Danielle JAG:EX
Subject: Towing - Refuse to Issue licence- unpaid impound fees

Hi Danielle.

We have received two letters from towing companies regarding implementing s.255(11)(b) of the MVA, refusal to issue licences in relation to impoundments. I have attached one of the letters, the other is almost a verbatim copy.

I've joined the Policy and Research Branch recently, and I am having some difficulty finding any background on this. Can you give me some info?

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Clayton, Penny L JAG:EX

From: Fischer, Caryn L JAG:EX
Sent: Thursday, May 24, 2012 10:23 AM
To: Stewart, Terry J JAG:EX
Subject: RE:
Attachments: RE: s.13

I take it this never made it to you. I hope s.22

Thanks
Caryn

Phone: 250-387-3824



Please think about the environment before printing.

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 24, 2012 9:19 AM
To: Fischer, Caryn L JAG:EX
Subject: FW: Treasury Board Decision - Vehicle Impound Fees

Hi Caryn.

Just touching base to see if you've had any luck finding the March 23, 2010 TB approval referenced in the BN.

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 3:13 PM
To: Fischer, Caryn L JAG:EX
Cc: Stewart, Terry J JAG:EX
Subject: FW: s.13

Caryn, can you please assist us in locating the s.13 and in Terry's note below? Thank you for your assistance.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 2:23 PM
To: Moran, Deidre JAG:EX
Subject: RE: s.12, s.13

Here it is.

It is in draft form, but the reference to the

s.12, s.13

s.13

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 1:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE:

s.12, s.13

Yes. For context, can you please provide me with a copy of the BN?

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
[Web:http://www.pssg.gov.bc.ca/osmv/](http://www.pssg.gov.bc.ca/osmv/)

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 1:51 PM
To: Moran, Deidre JAG:EX
Subject:

s.12, s.13

Hello Deidre.

s.13, s.12

s.13

Is this something your area could help me with?

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Clayton, Penny L JAG:EX

From: Fischer, Caryn L JAG:EX
Sent: Monday, April 2, 2012 3:14 PM
To: Mazzei, Linda D JAG:EX; Cumberland, Paul JAG:EX; Klima, Judy H JAG:EX
Cc: Howie, Lisa JAG:EX
Subject: RE: s.13



FIP Impound for
towing - signe...



20100212140106.p
df

Thanks

Caryn

Phone: 250-387-3824



Please think about the environment before printing.

From: Mazzei, Linda D JAG:EX
Sent: Monday, April 2, 2012 3:13 PM
To: Cumberland, Paul JAG:EX; Klima, Judy H JAG:EX
Cc: Howie, Lisa JAG:EX; Fischer, Caryn L JAG:EX
Subject: RE: s.13

Thanks everyone.

From: Cumberland, Paul JAG:EX
Sent: Monday, April 2, 2012 3:11 PM
To: Klima, Judy H JAG:EX; Mazzei, Linda D JAG:EX
Cc: Howie, Lisa JAG:EX; Fischer, Caryn L JAG:EX
Subject: RE: s.13

Caryn will dig this up. Sound familiar but it was before my time.

From: Klima, Judy H JAG:EX
Sent: Monday, April 2, 2012 1:54 PM
To: Mazzei, Linda D JAG:EX
Cc: Howie, Lisa JAG:EX; Cumberland, Paul JAG:EX
Subject: RE: s.13

Paul – can you pass this on to someone in your area to find info for us?

Thanks.

Cheers,


Judy

From: Mazzei, Linda D JAG:EX
Sent: Monday, April 2, 2012 11:05 AM
To: Klima, Judy H JAG:EX
Subject: s.13

Hi Judy, I am not sure if you can help me with this, but I'm going to start with you.

s.12, s.13

Linda Mazzei, Senior Policy Advisor
Office of the Superintendent of Motor Vehicles
Ministry of Justice, Victoria BC
Tel: 250-356-5952 | Fax: 250-356-5568

 Please consider the environment before printing this email

Page 220 redacted for the following reason:

s.12

Distribution List:

pc: Wes Shoemaker
Deputy Minister
Ministry of Public Safety and Solicitor General

Tara Faganello
Assistant Deputy Minister, Management Services
Ministry of Public Safety and Solicitor General

Dave Riley
Strategic Advisor
Treasury Board Staff

Pages 222 through 234 redacted for the following reasons:

s.13

Clayton, Penny L JAG:EX

From: Fisher, Kathy E JAG:EX
Sent: Tuesday, May 15, 2012 3:49 PM
To: Stewart, Terry J JAG:EX
Subject: RE: s.13

No worries... if I can help I will indeed ☺

Kathy Fisher

Surrey Crown Counsel
Financial Administrator, L.R.A.
Phone Direct 604-507-1585



This communication (both the message and any attachments) is confidential and may be protected by solicitor-client or other legal privilege, including privilege that attaches to matters of prosecutorial discretion. It is only for the use of the intended recipient. Any distribution, copying, or other use by anyone else without my express permission as an employee of the Criminal Justice Branch, Ministry of Justice is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

From: Stewart, Terry J JAG:EX
Sent: Tuesday, May 15, 2012 3:44 PM
To: Fisher, Kathy E JAG:EX
Cc: Sandhu, Paul JAG:EX
Subject: RE: s.13

Thanks Kathy.

Now I'm wondering if I was given the right name. I'm new here, my first week over from Ministry of Ed, but it doesn't seem that Crown Counsel was the right place for this question to go.

I'll see what I can find out here.

Terry

From: Fisher, Kathy E JAG:EX
Sent: Tuesday, May 15, 2012 3:23 PM
To: Stewart, Terry J JAG:EX
Cc: Sandhu, Paul JAG:EX
Subject: RE: s.13

I am going to forward this to our Deputy Crown but *I think it would be Management Services in Victoria – although I am not sure!*

Kathy Fisher

Surrey Crown Counsel
Financial Administrator, L.R.A.
Phone Direct 604-507-1585



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From: Stewart, Terry J JAG:EX
Sent: Tuesday, May 15, 2012 3:19 PM
To: Fisher, Kathy E JAG:EX
Subject: s.13

Hello.

It was suggested to me that I contact you regarding this.

s.12, s.13

Please let me know if you have any questions.

(please note: I don't currently have access to my voicemail)

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Clayton, Penny L JAG:EX

From: Handgraaf, Harjeet JAG:EX
Sent: Thursday, May 31, 2012 8:16 AM
To: Stewart, Terry J JAG:EX
Subject: RE: s.13

Thanks Terry, please keep me in the loop on this. Have a great day!

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 31, 2012 8:05 AM
To: Handgraaf, Harjeet JAG:EX
Subject: RE: s.13

Hi.

Hopefully we will be going ahead with the changes in the near future, but there are a few loose ends to nail down before we can proceed.

Terry

From: Handgraaf, Harjeet JAG:EX
Sent: Wednesday, May 30, 2012 3:16 PM
To: Mazzei, Linda D JAG:EX
Cc: Stewart, Terry J JAG:EX
Subject: RE: s.13

Oaky thanks Linda!

From: Mazzei, Linda D JAG:EX
Sent: Wednesday, May 30, 2012 3:04 PM
To: Handgraaf, Harjeet JAG:EX
Cc: Stewart, Terry J JAG:EX
Subject: FW: s.13

Arnie, Terry has taken over this file so I am forwarding this to him.

From: Handgraaf, Harjeet JAG:EX
Sent: Wednesday, May 30, 2012 2:28 PM
To: Harrison, Jackie P JAG:EX
Cc: Mazzei, Linda D JAG:EX
Subject: FW: Vehicle Impoundment Fees - New Regulation

Can you advise if and when these fees are changing????

Thanks

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

From: Kazmiruk, Dan F JAG:EX
Sent: Wednesday, May 30, 2012 2:22 PM
To: Handgraaf, Harjeet JAG:EX
Cc: Mazzei, Linda D JAG:EX
Subject s.13

Hi Arnie,

As discussed, I am providing a link to the *Lien on Impounded Motor Vehicle Regulation*. When the vehicle impoundment laws were changed in 2010, the old towing and storage fee regulation (43.05 of the *Motor Vehicle Act Regulations*) was repealed and this stand-alone regulation took its place. s.13

s.13 but I will let Linda update you on that, as I'm not sure where this is at.

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628

Dan Kazmiruk
Senior Policy Advisor, Policy & Research Branch
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Tel: 250-952-6922 | Fax: 250-356-5568

Clayton, Penny L JAG:EX

From: Gerhart, Bradley JAG:EX
Sent: Monday, October 17, 2011 12:31 PM
To: Blewett, Tyann M JAG:EX
Cc: Tadia, Dana JAG:EX; Melvin, Stephanie JAG:EX; Minvielle, Catherine M JAG:EX
Subject: RE: s.14

Hi Tyann,

s.14

Cheers,
Brad.

From: Murray, Melanie AG:EX
Sent: Wednesday, October 12, 2011 11:41 AM
To: Gerhart, Bradley SG:EX
Cc: Macallum, Bruce I AG:EX
Subject: RE: s.14

Hi Brad,

s.14

Regards,

Melanie Murray, Barrister & Solicitor
(250) 356-8458 - phone
(250) 356-9264 - fax

Email: Melanie.Murray@gov.bc.ca

Ministry of Attorney General
Legal Services Branch
Justice, Employment & Education Law Group
4th Floor - 1001 Douglas Street
P.O. Box 9280, Stn. Prov. Govt
Victoria, B.C. V8W 9J7

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From: Gerhart, Bradley SG:EX
Sent: Friday, June 24, 2011 2:36 PM
To: Murrav. Melanie AG:EX
Subject:

s.14

Hi Melanie,

s.14

Cheers,
Brad.

Bradley R. Gerhart
Senior Policy Advisor
Office of the Superintendent of Motor Vehicles
Ministry of Public Safety and Solicitor General
T: (250) 387-1752 F: (250) 356-5568
Bradley.Gerhart@gov.bc.ca

Pages 242 through 244 redacted for the following reasons:

s.13

s.13, s.14, s.17

AGENDA
Vehicle Impoundment Program Review
Steering Committee
2:00pm – 4:00pm
May 27 2009
Location: Boardroom 2A

Attendees		
Brad Gerhart	Lisa Howie	Nancy Letkeman
Steve Martin	Stephanie Melvin	

	ITEM	Responsibility
1	Program Logic <ul style="list-style-type: none"> • High level process map • Process map including ILO concerns, observations and suggestions • Program logic model 	Brad/all
2	Demographics <ul style="list-style-type: none"> • What do the demographics tell us about unlicensed/prohibited and suspended drivers? • How is this different from other potential populations? • What does this suggest about the redevelopment and refocusing of the program? 	Brad/all
3	Redevelopment and Refocusing of the program <ul style="list-style-type: none"> • Redevelopment • Refocusing 	Brad/all
4	Next Steps	Brad/all

LRC Q&A

Vehicle Impoundment RFL

Q: How will unlicensed, prohibited and suspended drivers be affected by the proposed changes to the Vehicle Impoundment Program?

A: Impoundment periods will be adjusted to 7, 30, and 60 days for these infractions. In addition, fines for unlicensed drivers will be increased and those who continue to drive while unlicensed will be subject to roadside prohibitions.

Q: What new offences will become subject to impoundment?

A: Roadside prohibitions issued to impaired drivers, Excessive Speeding as defined in

section 148 of the *MVA*, and certain defined dangerous driving activities and stunts as prescribed by the LGIC.

Q: In what circumstances are impoundments likely to have the greatest impact on behaviour?

A: When the driver and registered owner are the same person and the vehicle is of generally high value.

Q: Are towing lot companies positively affected by the proposed changes to the Vehicle Impoundment?

A: Yes. Tow lot companies will have the flexibility to enter into early disposal agreements, to deny access to personal property, as well as to more efficiently dispose of abandoned vehicles.

Q: What measures are being considered to more effectively hold vehicle owners accountable for their debts to towing companies?

A: Refuse to issue driver's licence, vehicle registration, and vehicle insurance until debt is paid.

Pages 249 through 260 redacted for the following reasons:

s.12

s.13

ATTACHMENT 1 – Current and Proposed VI Program rates

	Urban			Rural	
Storage Rate	Current	Proposed		Current	Proposed
	19.55	s.13		16.10	s.13
Towing Rate	Current	Proposed		Current	Proposed
	78.89	s.13		78.89	s.13

¹Based on ICBC Zone 1 (Vancouver) Storage Rate (Towing and Recovery Plus)

²Based on ICBC Priority Base Storage (Towing and Recovery Plus)

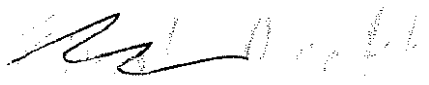
³Based on ICBC Zone 3 (Rural) Storage Rate (Towing and Recovery Plus)

Total towing and storage charges for a single impoundment (automobile), at current and harmonized rates (based on a tow of up to 6 kms)

VI Length (days)	Current Urban	Harmonized Urban	% Change	Current Rural	Harmonized Rural	% Change
3	137.54	s.13		127.19	s.13	
7	215.74			191.59		
30	665.39			561.89		
60	1251.89			1044.89		

Page 262 redacted for the following reason:

s.13



PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE SUPERINTENDENT OF MOTOR VEHICLES

Motor Vehicle Act

I, Steve Martin, Superintendent of Motor Vehicles, order that the Lien on Impounded Motor Vehicle Regulation, B.C. Reg. 262/2010, is repealed and the attached Lien on Impounded Motor Vehicles Regulation is made.

Date

Superintendent of Motor Vehicles

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 269

Other: _____

August 1, 2012

R/798/2012/33

Page 264 redacted for the following reason:

s.14

LIEN ON IMPOUNDED MOTOR VEHICLES REGULATION

Definitions

1 In this regulation:

“Act” means the *Motor Vehicle Act*;

“special service” means a service to prepare a vehicle 3 000 kg or over for towing, including the removal of drive shafts, the release of air brakes, the removal of axles and loading.

Lien on impounded vehicle

2 The following fees, costs and charges are prescribed for the purposes of section 255 (2) (a) [*storage of impounded motor vehicle*] of the Act:

(a) for storage,

(i) for all vehicles other than motorcycles, as set out in Table 1, and

(ii) for motorcycles, 1/2 the rate set out in Table 1 for all other vehicles;

(b) for towing,

(i) as set out in Table 2,

(ii) \$0.43 per km for the use of dollies for automobiles, vans or pickup trucks up to 2 999 kg GVWR when the distance travelled exceeds 32 km while on a paved highway,

(iii) \$0.63 per km for the use of dollies for automobiles, vans or pickup trucks up to 2 999 kg GVWR when the distance travelled exceeds 32 km while on a gravel highway,

(iv) \$39.43 per 1/2 hour for any one special service or a combination of special services for trucks and trailers 3 000 kg to 9 072 kg GVWR, and

(v) \$83.13 per 1/2 hour for any one special service or a combination of special services for trucks and trailers 9 073 kg and over.

Table 1

Item	Column 1	Column 2	Column 3
	Length of vehicle	Rate per day for impound lots located within the Greater Vancouver Regional District, the District of Squamish, the City of Chilliwack, the City of Abbotsford, the District of Mission or the City of Victoria	Rate per day for impound lots located outside of the areas described in Column 2
1	up to 6.1 m	\$22.44	\$19.38
2	6.2 m to 10.7 m	\$44.88	\$38.76
3	longer than 10.7 m	\$67.32	\$58.14

Table 2

Item	Column 1	Column 2	Column 3	Column 4
		Size and Weight of Vehicle		
		Up to 2 999 kg GVWR Motorcycles with motors under 400 cc, automobiles, vans and pickup trucks	3 000 kg to 9 072 kg GVWR Motorcycles with motors over 400 cc, medium duty trucks and trailers	9 073 kg GVWR and over Heavy trucks and trailers
1	up to 6 km	\$72.99	\$78.85	\$166.26
2	6.1 km to 16 km, add per km	\$2.54	\$2.94	\$3.58
3	16.1 km to 32 km, add per km	\$2.15	\$2.69	\$3.03
4	32.1 km and over, add per km	\$1.86	\$2.20	\$2.44
5	fuel surcharge on the total fees, costs and charges for towing	14.5%	14.5%	14.5%

Pages 267 through 269 redacted for the following reasons:

s.13

Pages 271 through 273 redacted for the following reasons:

s.13

ADVICE TO MINISTER

s.13

-30-

Page 275 redacted for the following reason:

s.14

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE SUPERINTENDENT OF MOTOR VEHICLES

Motor Vehicle Act

I, Steve Martin, Superintendent of Motor Vehicles, order that the Lien on Impounded Motor Vehicle Regulation, B.C. Reg. 262/2010, is repealed and the attached Lien on Impounded Motor Vehicles Regulation is made.

Date

Superintendent of Motor Vehicles

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Motor Vehicle Act, R.S.B.C. 1996, c. 318, s. 269*

Other: _____

August 1, 2012

R/798/2012/33

Pages 277 through 280 redacted for the following reasons:

s.13



City Zone Reference Table

Zone Areas:	Zone 1	Zone 2	Zone 3	Zone 4		
	NORTH VANCOUVER VANCOUVE	VICTORIA	ABBOTSFORD ALDERGROVE BURNABY CHILLIWACK COQUITLAM DELTA KAMLOOPS KELOWNA LANGLEY MAPLE RIDGE MISSION NANAIMO NEW WESTMINSTER PORT COQUITLAM PRINCE GEORGE RICHMOND SQUAMISH SURREY WHISTLER WHITE ROC	100 MILE HOUSE 150 MILE HOUSE AGASSIZ ANAHIM LAKE ARMSTRONG ASHCROFT ATHALMER BARRIERE BLUE RIVER BOSTON BAR BURNS LAKE BURTON CACHE CREEK CAMPBELL RIVER CASTLEGAR CHASE CHEMAINUS CHERRYVILLE CHETWYND CHRISTINA LAKE CLEARBROOK CLEARWATER CLINTON COOMBS COURTENAY CRESCENT VALLEY CRESTON CRANBROOK DAWSON CREEK DUNCAN ENDERBY FALKLAND FERNIE FORT ST JAMES FORT ST JOHN FORT NELSON FRASER LAKE GABRIOLA GARIBALDI HIGHLANDS GIBSONS	GOLD RIVER GOLDEN GRAND FORKS GREENWOOD HAGENSBOURG HOPE HORSEFLY HOUSTON INVERHERE ISKUT JAFFRAY KASLO KEREMEOS KITIMAT KITWANGA LADYSMITH LAKE COUNTRY LAKE COWICHAN LILLOOET LONE BUTTE LUMBY MACKENZIE MADEIRA PARK MASSET MARYSVILLE MCBRIDE MERRITT MILL BAY NAKUSP NANOOSE BAY NELSON NEW HAZELTON NIMPO LAKE OLIVER OSOYOOS PARKSVILLE PEMBERTON PENTICTON PORT ALBERNI PORT HARDY	PORT MCNEILL PORT RENFREW POWELL RIVER PRINCE RUPERT PRINCETON QUALICUM QUATHASKI COVE QUEEN CHARLOTTE CITY QUESNEL REVELSTOKE RISKE CREEK ROCK CREEK SALMO SALMON ARM SALT SPRING ISLAND SAYWARD SCOTCH CREEK SECHelt SIDNEY SLOCAN SMITHERS SOOKE SORRENTO SOUTH SLOCAN SPARWOOD SPENCES BRIDGE STEWART SUMMERLAND TAHSIS TERRACE THORNHILL TOFINO TRAIL TUMBLER RIDGE UCLUELET VALEMOUNT VAN ANDA VANDERHOOF VERNON WILLIAMS LAKE YOUNG

Updated on January 2009

ATTACHMENT 3

ICBC TOWING RATE AND PAYMENT SCHEDULE – JULY 1, 2010



Towing and Storage Rate Payment Schedule

Effective for all claims with towing/storage services on or after July 1, 2010

(For Storage Rates, please refer to section XV on page 2 of this form.)

ICBC pays all applicable HST

Towing Categories

Applicable Tow, Distance and Category Hourly Rates	Category I (Light Duty)		Category II (Medium Duty)	Category III (Heavy Duty)	
	Towed vehicle up to 3,638 Kgs/LGVW (Only applies up to a 3.4 ton tow limit, regardless of LGVW)		Towed vehicle 3,639 Kgs to 7,267 Kgs/LGVW (Includes vehicles equipped for motor, regardless of LGVW)	Towed vehicle 7,268 Kgs/LGVW and over	
	Base	T&R*		Hydraulic	Mechanical
Priority Base / Tow & Recovery Plus Rate up to 5.0 km's	\$64.97	\$70.18	\$75.82	\$163.00	\$123.94
Non-Priority Tow Rate Up to 5.0 km's	\$46.21	-	-	\$148.00	\$123.94
a) 5.1 to 15.0 km (Add per km)	\$2.44		\$2.83	\$7.40	\$3.51
b) 16.1 to 32.0 km (Add per km)	\$2.07		\$2.59	\$6.34	\$3.87
c) 32.1 km and over (Add per km)	\$1.79		\$2.12	\$4.56	\$2.92
Category Hourly Rate	\$64.97		\$75.82	\$163.00	\$123.94

Towing Company is responsible for using the appropriate tow tow vehicle. For details on procedure, policy and suggested requirements refer to Chapter 10, Towing, and Chapter 13, of the ICBC Motorist Damage Procedures Manual.

Towing Rate Definitions for Heavy Duty Tow Equipment

(Towed vehicle 7,268 Kgs/LGVW and over)

The Category II Hydraulic Rates (Priority and Non-Priority) apply to heavy duty tow trucks with tandem drive rear axles, a hydraulic extendable boom and a hydraulic under-lift or wheel-lift.

The Category III Hydraulic Non-Priority tow rate applies to all tows completed by:

- a heavy duty multi rear axle sliding deck trailer
- a heavy duty tandem drive rear axle roll-back carrier tow truck (flat deck)
- a hydraulic heavy duty single rear axle tow truck with a hydraulic extendable boom and a hydraulic under-lift or wheel-lift

Additional Service Charge Rates

I Recovery

- Recovery charges are paid at the applicable Category Hourly Rate at ½ hour increments, with a ½ hour minimum.

Note: Occasionally there will be circumstances whereby a higher capacity tow truck will be required to complete a recovery than the LGVW category rate of the vehicle. Under such circumstances, with the agreement of the local ICBC MD Manager or designee, the hourly rate of a trucker required.

Note: Category II recoveries require a minimum of four photographs to document the accident/recovery situation.

II Recovery with Service Truck

- The Category I Non-Priority rate applies from when the tow company dispatches the service vehicle(s), including the travel time to the scene, and ends after the additional truck driver completes providing assistance at the scene and returns to their place of departure prior to callout.

III Additional Tow Truck(s) required

- The appropriate Category Hourly Rate applies in ½ hour increments, with a ½ hour minimum.

IV Loading and Securing Vehicles

- Loading and securing charges apply if loading and securing the vehicle for transport takes more than 10 minutes due to the extent of damage; i.e. vehicle broken into pieces, major add on attachments are separated from vehicle or a buck vehicle that requires taping to prevent spreading of debris.
- Loading and securing charges are paid at the applicable Category Hourly Rate, in ½ hour increments with a ½ hour minimum.

V Motorcycles

- Category I Tow Rates apply to all motorcycle tows with an engine displacement of 400cc and over.
- Applicable Category I Priority Tow Rate applies to all motorcycle tows with an engine displacement under 400cc.

VI Standby Time

- Standby charges are paid at the applicable Category Hourly Rate in ½ hour increments, with a ½ hour minimum.

VII Vehicles with No Wheels or Tires

- First tow for vehicles with three or more wheels and tires missing are paid at the applicable Category Priority Tow Rate based on the LGVW of the vehicle being towed. Category 1 additional tows are paid at the Non-Priority Tow Rate.
- A one-hour loading and securing charge at the appropriate Category Hourly Rate also applies to each tow due to the extra care and time required to load and unload these vehicles.
- This additional service charge may also apply to vehicles with three or more flats on lowered vehicles or on burnt vehicles. Proper documentation must be provided and/or photos.

VIII Special Services Pertaining To Vehicles in Category 1

- Mileage for use of dollies when the distance traveled exceeds 32.0 km when on at:
 - o Paved highway - \$0.45 per km for every km in excess of the 32nd km.
 - o Gravel or dirt road - \$0.55 per km for every km in excess of the 32nd km.
- When required, four-wheel drive tow trucks use Category II Hourly Rate plus \$19.00 per hour additional.

IX Unusually Difficult Road Conditions

- Unusually Difficult Road Conditions charges are paid at the applicable Category Hourly Rate in ½ hour increments, with a ½ hour minimum.

X Extra Person / Flag Person

- \$93.82 per hour.
- ½ hour increments, with a ½ hour minimum.

XI Special Services Pertaining To Trucks Having a LGVW up to 7,267 kg

- Removal of driveshafts \$30.17
- Release main brakes per axle \$23.53

XII Special services pertaining to vehicles having a LGVW of over 7,267 kg

- Charges for any one or a combination of services such as removal of driveshafts, release struts, removal of axles, loading, etc. are paid at the Category II hourly rate in ½ hour increments, with a ½ hour minimum.

XIII Fuel Surcharge

- The fuel surcharge is based on the applicable percentage in place for the date of service and applies to all fees outlined in this schedule other than item X, all sub-items, and the \$6.00 environmental allowance for absorbable products used and collected for proper disposal for a minor fuel clean up from the towed vehicle.

XIV Clean Up

- Base Priority Tow Rate and Towing and Recovery Plus Priority Tow Rate include minor clean-up (up to 5 minutes) to remove any damaged vehicle parts or minor amounts of vehicle fluids from the scene.
- Additional clean-up time is to be charged in ½ hour increments at the applicable Category hourly Rate.
- An environmental allowance of \$6 applies if an absorbable product is used and collected for proper disposal for a minor fluid clean-up from the towed vehicle.

XV Storage Rates (subject to Towing Service Time Schedule for a Non-Priority Tow)

Zone Areas: See City Zone Reference Table*	Zone 1	Zone 2	Zone 3	Zone 4
Base Storage Rate	\$19.00 / day	\$16.00 / day	\$15.00 / day	\$11.00 / day
T & R Storage Rate	\$32.00 / day	\$21.00 / day	\$19.00 / day	\$15.00 / day

- The daily storage rate applies for vehicles up to 20 feet in length (6.1 metres).
- Vehicles longer than 20 feet in length (6.1 metres) are up to 35 feet (10.7 metres) will be charged at double the daily rate.
- Vehicles over 35 feet in length (10.7 metres) will be charged at triple the daily rate.
- Motorcycles will be charged at ½ the daily rate.
- When requested, indoor storage approved by ICBC is charged at double the daily storage rate.

- City Zone Reference Table is available under Claims Portal/Work Tools or on the MD Partner's Page under "Towing".

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City of Richmond, British Columbia, Canada

> Home > City Services > Transportation, Traffic & Parking > Parking & Towing > Motor Vehicle Act (BC) Regulations

PARKING & TOWING

Motor Vehicle Act (BC) Regulations

The rates that a tow company can charge for towing, impounding, and storing vehicles are set in the Lien on Impounded Motor Vehicle Regulation under the BC Motor Vehicle Act. The release fee is the base tow rate.

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Richmond City Hall: 6911 No. 3 Road, Richmond, British Columbia, V6Y 2C1

Hours: 8:15 to 5:00 pm, Monday to Friday. **Tel:** 604-276-4000

Prince Rupert

Prince Rupert Fee-Setting Bylaw No. 3165, 2003 - Schedule F

Schedule H

TRAFFIC CONTROL FEES AND CHARGES

Pursuant to Section 194 of the *Community Charter*, SBC 2003, Chapter 26, there is hereby levied fees for traffic control and highway related services:

Traffic Control & Highway Related Services

Services Provided	Fee
Removing a vehicle from a highway or public place;	Invoice cost of Towing Company plus \$20.00 administration fee
Detaining or impounding a vehicle	\$10.00 per day or portion thereof
Removing chattels or obstructions from a highway or public place;	City's cost under a work order, or Invoice cost of third party plus \$20.00 administration fee
Detaining or impounding a chattel or obstruction;	\$10.00 per day or portion thereof.
Commercial Vehicle Parking Permit	\$10.00 per day or portion thereof.
Handicap/Disability Parking Permit	\$10.00 per Permit (for a maximum period of three months)
Overtime Parking Permit	\$10.00 per day or portion thereof.
Permit to Construct on City property	\$25.00
Parade Permit	\$10.00 per application
Excavation Permit	\$10.00 per application
Construction/Excavation Deposit Refund Inspection Fee	\$25.00
Temporary Street, public parking lot, or sidewalk closure	\$10.00 per application
Permit for Container in Public place	\$10.00 per day or portion thereof
Tree cutting Permit within highway	\$25.00 per application

Clayton, Penny L JAG:EX

From: Corrigan, Jacoba JAG:EX
Sent: Friday, August 3, 2012 9:52 AM
To: Stewart, Terry J JAG:EX
Cc: Moran, Deidre JAG:EX
Subject: VI Briefing note

Hi Terry,

Thanks for this. The reason why I was asking was because of the need to assist in the updating of the VI contracts with the impound lots in BC. When the BN does come into play, I'd really appreciate a copy of on this. I am looking forward to assisting the VI group prior to the resend of the agreements sometime in October.

Take care and have a great day! ☺

Jacoba C. Corrigan, B.Ed, CRM, PCMP cert
Finance Manager
Finance and Administration
Office of the Superintendent of Motor Vehicles
Telephone: 250-356-0209.

From: Stewart, Terry J JAG:EX
Sent: Friday, August 3, 2012 9:03 AM
To: Corrigan, Jacoba JAG:EX
Subject: RE: VI Briefing note

Hi Jacoba.

Sorry for not getting back to you sooner, I've been very busy for the last few days.

There isn't a current BN on this, hopefully I will be able to work on that soon.

The new OIC is currently in draft stage, but we hope to finalize it shortly. I have included the draft of the most recent version below. There may be some minor tweaks to this but I think it is pretty much ready to go.

This is a "Superintendent's regulation" meaning that it doesn't have to go through the OIC process for Cabinet approval.

We hope to meet with Stephanie in the next few weeks to get a sense for when this is to go ahead.

Here is a copy of the draft.

Terry

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From: Corrigan, Jacoba JAG:EX
Sent: Tuesday, July 31, 2012 11:50 AM
To: Stewart, Terry J JAG:EX
Subject: VI Briefing note

Good morning Terry,

I heard that there was a briefing note regarding Vehicle Impounds and that the possible changes due to legislation. I was wondering if it was possible to get a copy of this briefing note. If the briefing note reflects the changes in legislation that need to be reflected in the agreements prior to being sent to the various impound lots, it would be greatly appreciated to see a copy. I have already spoken with Arnie and Jacquie to offer my services in updating the agreements as needed.

Any time you can give me on this would be greatly appreciated.

Thank you.

Jacoba C. Corrigan, B.Ed, CRM, PCMP cert
Finance Manager/Procurement Specialist
Finance and Administration
Office of the Superintendent of Motor Vehicles
Telephone: 250-356-0209.

APPENDIX D – Drafting Instructions

Item 1. General / Structural - Amend the *Motor Vehicle Act (MVA)* to consolidate all impoundment statutes into a single division.

Problem and Background

- The *MVA* describes separate impoundment procedures in separate sections for impoundments ordered due to Driving while Unlicensed, Driving while Prohibited/Suspended, Street Racing, and 24 Hour Prohibitions, even though the purposes and processes are essentially the same in each case. This is overly and unnecessarily complex; any general change to impoundments would otherwise require amendments to multiple sections of the Act.

Objective and Rationale

- Objective: Consolidate all impoundment sections of the *MVA* into a single section that describes the authorities, duties, powers, and administrative processes required for vehicle impoundments (see attached process map for general overview).
 - Rationale: Consolidation of impoundment sections of the *MVA* simplifies the legislation and creates a single process that is comprehensive, administratively fair, and easy to understand. Supports escalating impoundments within and among impoundable sanctions and behaviours. Transitional issues will need to be considered.

Specifics of the Proposed Legislation

- The different sections that currently describe impoundments for different circumstances are:
 - Driving while Unlicensed: 104.1 – 104.95
 - Driving while Prohibited: 105.1 – 105.95
 - 24 Hour Prohibitions: 215.4 (2) – (6)
 - Street Racing: 242 (2) – (13) and 243
- The different impoundment sections should be consolidated into a single section, using the current Driving while Prohibited sections as a baseline.

Item 2. Entering the Impoundment – Amend the *MVA* to mandate impoundments for all Roadside Prohibitions, Excessive Speed offences (sec. 148), and Dangerous Driving Activities. Mandate a Notice of Prohibition to drivers whose vehicles are impounded for driving while unlicensed, and increase the associated fine. Authorize the LGIC to prescribe alternative processes for times when a peace officer is unable to cause a vehicle to be impounded as a result of a lack of towing services.

Problem and Background

- Peace officers currently have the discretionary authority to order impoundments when issuing prohibitions at the roadside. Mandatory impoundments are being considered for all prohibitions issued by peace officers at the roadside.
- Impoundment is considered to be a useful tool in helping peace officers combat certain dangerous driving behaviours. However, the LGIC does not have the authority to define those behaviours in regulation, and requires that authority in order to impound vehicles involved in dangerous driving. Amendments are required for that, and to mandate impoundments for persons who are caught engaging in those activities.
- Staff analysis shows that vehicle impoundment will be an effective sanction for drivers who commit an offence under section 148 (Excessive Speeding) of the *MVA*. Amendments are needed to mandate impoundments under those sections.
- The current fine schedule and administrative sanctions for Driving while Unlicensed make it preferable for some drivers to drive unlicensed rather than taking steps to pay existing fines and obtain a driver's license. Vehicle impoundments alone have not been an effective deterrent for these drivers.
- Economic conditions have, from time to time, caused some Impound Lot Operators (ILOs) to withdraw from the VI Program. This has, on occasion, meant that no ILOs are available to service an area. When this occurs, peace officers cannot fulfill their statutory duty to cause vehicles to become impounded, and are left in the difficult position of allowing unlicensed and prohibited drivers to continue to drive.
- Different offences currently have different impoundment lengths. Staff analysis shows that drivers are usually not the owners of impounded vehicles, meaning that vehicle owners are indirectly punished for the severity of the driver's offence. Staff analysis shows that only a quarter of owners re-offend within two years, suggesting that most learn from a single impoundment to not lend vehicles to prohibited and unlicensed drivers.

Objective and Rationale

- Objective: Impose a duty on peace officers to cause vehicles to become impounded upon the issuance of any Roadside Prohibition (e.g. 3/7/30 day prohibitions, 90 day prohibitions), citation of a driver for Excessive Speeding, or engaging in prescribed Dangerous Driving Activities.
 - Rationale: Staff analysis shows that impoundment will be an effective deterrent for individuals who receive roadside prohibitions or are ticketed for Excessive Speeding. Provides peace officers with an effective tool to combat risky driving behaviours.

- Objective: Authorize the LGIC to prescribe definitions of driving behaviours and activities that constitute Dangerous Driving Activities.
 - Rationale: Required to authorize impoundment of vehicles for such activities.
- Objective: Define in regulation Dangerous Driving Activities to include stunts such as wheelies, drifting, removing one's feet from the pegs on a motorcycle, operating a motorcycle with an improper license or in violation of prescribed license conditions, drive without due care, and drive without reasonable consideration.
 - Rationale: Motorcyclists and their passengers are vulnerable road users. These driving stunts disrupt the safe flow of traffic putting other road users at risks. Operating a motorcycle requires specialized skills. A rider who operates a motorcycle with no license and one who operates a motorcycle with an improper license are operating the motorcycle in the absence of passing tests in violation of licensing requirements.
- Objective: Provide an additional sanction against drivers who habitually drive while unlicensed by requiring a peace officer to issue a Notice of Prohibition to an unlicensed driver whose vehicle is impounded. Provide for the prohibition to be lifted if the driver obtains a driver's license. This does not apply to any other type of prohibition that may be in place.
 - Rationale: Habitual unlicensed drivers are able to avoid sanctions by abandoning their impounded vehicles and not obtaining drivers licenses. Issuing a Notice of Prohibition introduces larger fines and the possibility of jail time. Lifting the prohibition upon issuance of a driver's license provides incentive for the driver to pay existing fines and to drive legally.
- Objective: Authorize the LGIC to prescribe alternative procedures that a peace officer must follow if there is no ILO available to take an impoundment.
 - Rationale: The VI Program depends on the participation of private towing companies. There is currently no authorized alternative procedure should an area unexpectedly find itself without the services of an ILO, meaning peace officers in that area must either neglect their duties to impound vehicles, or impound them through an unauthorized process. This can be avoided if an alternative process is available to peace officers.
- Objective: Amend the *MVA* so that a vehicle which is impounded for is impounded for 7 days. If the owner of the vehicle was the owner of a vehicle impounded once in the two years prior to the impoundment, the impoundment length is upgraded to 30 days. If the owner of the vehicle was the owner of a vehicle impounded twice or more in the two years prior to the impoundment, the impoundment length is upgraded to 60 days.
 - Rationale: Owners are generally not the drivers of impounded vehicles. A 7 day impoundment provides them with an opportunity to learn to not lend out their car to unlicensed and prohibited drivers. Incremental 30 and 60 day upgrades to impoundments provides further sanctioning for owners who habitually allow unlicensed and prohibited drivers to borrow their vehicles.

- Objective: Amend the *MVA* so that, despite the previous objective, a vehicle which is impounded as a result of the issuing of a Roadside Prohibition (e.g. 3 day, 7 day, 30 day), must be impounded for 3 days for the *driver's* first offence, 7 days for the driver's second offence, and 30 days for the driver's third offence and any subsequent offence. Despite this, if the Roadside Prohibition that resulted in the impoundment is a 90 day prohibition, the impoundment length shall be 30 days.
 - Rationale: This allows the period of the impoundment to parallel the driver's prohibition, in support of a Ministry initiative concerning Roadside Prohibitions.

Specifics of the Proposed Legislation

- Section 104.4 describes the duties of a peace who has impounded a vehicle under 104.1. This is where a duty to serve a Notice of Prohibition to the driver and send to ICBC would go.
- Section 105.1 describes the duty of a peace officer to impound a vehicle of an individual found driving while prohibited.
- Section 148.1 describes Excessive Speeding. There is currently no duty to impound.
- Section 215.4 describes the power for a peace officer to impound a vehicle for 24 hours pursuant to a 24 hour prohibition.
- The duty of a peace officer to serve a 90 day prohibition is described in section 94.1, and the duties of a peace officer who has served a 90 day prohibition are described in section 94.3. There is currently no accompanying power or duty to order an impoundment.
- Section 104.2 describes the duty of ICBC to place a Notice of Impoundment on the record of a person caught under 104.1. This is where ICBC's duty to add a Notice of Prohibition to a driving record would go.
- Impoundment lengths are currently described in sections 104.1, 105.1, 215.4, 243, and 244, as part of the peace officer's duty. Those lengths would come out of those powers. Section 105.2 would be amended to set the length as shown below in Table 1. Upgrades for prohibitions would be based on the driver's prior prohibitions; upgrades for other impoundments would be based on the owner's prior impoundments.

Table 1 – Impoundment Lengths

	1 st	2 nd	3 rd and subsequent
90 Day Prohibition	30 days	30 days	30 days
3, 7, or 30 day Prohibition	3 days	7 days	30 days
All other impoundments	7 days	30 days	60 days

3. During the Impoundment – Amend the *MVA* to impose a duty on drivers of impounded vehicles to contact the vehicle owners; grant ILOs the discretionary power to grant access to vehicles during impoundments to retrieve personal items.

Problem and Background

- Vehicle owners who are unavailable to be contacted by mail may not receive notice that their vehicle has been impounded within a reasonable time frame. The contact

information for the owner available to the Superintendent is often outdated, and so the Superintendent may not have a way to contact the owner. Drivers of impounded vehicles are not obligated to inform owners of the impoundment.

- On occasion, the contents of an impounded vehicle are more valuable than the vehicle itself. Currently, nothing prevents an owner from claiming those possessions and then abandoning the vehicle.
- The elimination of the statutory waiting period (see At the End of the Impoundment, below) means that there is nothing preventing an ILO from disposing of a vehicle following the impoundment period, even if the owner has paid in advance.
- The Superintendent and police both have the authority to order the release an impounded vehicle that was found to be stolen. Only the police can properly determine whether or not a vehicle was stolen, and in practice only the police utilize that authority.
- Impounded vehicles must, subject to exceptions, remain impounded for the impoundment period; this is not explicit in statute.

Objective and Rationale

- Objective: Impose a duty on drivers of impounded vehicles to make all reasonable attempts possible to inform the vehicle owner of the impoundment. This is parallel to, and not a replacement for, the Superintendent's obligation to contact the owner.
 - Rationale: Drivers may be in a better position to inform the owner that a vehicle has been impounded than the Superintendent. A duty on the driver to inform the owner of the impoundment will help facilitate contact with the owner in some situations.
- Objective: To give ILOs the discretionary power to grant owners access to their vehicles for the purpose of retrieving personal items that are not attached to, or integral to the operation of, the vehicle.
 - Rationale: Giving ILOs the discretionary power to grant vehicle owners access to their vehicles to retrieve personal items provides them with the leverage that is sometimes needed to obtain payment for towing and storage fees from owners who otherwise have no intention of paying for and claiming their vehicle.
- Objective: To empower the owner and ILO to enter into an agreement at any time during the impoundment to establish the earliest date at which an ILO will dispose of a vehicle once the impoundment period has expired.
 - Rationale: Provides the ILOs the ability to set their own policies (e.g. placing a deposit) about how long they will wait to dispose of a vehicle once the impoundment period ends. Supports the elimination of the statutory waiting period by affording owners with a measure of protection.
- Objective: To remove the Superintendent's authority to release stolen vehicles.

- Rationale: Deregulation initiative; removing the provision makes the legislation consistent with practice.
- Objective: To add a provision specifying that vehicles must remain impounded for the term of the impoundment, subject to exceptions (e.g. reviews, early disposal agreement, stolen).
 - Rationale: Provided for greater certainty.

Specifics of the Proposed Legislation

- Section 105.1 (3) describes the duty to return personal property at the owner's request. This would be repealed and replaced by a new section granting ILOs the discretionary authority to return personal property in a motor vehicle, not otherwise attached to or integral to the operation of the motor vehicle, to the owner upon request.
- Section 105.1 (4) describes the Superintendent's authority to release a stolen vehicle and associated duties. Sections 105.1 (5) and (6) describe the police authority to release a stolen vehicle, and the Superintendent's duties upon receiving notice by police.

5. Administrative Reviews – Amend the *MVA* to reduce the time frame for applying for reviews; no reviews for impoundments 7 days or less; Superintendent to only pay towing and storage fees for wrongful impoundments; add review grounds to accommodate Street Racing, Excessive Speeding, Roadside Prohibitions and prescribed Dangerous Driving Activities.

Problem and Background

- The process for receiving, processing, and administering reviews of impoundments generally takes longer than 7 days.
- The owner of a vehicle currently has 30 days to apply for a review of an impoundment. Upon a successful review in certain cases, the Superintendent pays for towing and storage fees. This can result in the Superintendent paying for higher fees than are necessary, appropriated from consolidated revenue.
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- The grounds on which administrative reviews may be ordered for impoundments related to Street Racing, Excessive Speed, Roadside Prohibitions or prescribed Dangerous Driving Activities do not include economic hardship, compassionate release or wrongful impoundment.
- The grounds for administrative reviews for Driving while Unlicensed, Driving while Prohibited and Street Racing are in separate sections of the Act.

Objective and Rationale

- Objective: To provide the opportunity for administrative reviews of impoundments greater than 7 days in length.
 - Rationale: It is not practicable to complete reviews of impoundments 7 days or less.
- Objective: To reduce the window of time to apply for an administrative review of an impoundment from 30 days from the time the impoundment is ordered to 15 days.
 - Rationale: A 30 day window is unnecessarily long and results in the Superintendent issuing payments for towing and storage that are higher than is necessary.
- Objective: To amend the *MVA* to remove the provision that the Superintendent will refund review applications fees and pay the towing and storage fees for successful reviews, except for those circumstances in which the vehicle was wrongfully impounded.

- Rationale: There are rarely situations that suggest that anyone but the driver of the vehicle is “responsible” for the impoundment. The owner, through civil action can reclaim towing and storage fees from the driver. It is not in the public interest to pay for reviews of such cases.
- Objective: To provide vehicle owners with the opportunity to apply for administrative reviews of impoundments related to Street Racing, Excessive Speed, Roadside Prohibitions or prescribed Dangerous Driving Activities on the grounds of economic hardship, compassionate release or wrongful impoundment.
 - Rationale: Measure of administrative fairness. Longer-term impoundments for these behaviours and activities necessitate providing vehicle owners with the opportunity to apply for administrative reviews on expanded grounds.

Specifics of the Proposed Legislation

- 105.5 (1) is amended to delete “30” and replace with “15” and add wording to the effect of “unless the impoundment is of 7 days in length or less.”
- 105.7 (1) is amended to repeal subsections (f) and (g).
- 105.7 (1) (e) is amended to add wording to the effect of “subject to the lien as prescribed in 105.4 (2)”.
- 105.7 (1) is amended to add the grounds described in 104.8 (1) (b) and (c), and 104.8 (2) (a), (b) and (c).
- The application of sections 105.9, 105.93 and 105.95 are extended to include all behaviours and activities subject to impoundment.

6. Early Disposal Agreement – To amend the *MVA* to allow for the possibility of disposing of abandoned vehicles prior to the expiry of the impoundment period, given the consent and agreement of the owner and ILO.

Problem and Background

- Many vehicles that are impounded have values that are less than towing and storage charges, and are unlikely to be picked up by owners. In some cases, an owner informs an ILO ahead of time that he or she plans to abandon the vehicle, meaning that an ILO is unfairly burdened with an abandoned vehicle for the full length of the impoundment. Retention of low-valued vehicles is a major issue for industry.

Objective and Rationale

- Objective: To empower the ILO and owner to enter into an agreement at any time during the impoundment to transfer the ownership of the vehicle to the ILO for the purpose of salvage only. The ILO must agree to discharge any remaining lien against the owner.
 - Rationale: If it is known that a vehicle is never going to be picked up, then the length of the impoundment becomes inconsequential, and the vehicle is unnecessarily retained on the ILO’s property. Providing the opportunity for the ILO and owner to agree to scrap the vehicle allows both sides to negotiate an

agreement gives the ILO the possibility to recover some costs from the owner, and provides for the quick removal of the vehicle from the ILO's property. Discharging the lien prevents the ILO from taking further action against the owner.

- Objective: To require the Superintendent, upon notice of the agreement described above, to end the impoundment, and to direct ICBC to transfer the vehicle ownership to the ILO as irreparable salvage.
 - Rationale: Ensures that the early disposal process cannot be used to circumvent the impoundment. Vehicles transferred as irreparable salvage may not be re-sold.

Specifics of the Proposed Legislation

- New sections would be created to add these powers and duties.
- The agreement between an ILO and an owner to transfer ownership for salvage only should be in the form and manner prescribed by the Superintendent.

7. At the End of the Impoundment – Amend the *MVA* to require owners to apply to Superintendent for release of impounded vehicle only for impoundments greater than 7 days in length; eliminate the ILO's statutory waiting period following expiry of impoundments; remove requirement for ILO to send copy of Personal Property Security Act (PPSA) certificate to Superintendent; allow disposal of vehicles where the lien exceeds the vehicle's value less \$1000.

Problem and Background

- Owners must apply to the Superintendent to have their vehicles released. Requiring owners to apply to Superintendent to release vehicles following short impoundment periods is impractical and burdensome.
- ILOs must wait 30 days following impoundments before applying to dispose of vehicles. Industry consultation suggests that requiring a 30 day waiting period is unnecessary, as vehicles that are not claimed promptly after impoundments are generally abandoned.
- Current legislation requires ILOs to obtain PPSA certificates showing no other security interests on vehicles before applying to dispose of vehicles, and submitting copies of certificates as part of application.
- Superintendent will not approve of the disposal of a vehicle until the value of the lien exceeds the value of the vehicle.

Objective and Rationale

- Objective: To streamline the vehicle release process for short impoundment periods by exempting owners of vehicles impounded 7 days or less from the requirement to apply for release.

- Rationale: ILOs currently must not release vehicles prior to the expiry of the impoundment period. It would furthermore become burdensome and impractical for the Superintendent to receive, process, and approve of release applications for very short impoundments given the expected increased volume of impoundments (i.e. excessive speed and roadside prohibitions).
- Objective: Remove the statutory time period that ILOs must wait before applying to Superintendent to dispose of a vehicle.
 - Rationale: The elimination of this waiting period will allow ILOs to dispose of unwanted vehicles swiftly following the end of the impoundment period. Additional measures (e.g. agreement to establish disposal date, see above) will afford protection to owners against hasty disposals.
- Objective: Amend *MVA* section 105.4 (6)(b) to remove the requirement that the ILO file a PPSA certificate, add the requirement that the ILO obtain a PPSA certificate showing no other security interests in the vehicle, and require the ILO to declare that a PPSA certificate has been obtained showing no other interests on the vehicle.
 - Rationale: Will help streamline an already burdensome disposal process and eliminate excessive filing.
- Objective: Amend the *MVA* to allow the Superintendent to approve of disposal of vehicles where the ILO's lien on the vehicle exceeds the value of the vehicle, less \$1000.
 - Rationale: Requiring ILOs to wait until the value of lien exceeds the value of the vehicle results in unnecessarily lengthy retention of abandoned vehicles, burdening the ILO with additional storage costs while at the same time limiting the ILOs ability to recover those costs. Providing for a gap of \$1000 will allow them to dispose of abandoned vehicles sooner, and make it easier for them to recover costs.

Specifics of the Proposed Legislation

- Section 105.9 describes the owner's power to request that a vehicle be released. This would be amended to include an exception for impoundments 7 days or less in length.
- 105.4 (6) describes an ILO's duty to wait 30 days before applying to dispose. The time restriction would be removed.
- 105.4 (6) (b) (ii) describes the ILO's duty to obtain a PPSA security certificate. This duty would be removed, and the requirements in the Statutory Declaration in 105.4 (6) (b) (i) would be changed to include a declaration that the ILO has obtained a PPSA security certificate showing no other interests on the vehicle.
- 105.4 (6) (b) (i) (A) describes the requirement that the ILO declares that the lien exceeds the estimated value of the vehicle. That would change to require the ILO to declare that the lien exceeds the value of the vehicle, less \$1000.

8. After the Impoundment – Amend the *MVA* to provide a process that allows the Superintendent to direct ICBC to suspend the licensing, vehicle registration, and insurance services of vehicle owners who abandon impounded vehicles.

Problem and Background

- The sanctioning effect of a vehicle impoundment is negated when a vehicle owner simply abandons a vehicle and registers and insures a different vehicle.
- ILOs absorb the costs of abandoned vehicles. Many ILOs, especially in rural areas, feel that this is an unfair and costly burden, and that they subsidize a government program while the person who abandoned the vehicle can simply walk away without penalty.

Objective and Rationale

- Objective: To grant the Superintendent the discretionary power and authority to direct ICBC to refuse vehicle licensing and insurance services to an individual who abandons a vehicle and is indebted to an ILO. To impose a duty on the Superintendent to direct ICBC to lift those restrictions once the owner's debt to the ILO has been cleared.
 - Rationale: The Superintendent does not currently have the authority or power to restrict services, or the duty to lift restrictions.
- Objective: To grant the ILO the power to apply to the Superintendent to restrict the licensing and insurance services of an individual indebted to the ILO for abandoning a vehicle impounded under the VI Program, and the duty to inform the Superintendent when the debt has been paid.
 - Rationale: The ILO requires the discretionary power to apply for restrictions and the duty to inform the Superintendent when the debt that caused those restrictions has been paid.

Specifics of the Proposed Legislation

- New sections would have to be created to describe these duties and powers.
- Section 26 describes the circumstances under which ICBC may refuse to issue licences, licence plates, and insurance to somebody who has "motor vehicle indebtedness." This would be changed to include somebody who has motor vehicle indebtedness to a towing company who impounded a vehicle owned by that person. Requires consequential amendment regarding definition of "motor vehicle indebtedness" (see below).

9. Consequential and Transitional Amendments

Problem and Background

- Section 95 of the *MVA* makes it an offence to drive when prohibited under certain other sections of the Act, and lists the consequences of the offence.
- The power for ICBC to refuse licensing, registration, and insurance services for motor vehicle indebtedness is granted in section 26 of the *MVA*. "Motor vehicle indebtedness" is defined in section 93.1 (a)-(f) of the *Insurance (Vehicle) Act*, and includes fees prescribed under the *MVA*.

- Commencement: ICBC controls a number of the systems used in the VI Program. Some of those systems will need to be updated before some of the changes to the program can take effect.

Objective and Rationale

- Objective: To amend Section 95 of the *MVA* to include the section that describes a prohibition issued by a peace officer for driving while unlicensed.
 - Rationale: Consequential amendment necessary to make it an offence to drive while prohibited where the prohibition is issued to a driver who was caught driving while unlicensed.
- Objective: To authorize ICBC to withhold vehicle licensing, registration, and insurances services for an individual who has not paid towing and storage fees by amending section 93.1 (e) of the *Insurance (Vehicle) Act*.
 - Rationale: Consequential amendment necessary to include unpaid towing and storage charges in the definition of “motor vehicle indebtedness” in the *MVA*.
- Objective: To add section 210 (3.1) to section 210 (9) of the *MVA*.
 - Rationale: Amendment recommended by Legislative Counsel.
- Objective: To authorize the LGIC to bring the amendments in force through regulation.
 - Rationale: Bringing amendments into force by regulation will provide the Ministry with the flexibility to roll out sections that can take effect immediately and the time to make the systems changes needed for those that cannot.

Specifics of the Proposed Legislation

- Section 95 (1) (a) and (3) would be amended to include a reference to the section number which requires a notice of prohibition for a driver caught driving while unlicensed.

Impaired Driving Initiative

Overview of VI Model Changes

Working Draft

March 11, 2010

High-Level Process

Working Draft

Notice of Impoundment Processing

OSMV Receives Prohibition Notice from Police



- Police staff fax impoundment notices to the OSMV
- OSMV receives faxed notices from police in the Fax Server

OSMV Creates Prohibition Case in ADP/VI



- OSMV staff links fax image to an existing Impoundment case or creates a new case in ADP/VI
- OSMV staff populate required case information
- ADP/VI system retrieves driver details from DRIVERS system
- ADP/VI retrieves vehicle details from VEHICLES system

ADP/VI Updates ICBC's Systems



- ADP/VI automatically updates VEHICLES with the impoundment information
- VEHICLE places a snapcode in ICBC's ADC system

ADP/VI Upgrades Impoundments



- ADP/VI automatically upgrades new VI cases based on previous VI history

OSMV Notifies RO of Impoundment



- OSMV staff manually create a letter to notify Registered Owner of the vehicle impoundment and explain appeal options

Policy Model Changes

Working Draft

Current VI Model

Offense	Impoundment Term	Escalation Approach
1 Driving while Unlicensed (104)	<ul style="list-style-type: none"> 30 days for 1st offense 60 days for 2nd or subsequent offence of same type within 2 years 	Automated at OSMV
2 Driving while Prohibited or Suspended (105)	<ul style="list-style-type: none"> 60 days for 1st offense 90 days for 2nd or subsequent offence of same type within 2 years 	

Future VI Model

Offense	Impoundment Term	Escalation Approach
Non-Impaired Driving Offenses		
1 Driving while Unlicensed (replaces existing 104)		
2 Driving while Prohibited or Suspended (replaces existing 105)		
3 Excessive Speeding		
4 Driven in a Race or Engaged in a Stunt		
5 Not Sitting Properly Astride on a Motorcycle		
6 Driving a Motorcycle while Unlicensed or Under-licensed		
Impaired Driving Offenses		
6 Driving While Impaired (BAC 0.05 – 0.08)		
7 Driving While Impaired (BAC > 0.08)		

	<ul style="list-style-type: none">7-day for 1st offence30-day for 2nd offence60-days for 3rd or any subsequent offences of <u>any type</u> within 2 years	Automated or Manual at OSMV
	<ul style="list-style-type: none">7-day for 1st offence30-day for 2nd offence60-days for 3rd or any subsequent offences within 5 years	Manual by Police at roadside
	<ul style="list-style-type: none">30 days	Not Escalated

Impacts to ADP/VI

The proposed changes to the VI model will have the following impacts on the ADP/VI system:

I Case Structure

Currently each VI case in the ADP/VI system corresponds to a single impoundable offense. In the future, if multiple offenses are committed as part of the same incident, a single VI form will be used, and all offenses will be treated as 1 VI Case for escalation purposes. This requires the following changes to ADP/VI:

1. Ability to add multiple offenses to a single VI case (i.e. ability to select multiple reasons)
2. Ability to adjudicate reviews on individual offenses within a VI case
3. Additional controls to the Vehicle Release process to prevent release if at least one of the offenses on a case is still outstanding

II Release Date Calculation Logic

Currently ADP/VI sets the Projected Release Date to be 30 days after the impoundment for all new VI cases (prior to escalation). This logic will need to be changed to account for the type of offense:

- For Non-Impaired Driving offenses: Projected Release Date = Impoundment Date + 7 days (prior to If the escalation)
- For Impaired-Driving offenses with BAC > 0.08: Projected Release Date = Impoundment Date + 30 days
- Etc. – see previous slide

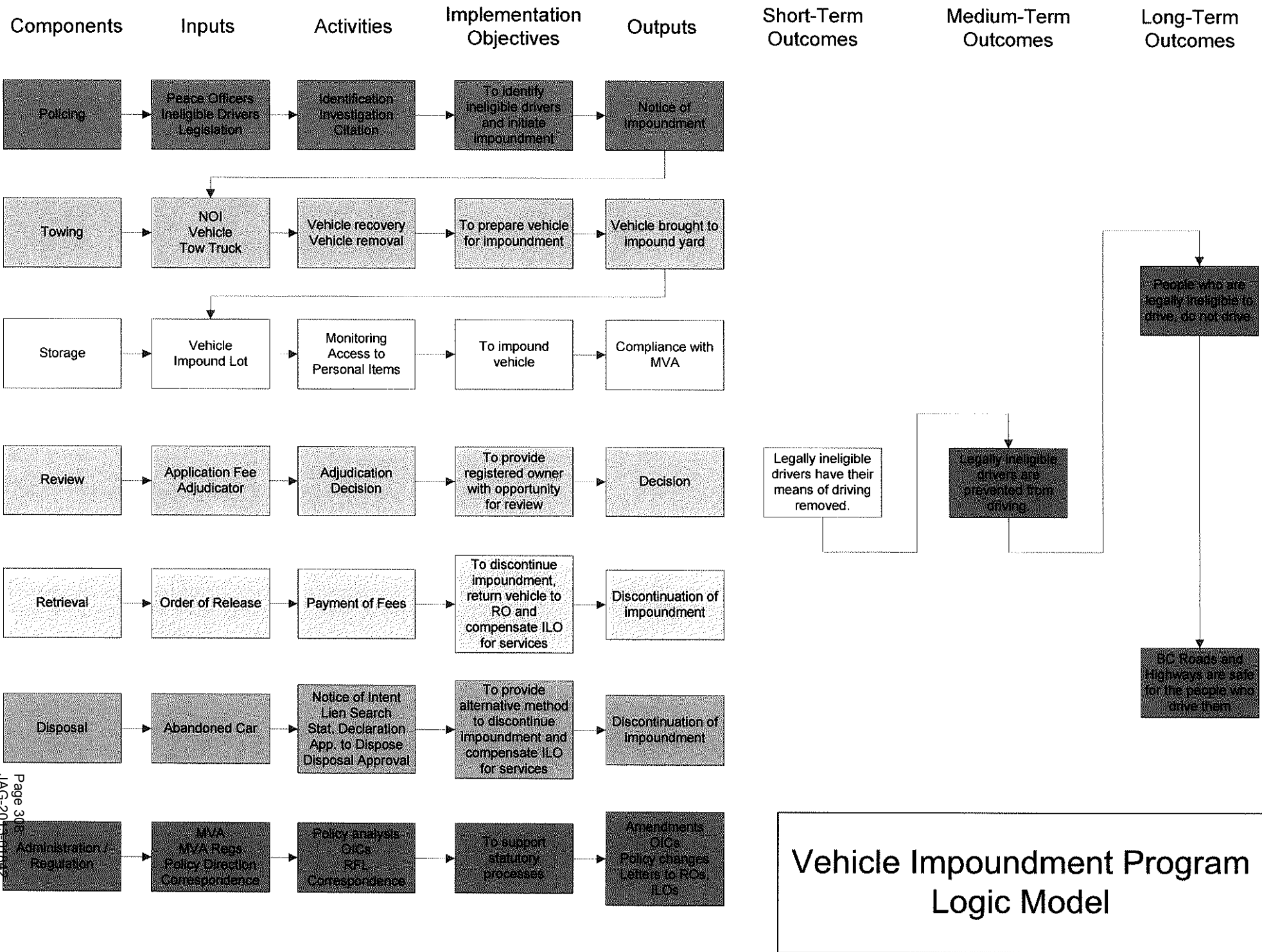
III Automated Escalation Rules

Currently impoundments are automatically upgraded from 30 to 60 days if the RO has committed another offense of the same type within the past 2 years. The following changes are required to the automated rules:

1. Escalation is only applied to Non-Impaired Driving offenses (impaired driving offenses will be escalated at roadside)
2. Escalation is applied if any type of non-impaired offense exists within the last 2 years (does not need to be the same offense)
3. Upgrade length is changed to escalate the impoundment term from 7 to 30 to 60 days, instead of from 30 to 60

IV Code Values

New codes will need to be added to the VI “Reason” field for each new type of impoundable offence



DRAFT REQUEST FOR LEGISLATION - 2010

MINISTER:

Honourable Kash Heed
Minister of Public Safety and Solicitor General

DATE:

October 14, 2009

NAME OF ACT:

Motor Vehicle Act

PURPOSE:

Legislative amendments to the *Motor Vehicle Act (MVA)* are required to restructure the Vehicle Impoundment (VI) Program. These amendments are necessary in order to support ministerial direction for an expanded impaired driving strategy, consolidate and simplify vehicle impoundment legislation, and to ensure the economic sustainability of the VI Program throughout the province.

The VI Program was established in 1997 to replace fines and the possible incarceration of disqualified drivers with vehicle-based sanctioning. The program is built on a user-pay model that requires the participation of private towing companies in order to function. Over time, towing companies have experienced a number of issues with the program. Those issues include: high rates of vehicle abandonment; difficulty recovering the costs of towing, storing, and disposing of abandoned vehicles; and expensive and complicated disposal processes.

These issues, in combination with rising land prices and fuel costs, have made participation in the program economically unviable for many towing companies, especially in rural areas. Some towing companies have already withdrawn from the program, and others are close to doing so, jeopardizing a crucial public safety measure.

There is a risk that, if towers continue to withdraw from the program, areas of the province will not have impoundment services. If the police cannot impound vehicles in accordance with the legislation, vehicles could be left in the possession of individuals who are disqualified from driving them, creating a considerable public safety risk.

The policy goals of the proposed amendments are:

s.13, s.14

The legislation around vehicle impoundments has been only minimally changed since being passed to law in 1997:

- The statutory waiting period before vehicle disposal was reduced from 60 days to 30 days,
- Driving while suspended was added as an impoundable infraction,
- The number of days that a vehicle impounded is for driving while prohibited / suspended increased from 30 to 60, and,
- Impoundment was added as a sanction for Street Racing.

LEGISLATION:

s.13, s.17

CONSULTATIONS:

Internal

- ICBC manages a number of systems currently utilized by the VI Program. Some proposed amendments will require systems changes. ICBC negotiates towing and storage rates for insurance-related tows, but separate from VI Program rates. Proposed amendments involve harmonizing with ICBC rates. OSMV has initiated the process needed to begin discussions on systems changes with ICBC, and is currently awaiting a response.
- Police Services Division supports the initiative and has advised that the consultation document should be tabled to the BCACP Traffic Safety Committee / Enforcement Subcommittee in October.
- Ministry of Aboriginal Relations and Reconciliation advised that proposal does not impact Province's treaty obligations. MARR have advised that there is an obligation to notify Tsawwassen First Nation and Maa-nulth First Nation, and to consult with the Nisga'a Nation. Notification has been sent.
- Ministry of Community and Rural Development advised that proposal has no direct implications for local governments. MCRD have advised to alert the Union of BC Municipalities (UBCM) to the proposal for feedback on implications for municipal police forces.
- Ministry of Small Business, Technology, and Economic Development advised that proposal has no impact on the Trade, Investor, and Mobility Agreement. Proposed changes would remove barriers to investment.
-

s.14

- Regulatory Reform Office advises that the proposal is in keeping with the principles of the Regulatory Criteria Checklist.
- The Privacy Impact Assessment is pending completion of a core systems review. Expected completion date: November 2009.

External

- Police officers enforce the sections of the *MVA* that relate to the VI program. The *MVA* imposes duties onto police officers. Proposed amendments will amend those duties. Police have expressed support for vehicle impoundments as sanctions, as well as interest in seeing impoundments extended to other motor vehicle offences.

- The Automotive Retailers Association (ARA) represents most ILOs in the province. Most ILOs are represented by the ARA. ILOs are the primary service delivery partners for the VI program. Proposed amendments will amend the duties and powers of ILOs.

Consultation was conducted through a working group of ARA members who represented the Lower Mainland, Victoria, and the Interior / Okanagan. The nature of the consultation was to discuss the current state of the VI Program, to discuss potential solutions to the problems faced by the program, and to receive feedback on possible solutions developed by the OSMV VI Working Group.

There was relatively strong support among the ARA for the proposal. In particular, there was support for Early Disposal processes, the elimination of the disposal waiting period, and streamlining of the disposal process. There was some resistance to harmonizing towing and storage rates with ICBC rates, and concerns that reduced impoundment days would impact revenues.

- Consultations with several First Nations are required. Expected completion: September 2009.
- The Union of British Columbia Municipalities expresses support for making streets safer, especially impoundments for excessive speeding and dangerous driving behaviours. UBCM is interested in further consultation on access to vehicles and ICBC debt enforcement.

SIGNATURE(S):

Deputy Minister's signature (for consultation section)

Sponsoring Minister(s) must sign the RFL

Ministry's Instructing Officer:
Brad Gerhart 387-1752

Ministry Solicitor:
Melanie Murray 356-8458

APPENDICES:

Appendix A: Legislative Counsel Comments
Appendix B: Treasury Board Staff Comments
Appendix C: Three Column Document
Appendix D: Drafting Instructions

Vehicle Impoundment Form Tracking (as of June 28, 2010)

Document	Type	Used by	Status (not started, reviewed, draft pending, draft, complete, no changes needed)	Document Area Lead
Reasonable Care and Diligence (Lay person)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence (Hired Driver)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence (NSC Vehicle)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence (Rental Agency)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence – Behaviour-based (Lay person)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence – Behaviour-based (Hired Driver)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence – Behaviour-based (NSC Vehicle)	Template	Adjudication	Draft	Kathy
Reasonable Care and Diligence – Behaviour-based (Rental Agency)	Template	Adjudication	Draft	Kathy
Economic Hardship	Form Letter	Adjudication	Draft	Kathy
Compassionate Release	Form Letter	Adjudication	Draft	Kathy
Knowledge and Consent	Form Letter	Adjudication	No changes needed	Kathy
Review Unsuccessful	Form Letter	Adjudication	Draft	Kathy
Review Successful	Form letter	Adjudication	Draft	Kathy
Review Decision	Form Letter	Adjudication	Draft	Kathy
Review Decision – Unlicensed Prohibition	Template	Adjudication	Not started	Dan
VI Adjudicator Worksheet	Form	Adjudication	Not started	Kyle
Statutory Declaration & Request for Disposal	Form	ILO	Draft	Catherine
Statutory Declaration (EDA) &	Form	ILO	Draft	Catherine

Request for Early Disposal				
ILO Application and Information Update	Form	ILO	No changes needed	Catherine
Refuse To Issue Application	Form	ILO	Not started	Kyle
Early Disposal Agreement	Form	ILO / Owner	Draft	Kyle
Owner Notification of Impoundment	Form Letter	Intake	Draft	Catherine
Owner Notification of Upgrade	Form Letter	Intake	Draft	Catherine
Fax Sheet – Vehicle Disposal Correction	Form Letter	Intake	Draft	Catherine
Checklist for ILO Review	Form	Intake	No changes needed	Catherine
Vehicle Disposal Decision (Approved)	Form Letter	Intake	No changes needed	Catherine
Vehicle Disposal Decision (Not approved, lien)	Form Letter	Intake	No changes needed	Catherine
Vehicle Disposal Decision (Out of province)	Form Letter	Intake	No changes needed	Catherine
Low Value of Vehicle	Form Letter	Intake	No changes needed	Catherine
Revenue Stock Options Notice (Denied disposal)	Form Letter	Intake	No changes needed	Catherine
Revenue Stock Options Notice (Approved)	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – Not Registered in BC	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – Vehicle Disposal Decisions	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – Vehicle Disposal Decision	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – Update of ILO information	Form Letter	Intake	No changes needed	Catherine
ILO Expression of Interest (Denied)	Form Letter	Intake	No changes needed	Catherine
ILO Expression of Interest (Conditional acceptance)	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – List of Approved ILOs to Police	Form Letter	Intake	No changes needed	Catherine
Fax Sheet – Agreements not received	Form Letter	Intake	No changes needed	Catherine
ILO Agreement	Form Letter	Intake	No changes needed	Catherine
ILO Agreement Notice	Form Letter	Intake	No changes needed	Catherine
VI Notice stuffer	Bulletin	Intake	Draft	Kyle / Dan
EDA Notification to ICBC (if	Form	Intake	Not Started	Kyle

needed)	letter			
Fax to Police for VI Documents	Form	Intake	No changes needed	Catherine
VI Order of Release (Adjudication)	Form Letter	Intake / ILO / Owner/ Representative	Draft	Catherine
VI Order of Release (POS)	Form	Intake / ILO/ Owner	Draft	Catherine
Impoundment revoked (prohibition revoked)	Form letter	Intake / Adjudication	Not started	Dan
OSMV VI Program Fact Sheet	Bulletin	Owner	Reviewed	Kyle
Application for Review (EH/CR)	Form	Owner	Draft	Dan
Application for Review (All except EH/CR)	Form	Owner	Draft	Dan
Police Procedures (VI)	Bulletin	Police	Draft	Dan
Police Procedures (UL Prohibition)	Bulletin	Police	Draft	Dan
Notice of Impoundment	Form	Police	Draft	Dan
Report to Superintendent	Form	Police	Draft	Dan
Notice of Driving Prohibition / Certificate of Service	Form	Police	Draft	Dan
VI Order of Release (Stolen)	Form	Police	No changes needed	Dan

Count: 56

Not started: 5

Draft Pending: 0

Reviewed: 1

Draft: 29

No changes needed: 21

Vehicle Impoundment Project Plan Summary – June 28, 2010

Deliverable	Status	Start Date	End Date	Description
1. Legislation	Complete	Apr 27	Jun 3	MVAA received royal assent Jun 3
2. Regulations	On Track	Jun 4	July 15	OIC being drafted
3. Policies & Procedures	On Track	Sep 24	Sep 20	Ongoing working group meetings
4. Forms & Templates	On Track	Apr 1	July 5	Forms mostly complete
5. Program Manual	On Track	Apr 1	July 5	Program manual mostly complete
6. ILO Training	On Track	Jun 15	Aug 31	Training plan being developed
7. Communications	On Track	Feb 15	Sept 20	Q&A and ARA news article

Pages 316 through 322 redacted for the following reasons:

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Motor Vehicle Act

Vehicle Impoundment Towing and Storage Rate Increases

2009 Drafting Instructions for Amendments to sec 43.05 of the MVA Regulations

January 28, 2009

PURPOSE

The Office of the Superintendent of Motor Vehicles (OSMV) operates the Vehicle Impoundment Program in which tow companies and Impound Lot Operators (ILO) apply to participate. Every authorized ILO must comply with the VI Program's fee schedule, storage rules and standards.

Section 104.5 (2a) and 105.4 (2a) of the *MVA* expressly authorize the ILO to charge fees related to the costs associated with transportation, towing, care, storage, disposition and other related activities respecting the impoundment of the vehicle. The impoundment fee structure is prescribed by section 43.5 of the *MVA Regulations*. Fees are paid directly to the ILO.

s.13

Pages 324 through 325 redacted for the following reasons:

s.13



May 13, 2009

Reference No. 373766

Dale Finch, Executive Director
Automotive Retailers Association
Unit 1 – 8980 Fraserwood Court
Burnaby BC V5J 5H7

Dear Mr. Finch:

I would like to thank you and the Automotive Retailers Association (ARA) for initiating, organizing, and facilitating our meeting with Impound Lot Operators (ILOs) on February 16, 2009, regarding the provincial Vehicle Impoundment Program.

The Vehicle Impoundment Program is an important component of our approach for ensuring the safety of the people who travel British Columbia's roads and highways. ILOs are key partners in road safety, and I greatly valued the opportunity to meet face-to-face and hear their concerns. I was very impressed by the professionalism shown by the ARA members who participated. The feedback I received from them was very informative, and will be extremely valuable in our examination of the program going forward.

I would like to emphasize that I fully appreciate that the underlying user-pay model, as currently designed, is not working in a number of areas within the province from the perspective of the ILOs, and this has a direct impact on them and their willingness to participate. Concerns raised at the meeting will play a key role in our review of this program so that the fundamental economic structure works in all areas within British Columbia.

At our meeting the ILOs raised a number of important issues which are highlighted below with specific actions I have initiated. Some actions relate to addressing structural issues with the program which may require redevelopment of the existing legislative and/or regulatory framework to address, and other more immediate actions that can be implemented within the boundaries of the existing program framework.

Overall Concern with the Vehicle Impoundment Program

At this time, we have begun a full review of the Vehicle Impoundment Program, and it is my sincere hope that we will be able to create long-term solutions that effectively address the concerns that have been raised by your organization and its members. I anticipate that this review may result in a proposal for the redevelopment of the existing

.../2

legislative and/or regulatory framework to address the structural areas of the program, many of which were discussed at our meeting. It is my intention to bring potential solutions to the attention of the Solicitor General as soon as practical.

Removal of Vehicle Assets at Roadside

At the meeting, members brought to my attention that there have been incidents where the registered owners of vehicles are removing car batteries, tires, and other items required to operate vehicles while they are still under the supervision of a peace officer. I want to let you know that my staff raised this issue at a recent meeting of the BC Association of Chiefs of Police Traffic Safety Committee meeting and asked that this issue be addressed within the enforcement community.

OSMV Staff Interaction with Vehicle Owners

My staff will no longer automatically arbitrate in favour of registered owners in disputes with ILOs over access to personal property in vehicles stored on impoundment lots. Instead, when registered owners contact the OSMV regarding personal property disputes, my staff will use those occasions to encourage registered owners to make contact with ILOs, and allow them to resolve those disputes privately. My staff will also use those occasions to remind registered owners of their financial obligations to the ILO holding their vehicle and encourage them to settle these obligations prior to removing property.

Determining Value of Vehicles

A number of very valid points were raised regarding the determination of vehicle values. In particular, concerns were raised regarding the OSMV approach to valuation, which focuses on examination of a vehicle picture, its mileage and gold book price structure. In the view of the ILO this approach was not appropriately balanced, in many cases, by the ILO's *on-the-ground perspective* of a vehicle's general condition and marketability. From this point forward I have instructed staff to give significant weight to the information provided by ILOs regarding vehicle value.

Disposal of Abandoned Vehicles

I recognize that a number of your members are experiencing a high level of abandonment of low-value vehicles impounded under the program. Unfortunately, it is not possible under current legislation for a registered owner to transfer a vehicle to an ILO prior to the expiration of the impoundment period, or for an ILO to dispose of a vehicle prior to the 30-day period following an impoundment. However, we have received a legal opinion that there is nothing in the *Motor Vehicle Act* that would prevent

.../3

an ILO from negotiating and completing post-dated paperwork for a transfer of vehicle registration with the registered owner in advance of the expiry of the impoundment period. An ILO could then submit that paperwork the day after an impoundment expires, at which point he or she could apply for the vehicle's release as the vehicle owner. I wanted to bring this option to your attention, in case any of your members had the opportunity to negotiate such a transfer as part of a settlement with registered owners who might otherwise abandon their vehicles.

I hope that you will find this information helpful, and I would appreciate if you would forward a copy of this letter to your membership. I look forward to working with the ARA in the coming months as we build an improved vehicle impoundment program model. In addition, we will continue to research more immediate options to assist ILOs. I am confident that, in conjunction with the ARA, the police, and our other program partners, we can ensure that the program remains an effective tool for maintaining and improving road safety in British Columbia.

Yours sincerely,

Steve Martin
Superintendent

pc: Chief Constable Jamie H. Graham, Chair, BCACP Traffic Safety Committee
Superintendent Norm Gaumont, "E" Division Traffic Services

Pages 329 through 341 redacted for the following reasons:

S.13



MINISTER OF FINANCE

REFERRAL NUMBER: _____

REFER TO: MIN ☐ DM ☐ MA ☐ AC ☐

RECEIVED: **JUN 26 2012**

DRAFT ☐ REPLY ☐ INFO ☐ FILE ☐

REMARKS: _____

June 20th, 2012

Minister Kevin Falcon
Parliament Buildings
Room 153
Victoria, BC
V8V 1X4

Dear Minister Falcon,

I'm writing to introduce our new automotive association and to request a meeting with you as earliest convenience. Our new association has been formed by members of the towing industry as a direct result of ICBC's disregard and abuse of it's dominant position, given it's power by the shareholder, the province of British Columbia. Section 7 of the Insurance Act states that ICBC treat it's stakeholders equitably and fairly. We do not feel that industry is being treated that way at all.

About two years ago, ICBC started taking steps under the Federal Competition act, to create an environment that the corporation would no longer be legally able to negotiate and communicate with stakeholder groups. ICBC is not open and transparent and in fact has not been forth coming with the facts it communicated to the Competition bureau. ICBC asked for an opinion that at the end of the day supposedly resulted in that very situation ICBC could no longer deal with stakeholder groups.

In addition the office of the Superintendent of Motor Vehicles (OSMV) decided that it no longer wished to deal with yearly rate increases forwarded to treasury board. OSMV then recommended to the ministry that ICBC control rates for the Impound Lot Operators. This is a complete conflict of interest.

These two circumstances along with some other ICBC policies have had a devastating financial effect on the towing industry and other automotive sectors in this province. I hope I have communicated the gravity and urgency of the situation.

The tax revenue and employment of the Province of British Columbia is being affected by a crown monopoly that in our opinion has shielded its agenda from the shareholder. I look forward to meeting with you as soon as possible.

In closing Minister, I've always considered you very knowledgeable and supportive of the automotive small business sector. We look forward to communicating solutions and working with you soon.

Yours truly,
Western Canada Automotive Business Association

Dale Finch
President & CEO

New & Simplified Approach to Vehicle Impoundment

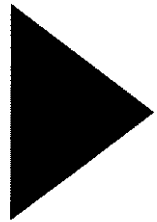
Presentation to Automobile Retailers Association

June 15, 2010

Office of the Superintendent of Motor Vehicles

Ministry of Public Safety & Solicitor General

Consultations: What We Heard from You



**No Accountability Mechanism
to Dissuade Clients from
Abandoning their Vehicles**



**Every Abandoned Vehicle
Represents a Loss for the ILO**

Consultations: What We Heard from You



**Majority of Abandonments
Come from 90 Day
Impoundments**



**Disposal Process Should be
Streamlined**

Consultations: What We Heard from You



**Method to Sign Over Low Value
Vehicles for Early Disposal**



**Lien Value = Vehicle Value:
Too Restrictive**

Better System for Impound Lot Operators



Better System for Impound Lot Operators



Elimination of 30 day waiting period for disposal



Debt enforcement - refuse to issue:

- driver's licence
- vehicle registration
- vehicle insurance until debt is paid

Better System for Impound Lot Operators





**ILO Ability to Negotiate with
Client an Extension for
Payment**



**ILO Ability to Enter into Early
Disposal Agreement with Client
in Cases of Irreparable Salvage**

Better System for Impound Lot Operators

-  **ILO Ability to Dispose of Higher Value Vehicles Through the *MVA* Disposal Process**
-  **Sympathetic Administration Continues Regarding Access to Personal Property**

Better System for Impound Lot Operators



ILO Ability to Charge for:

- recovery and standby time
- fuel surcharge
- storage based on vehicle footprint



Towing and Storage Rates Harmonized with ICBC Rates

Impaired Impoundments

Warn
Range



3 days for first
prohibition

7 days for the second
prohibition in 5 years

30 days for the third &
subsequent in 5 years

Fail



Automatic 30 day
impoundment

Other New Impoundable Offences

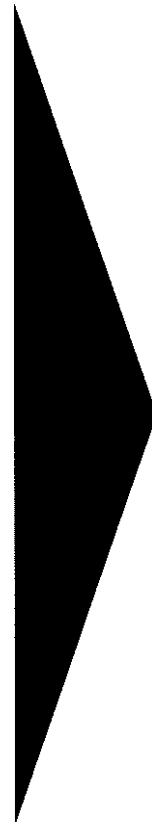
Unlicensed
Prohibited & Suspended
Excessive Speeding
Street Racing
Stunts
Motorcycle Seating
Motorcycle Licensing Conditions or Restrictions

7 days for first impoundment
30 days for the second impoundment in 2 years
60 days for the third & subsequent in 2 years

90 Day Impoundments

Unlicensed Drivers

\$138 fine
1st Offence: \$138 Fine + Notice of Impoundment placed on driving record
2nd & Subsequent Offences: \$138 Fine + Impoundment



1st Offence: \$276 fine + Notice of Impoundment
2nd Offence: \$276 Fine + Impoundment + Driver Prohibited at Roadside
3rd & Subsequent: Same as Driving while Prohibited

Anticipated Volumes

Impoundable Offences	2009 Incidences	Expected Incidences
Unlicensed	5,779	5,799
Prohibited or Suspended	3,879	3,879
Street Racing	199	199
24 Hr. Roadside Prohibition	40,000	4,800
3 Day Roadside Prohibition	N/A	26,244
7 Day Roadside Prohibition	N/A	2,333
30 Day Roadside Prohibition	N/A	583
Excessive Speed	N/A	8,000
90 Day Roadside Prohibition	N/A	13,040
TOTAL	49,857	64,877

What We Were Not Able To Do



**Extend Lien to Include
Personal Property**



Pay for Abandoned Vehicles

OSMV Contact:
Brad Gerhart (250) 387-1752

ARA Meeting – Surrey February 16, 2008

- Steve provided history – post 2005
- Admitted that there are problems with the program design
- Announced approved 15% fee increase
- Conceded that approved 15% rate increase may no longer be competitive against ICBC rates given recent adjustments in the ICBC rates.
- Explained the FIP process
- Asked how to make the program work both in the short and long-term?
- Many ILOs unable to continue under current structure
- Want to be paid for abandoned vehicles
- Accountability for abandoned vehicles a problem
- Don't want it to be their problem to chase down people, when they are providing a service to the crown
- Every vehicle abandoned represents a loss for the ILO
- On day 31 of the impoundment dispose of abandoned vehicles through ICBC
- Recycling fee on every sold vehicle to offset abandonment
- No accountability for those continuously driving junkers
- MOTI pays for abandoned vehicles on provincial highways
- Part of a broader problem with abandoned vehicles
- Want to know why there are not penalties for the person abandoning their vehicles opposed for the tower?
- Education for sellers about what their responsibilities are in a transfer of ownership
- Program was set-up based on the assumption of a 25% retention rate
- This initial assumption is no longer acceptable for many ILOs in the room
- No longer want to lose money on the program
- Several ILOs pointed out that the higher the towing and storage rates go the worse the retention rates get
- 30/60/90 day impoundments causing the problem more then the 24 hrs
- Relationship between vehicle values and length of time on the lot and chances that someone will p/u their vehicle
- Need a method of forcing people to make choice
- Disposal process should be streamlined
- ICBC won't register or insure future vehicles until the lien is cleared
- Why don't we copy the Washington/California model?
- In the past guys have been tied into municipal contracts, but now they are ready to bolt
- An in term solution maybe to encourage the registered owners of low value vehicles to sign them over to the ILO and for the OSMV to turn a blind eye to early disposal
- Police will issue VIs when the vehicle has been in an accident
- Can vehicles be signed over previous to the end of the impoundment period?
- Difficulty in removing liens so that vehicles can be disposed
- Problem with vehicles having to be within \$700 in value of the towing and storage fees before release will be approved

- Incidents reported of police allowing registered owners to remove all manner of personal effects from their vehicles including car batteries
- Legal opinion about voluntarily transferring abandoned vehicles from the registered owners to the ILOs
- 35% rate increases are the tipping point for higher retention rates

ARA News Article – Recent Legislative Changes To Enhance The Vehicle Impoundment Program

On June 15th, Stephen Martin, Superintendent of Motor Vehicles, spoke to the Towing and Recovery Division of the ARA about recent *Motor Vehicle Act* changes which will improve the economic viability of the Vehicle Impoundment Program. The changes are profiled in this article.

Effective this fall, British Columbia will have Canada's most immediate and severe impaired driving penalties. Drivers who provide a breath sample above 0.08 per cent Blood Alcohol Concentration or refuse to provide a breath sample at roadside will face an immediate 90-day driving ban and a \$750 fine. As well, their vehicle will be impounded for 30 days.

Drivers caught once in the warn range (between 0.05 and 0.08 per cent Blood Alcohol Concentration) in a five year period will face an immediate three-day driving ban and a \$200 fine; a second time, a seven-day ban and a \$300 fine; and a third time, a 30-day ban and a \$400 fine. As well, police will have the discretion to impound vehicles for 3 or 7 days when a corresponding three or seven-day driving ban is issued, and must impound for 30 days when a 30-day driving ban is issued.

Effective this fall, other changes to the *MVA* eliminate 90 day impoundments for prohibited and suspended drivers and introduce new impoundments for excessive speed, street racing, stunt driving, and motorcycle seating and Graduated License Program offences. Impoundments for unlicensed drivers, prohibited and suspended drivers, excessive speed, street racing, stunt driving, and motorcycle seating and Graduated License Program offences are issued by police at roadside as 7 day impoundments. If the owner of the motor vehicle has had any other vehicle previously impounded in a two year period, the impoundment is upgraded to 30 days. If it is the owner's second or subsequent impoundment in two year period, the impoundment is upgraded to 60 days. All non-impaired impoundable offences follow a 7, 30, and 60 day upgrade model for any non-impaired impoundable offence within a two year period.

In response to the concerns of industry about the high abandonment rate of low value vehicles and an overly complex disposal process, other changes to the *MVA* effective this fall include: a process for early disposal of abandoned vehicles; waiving the 30-day waiting period to apply for disposal; debt enforcement through licensing and insurance; and, allowable charges to include recovery, standby, fuel surcharges, etc.

These changes to the Vehicle Impoundment Program are expected to increase the total number of impoundments from approximately 49,000 per year to over 64,000 per year, as well as to significantly reduce the overall abandonment rate across the province.

To prepare for the changes, a working group has been formed that includes Dan Bird and other members of the Towing and Recovery Division Executive to receive in-depth training on the new legislation. Your Executive will be experts in the new legislation and will train the rest of the ARA membership in follow-up group training and information sessions to take place in early September. These sessions may take place in Vancouver or be regionally based, depending on the interests and training needs of ARA members.

The division, the ARA, and the Office of the Superintendent of Motor Vehicles (OSMV) have worked in partnership to bring about positive changes to the Vehicle Impoundment Program that address many of the concerns of ARA members. The division and the ARA look forward to working in continued partnership with the OSMV in the implementation of these important legislative changes.

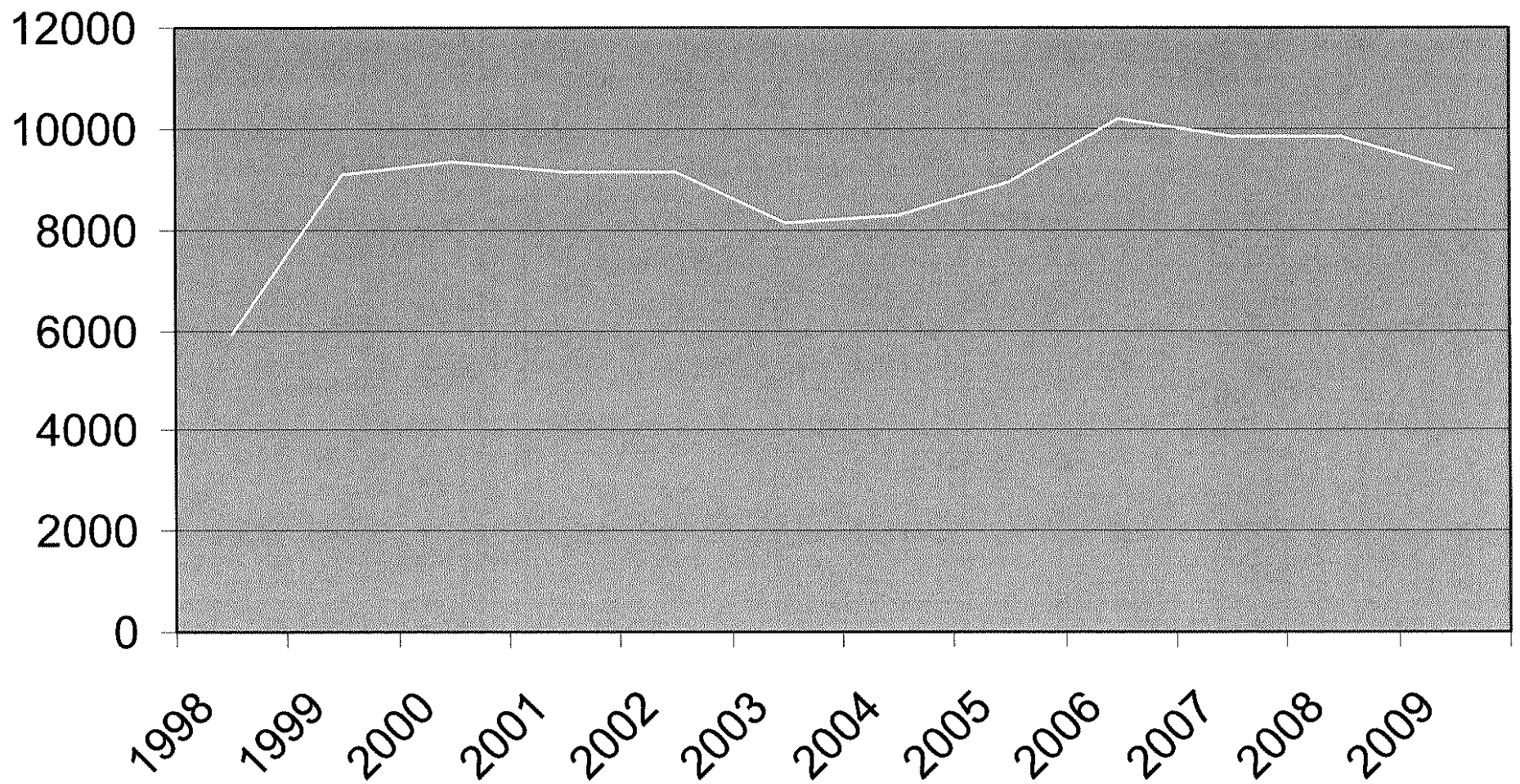
Automotive Retailers Association Consultation Meeting

Vehicle Impoundment Program
June 24th, 2009

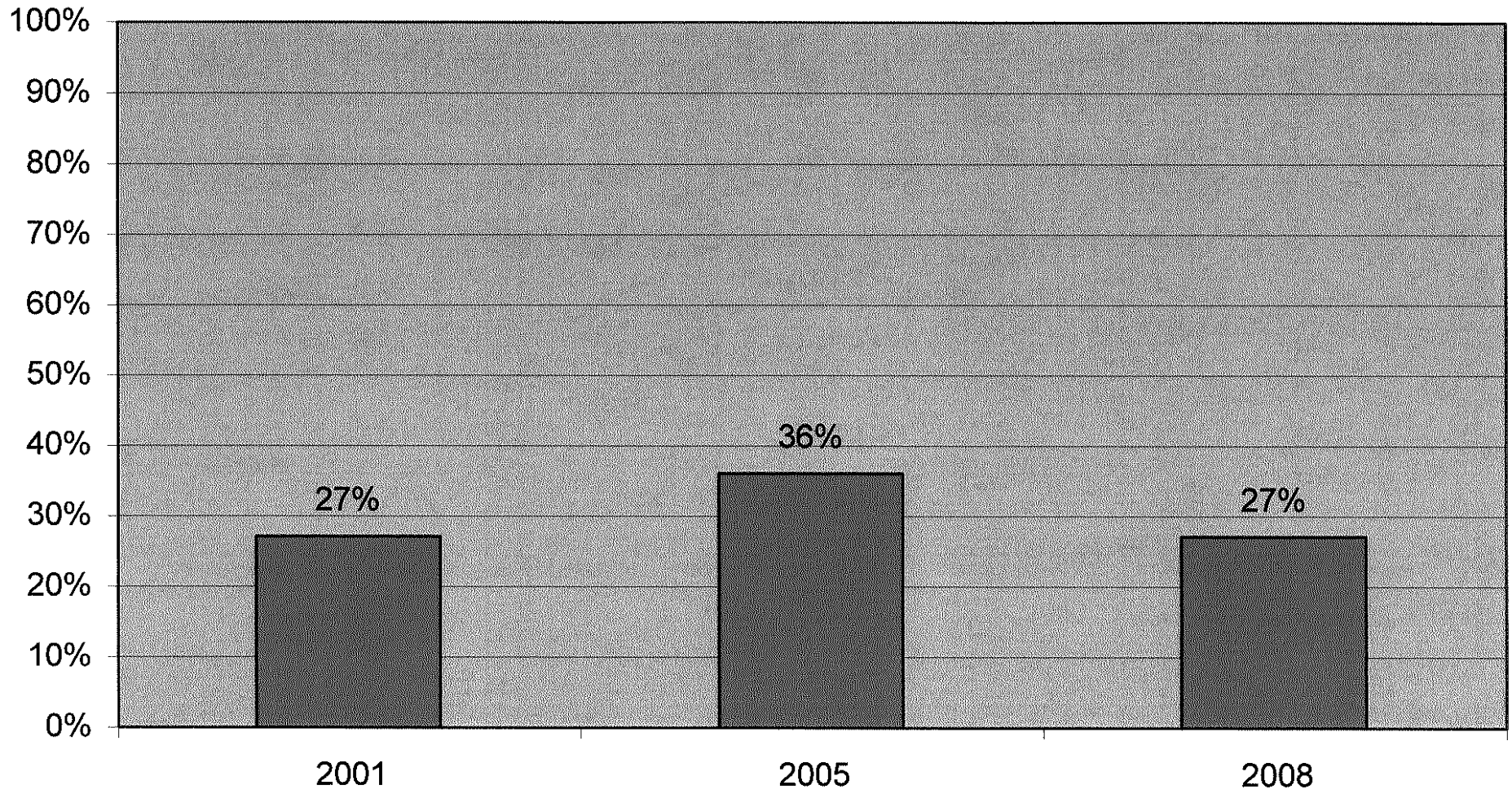
Methodology

- Random samples from OSMV and ICBC databases
- 95% Confidence Interval, +/- 5%
- Vehicle values cross-referenced with Sanford-Evans Gold Book
 - Calculated at 85% of Retail category
- Driver information cross-referenced with ICBC driver information database

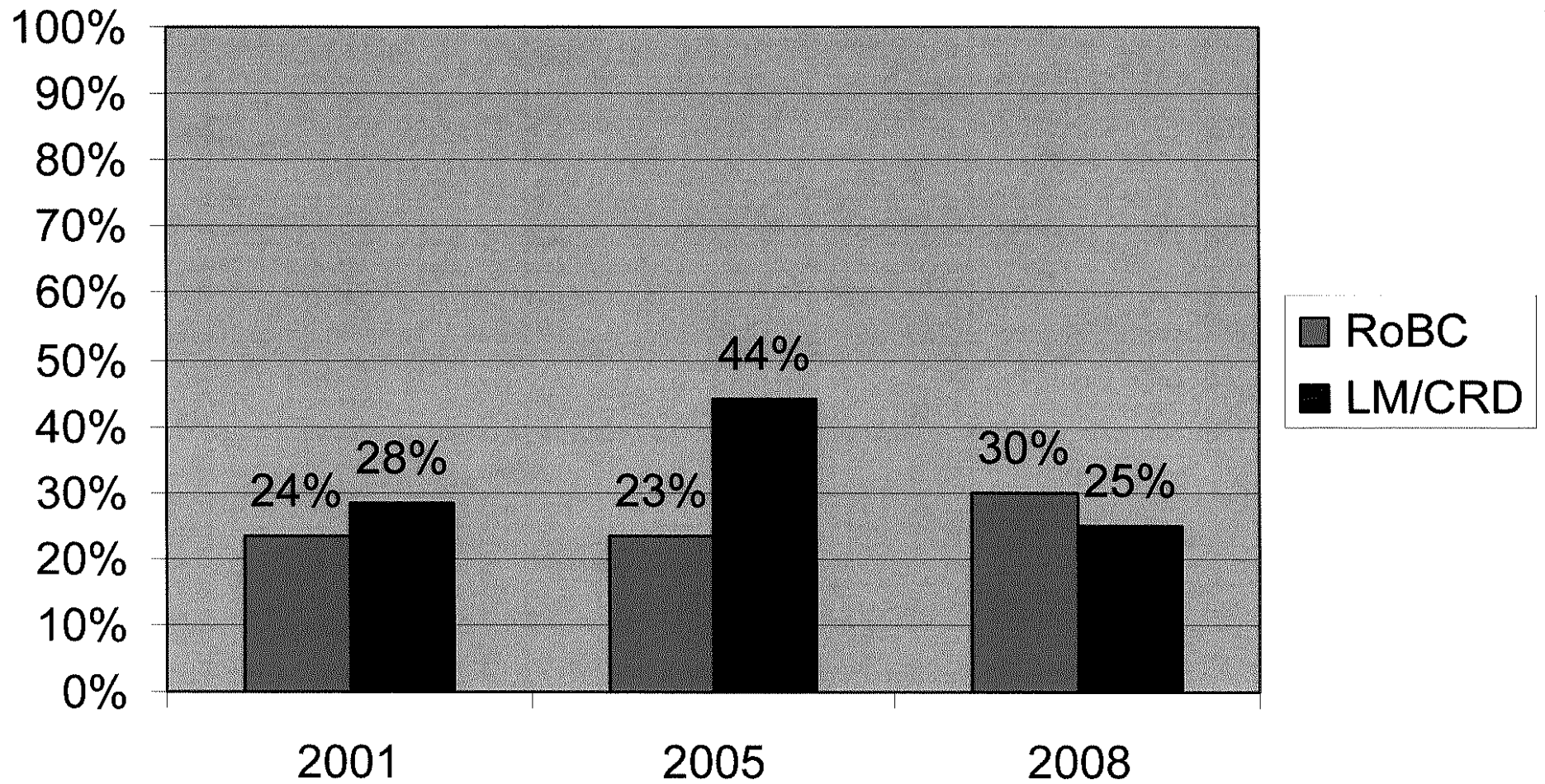
Impoundments by Fiscal Year



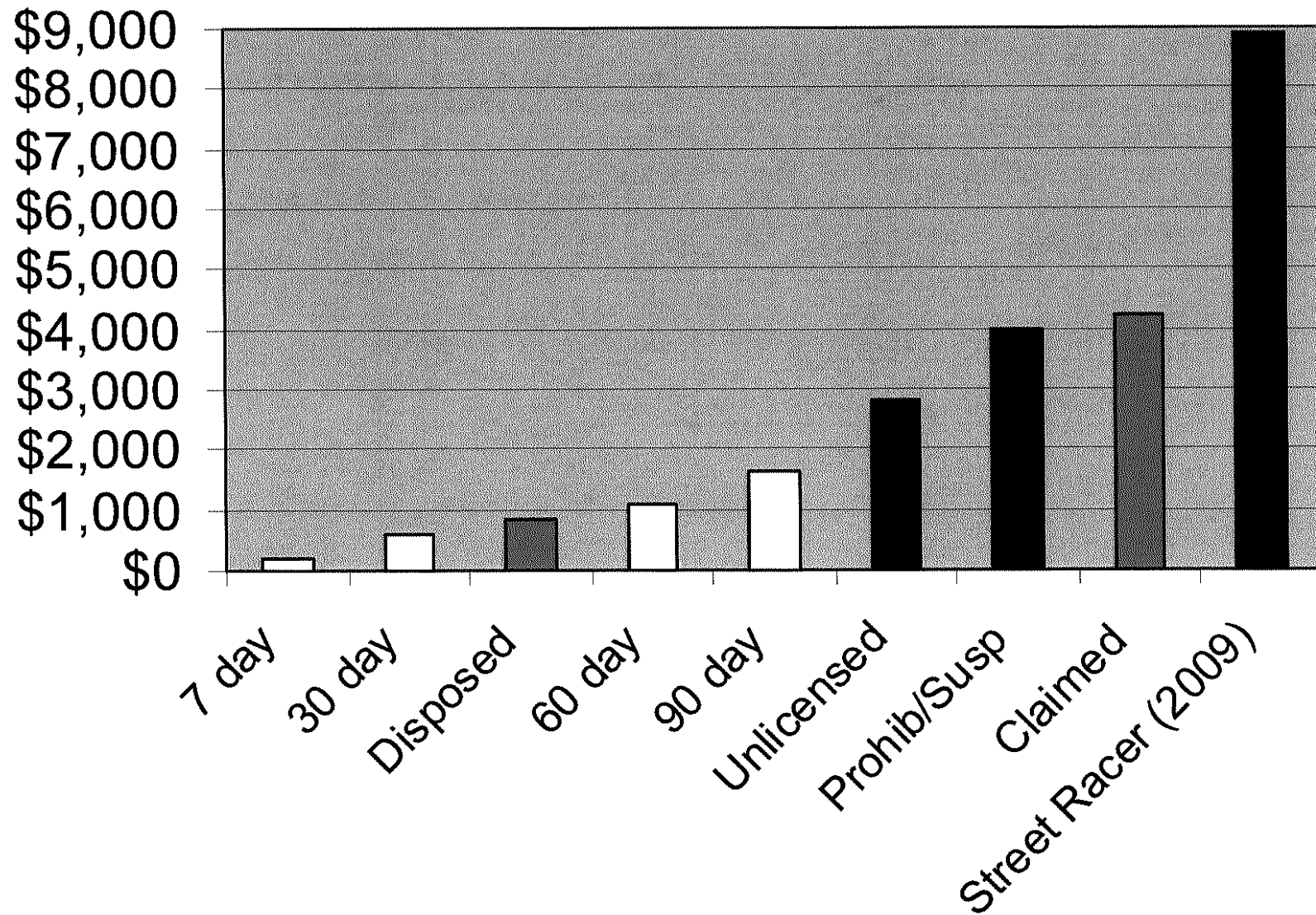
Disposal Rate



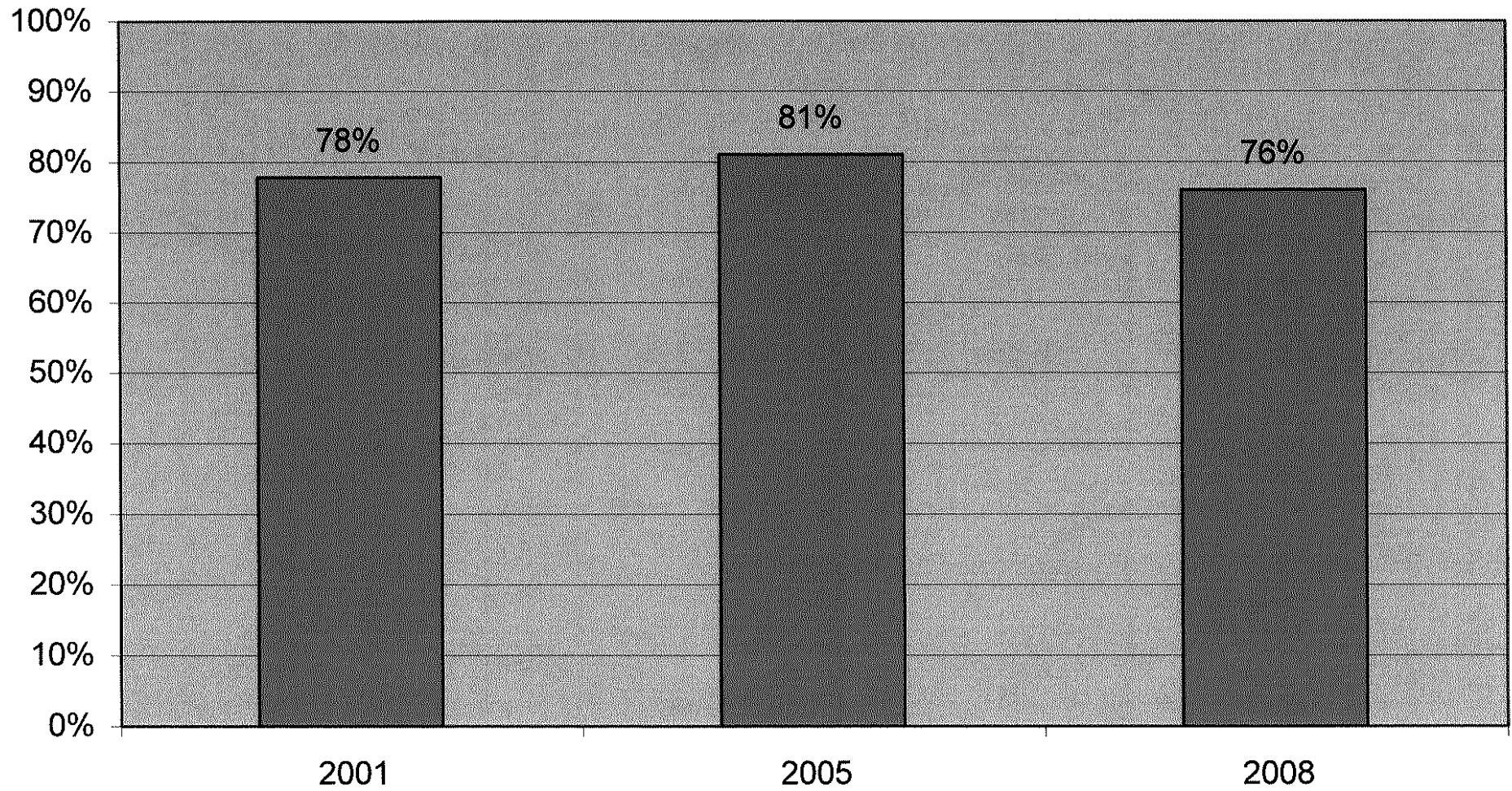
Disposal Rates - Urban Areas vs. Rural Areas



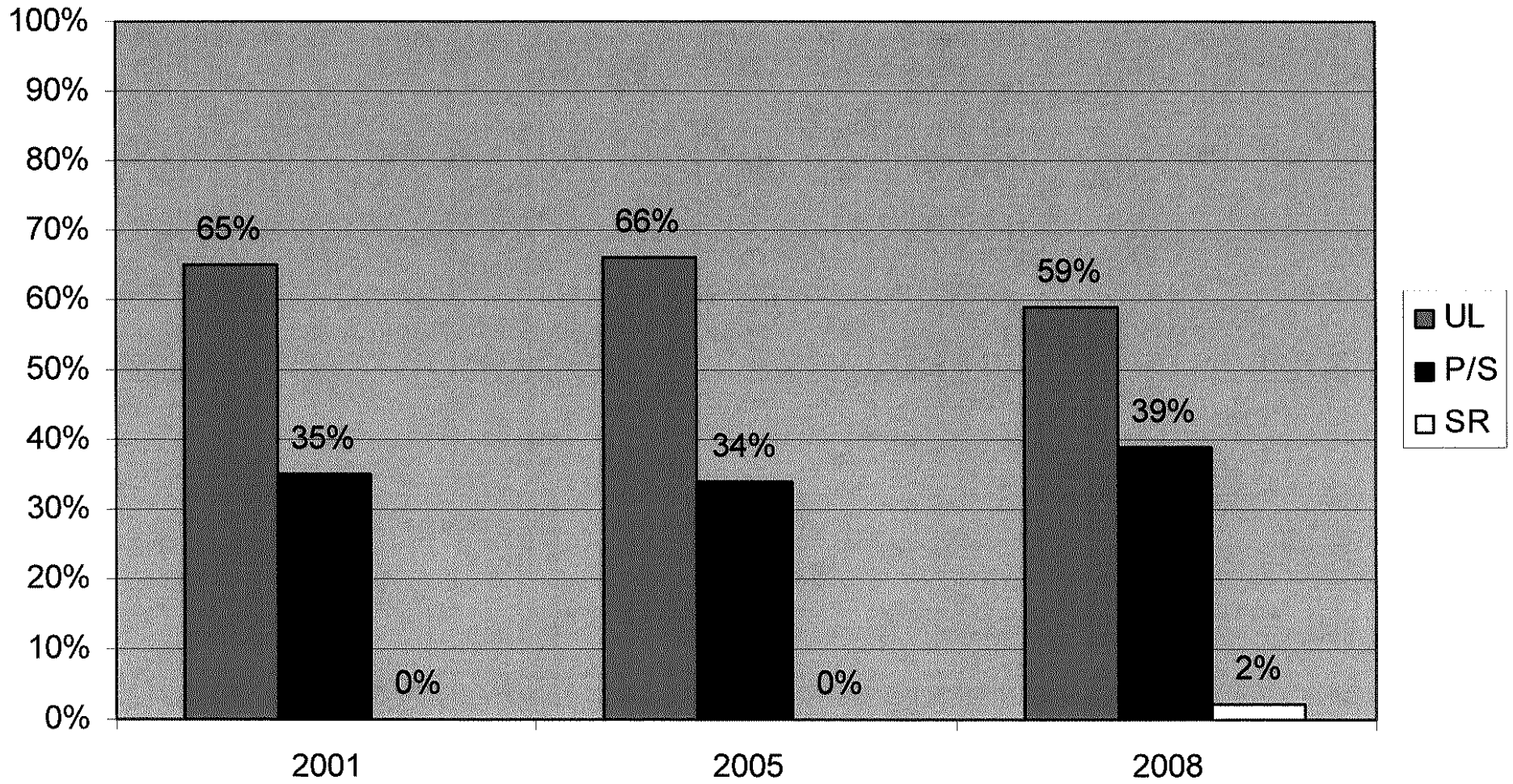
Fee vs. Value Comparison (2008 figures)



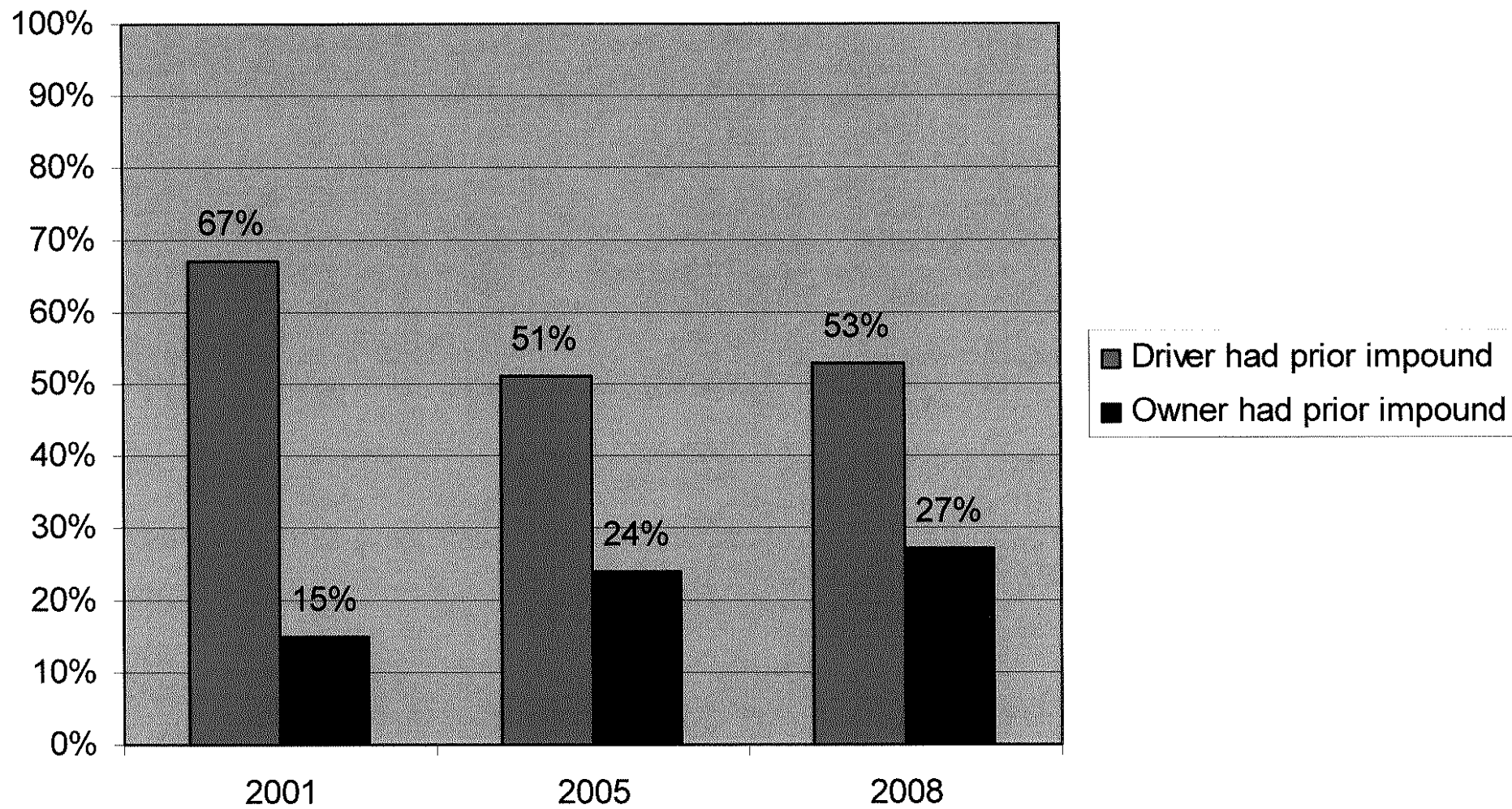
Driver was not Owner



Impoundment Reason



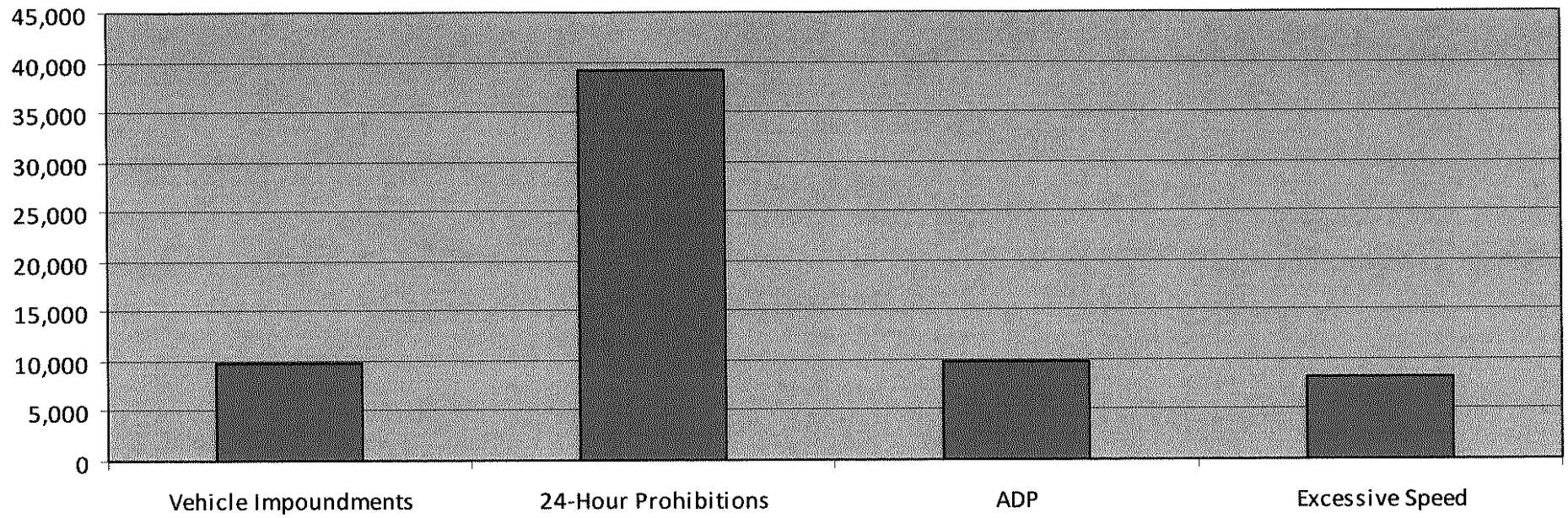
Prior Impoundments



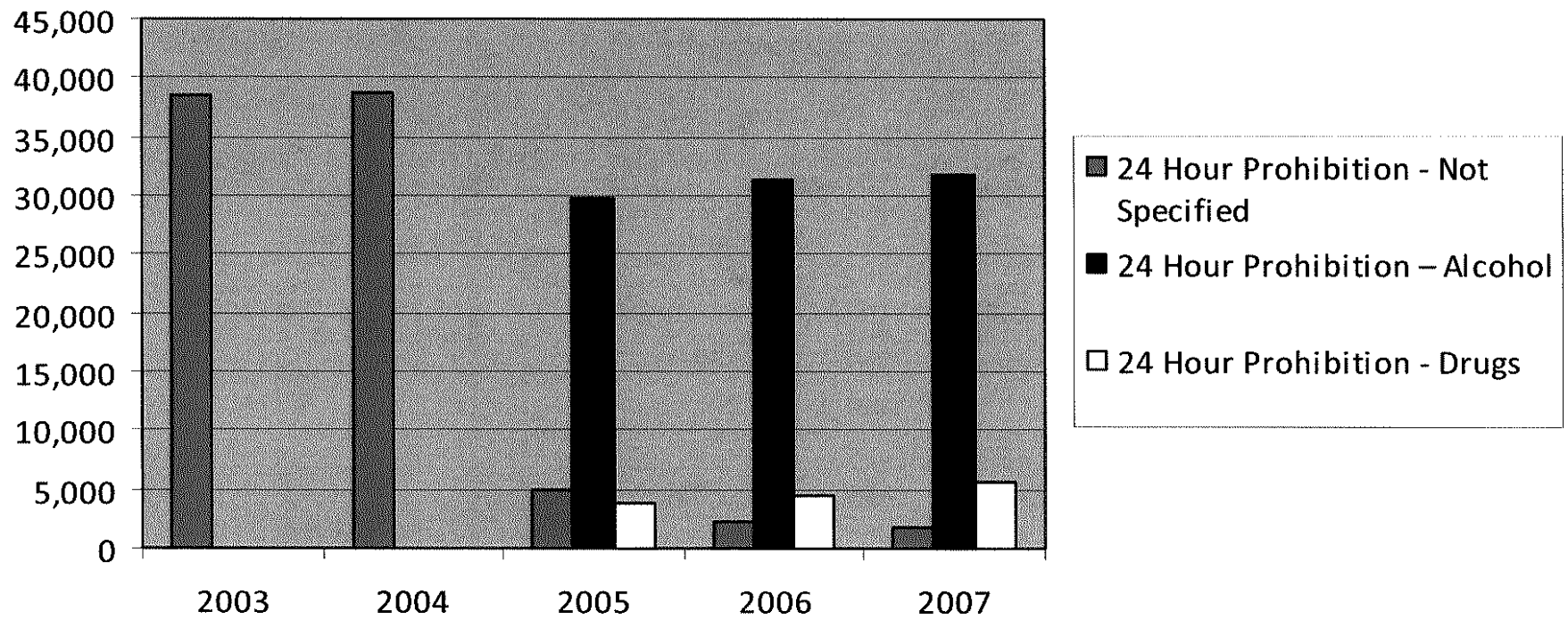
Side-by-side profiles

	UL	Prohibited / Suspended	Street Racing	24 Hour Prohib.	Excessive Speed
Vehicle age (years)	14.4	11.8	8.7	11.5	6.9
Vehicle value	\$2,784	\$3,994	\$8,888	\$5,585	\$10,551
Driver was owner	15%	39%	58%	58%	58%
Prior Impoundment	56%	36%	12%	N/A	N/A
Previous Reinstatement	27%	52%	31%	39%	23%

Program/Violation Volumes 2007

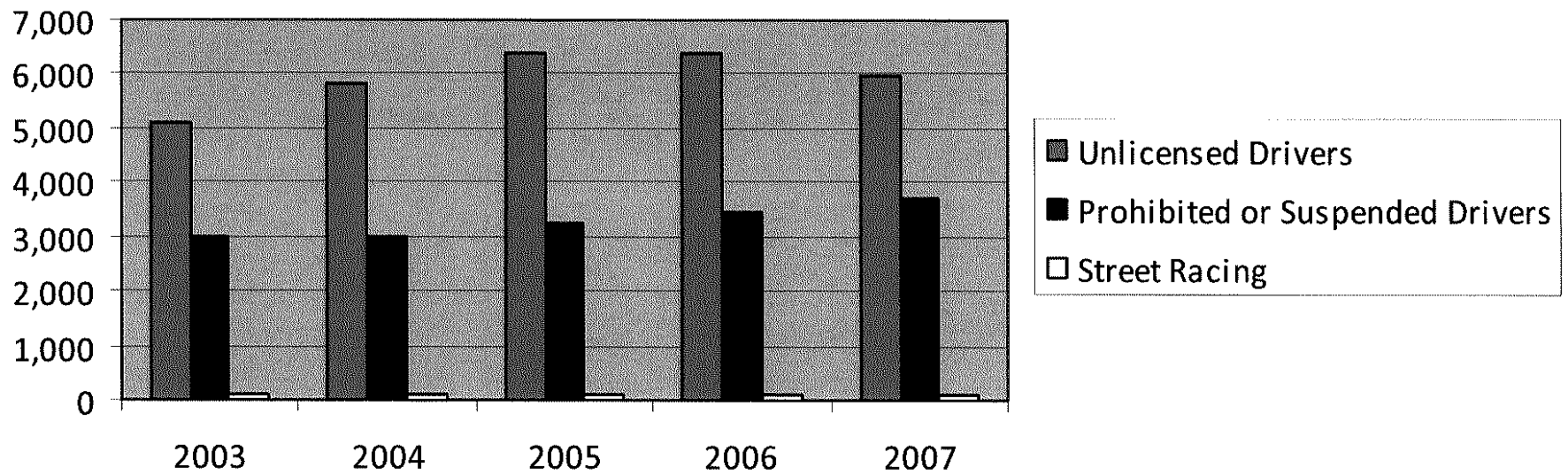


Roadside Prohibitions

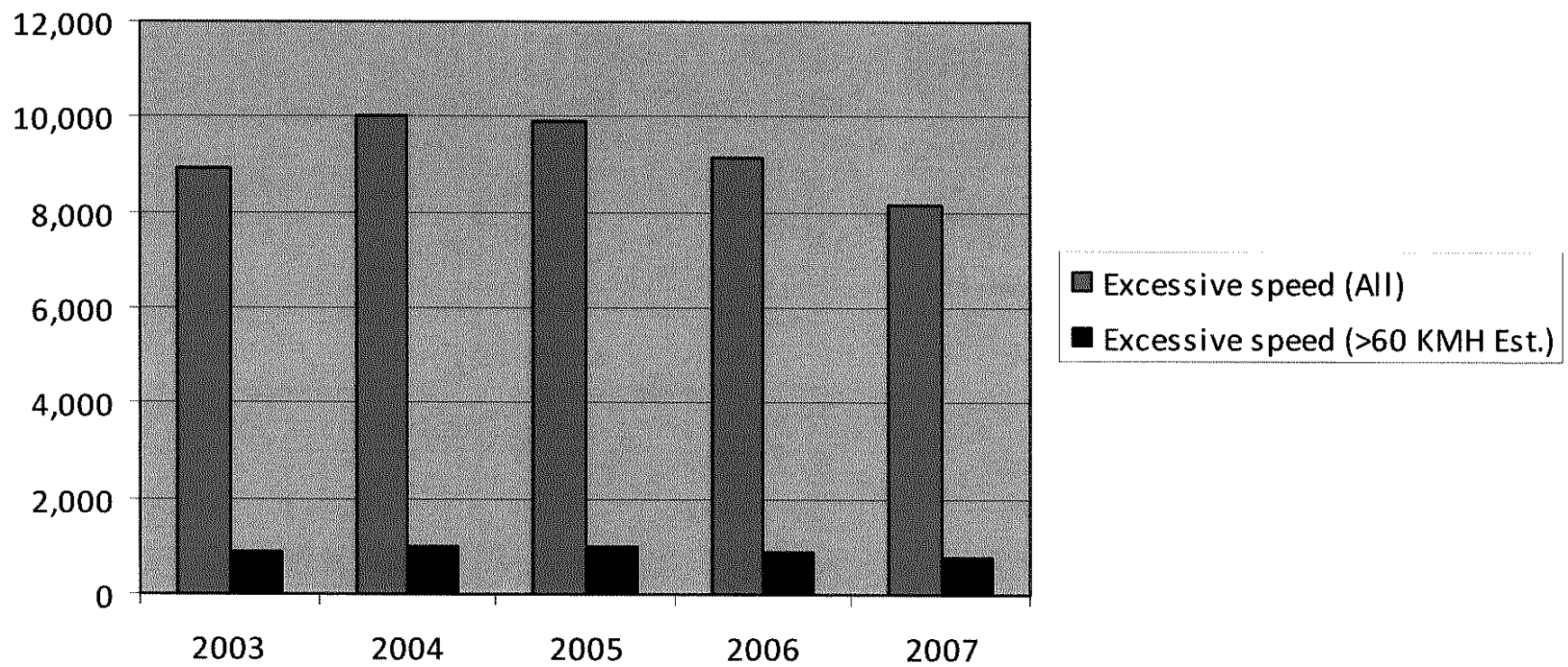


**24-hour prohibitions were not specified as either alcohol or drug-related until 2005*

Vehicle Impoundments

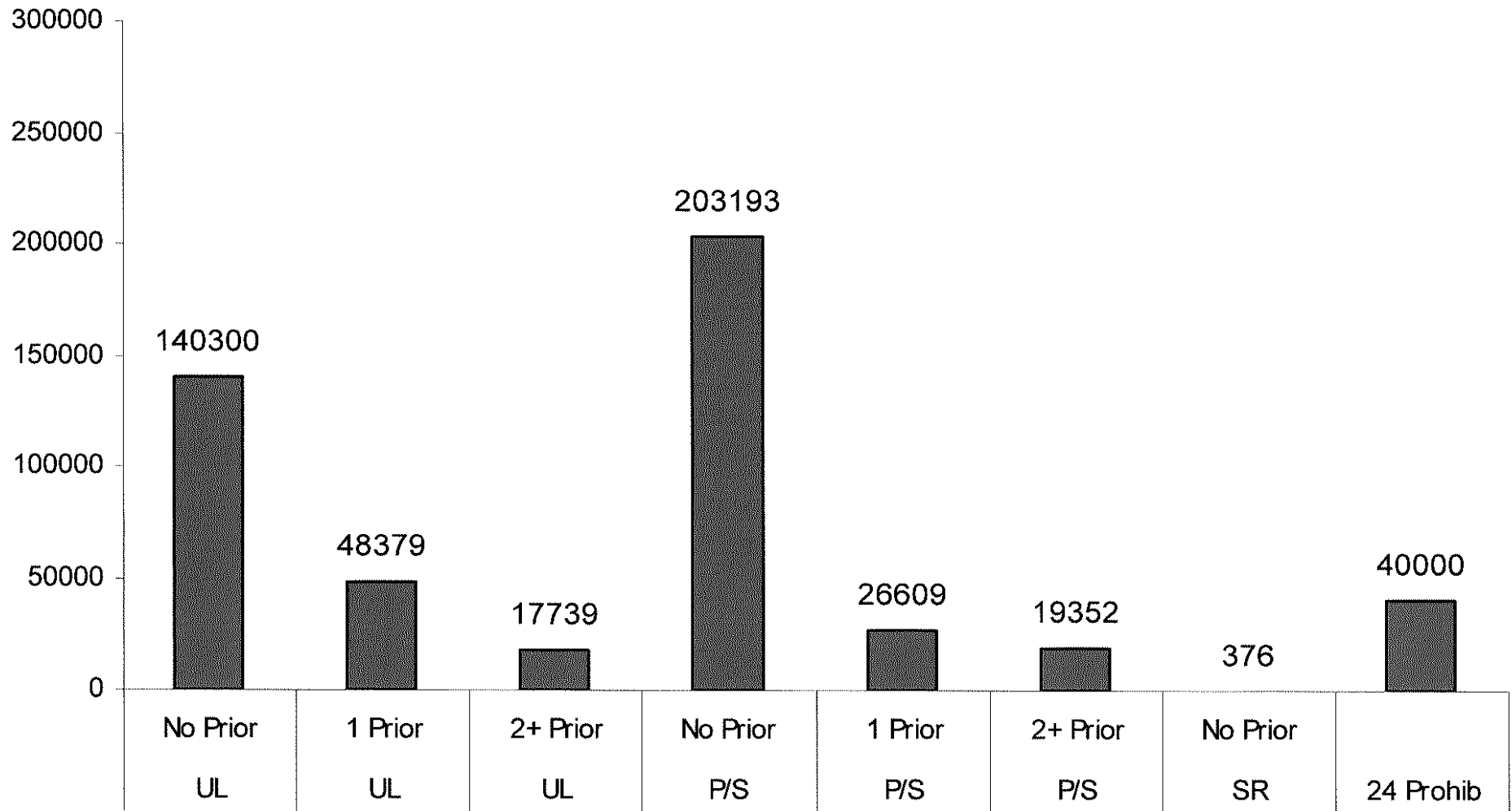


Excessive Speed Violations

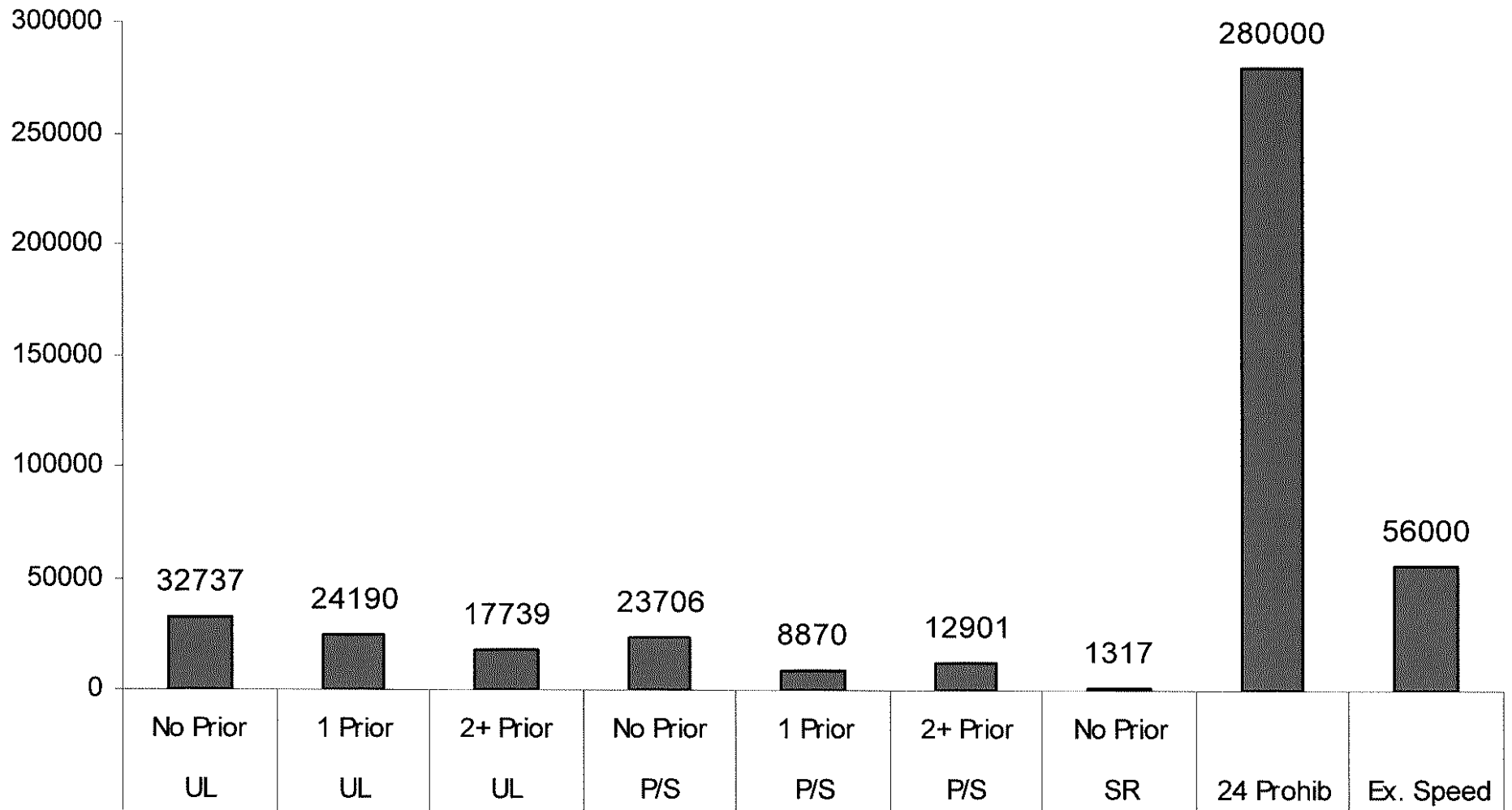


**9.7% of excessive speed violations in 2006 were for >60 km/h over limit. Same percentage estimated in other years*

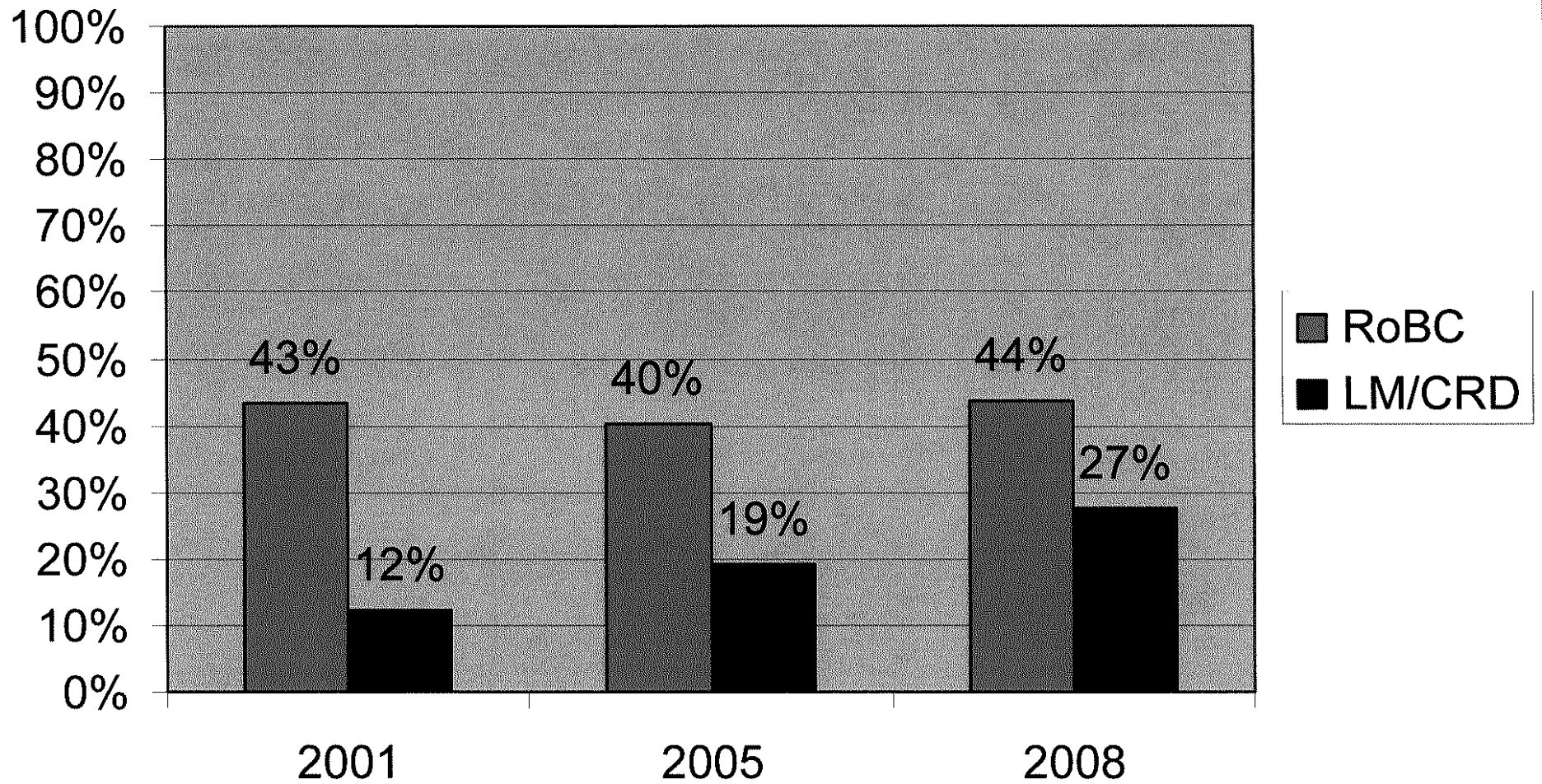
Fiscal 08 Impoundment Days Ordered



Revised Impoundment Days Ordered (Based on Fiscal 2008)



ADP/VI Records - No Decision Recorded



New Approach to Impaired Driving

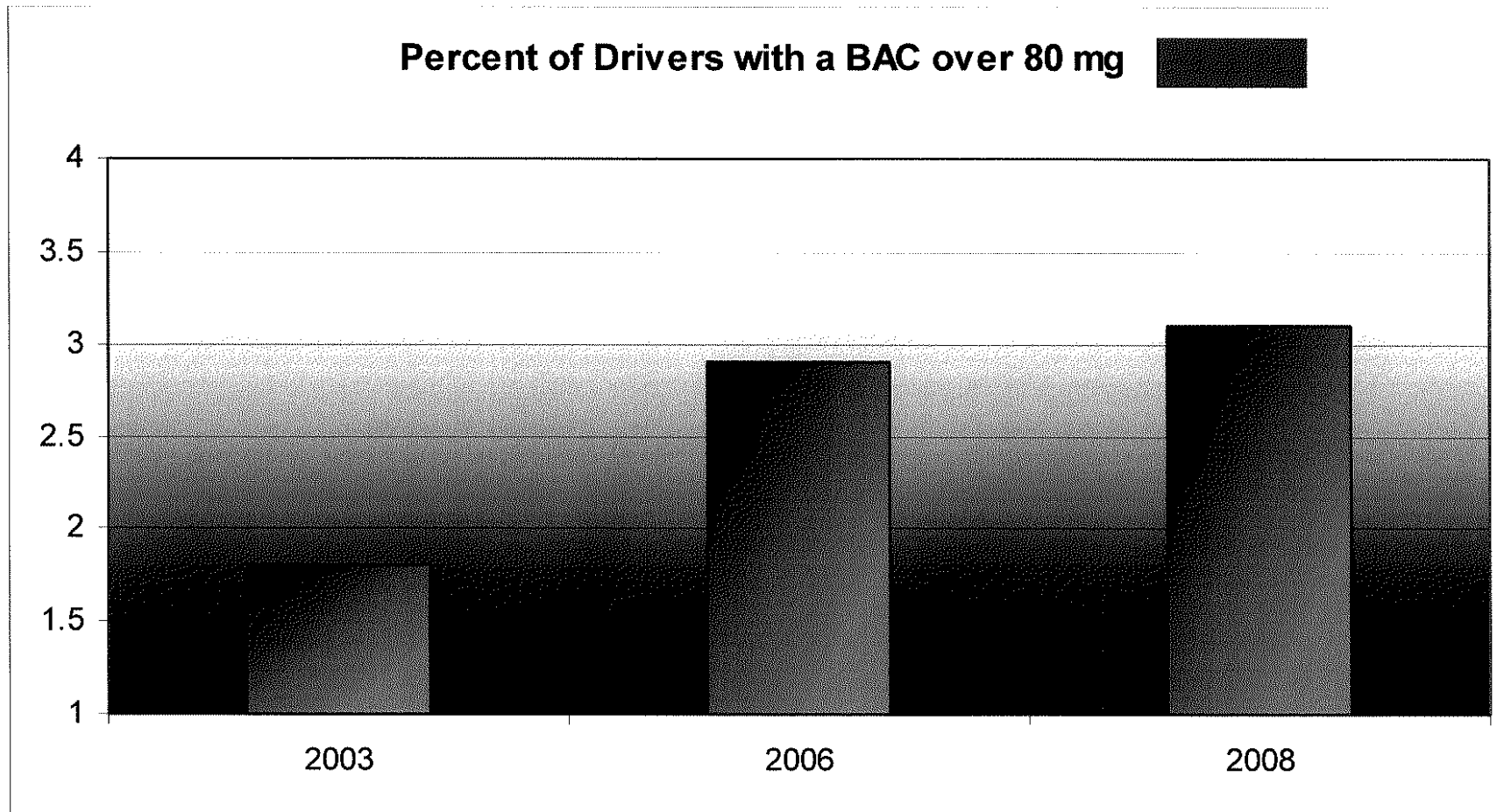
Presentation to BCACP Traffic Safety Committee

April 28, 2010

Office of the Superintendent of Motor Vehicles

Ministry of Public Safety & Solicitor General

Increasing Prevalence of Impaired Driving and Trend in Fatalities in BC



In 2008 one out of every 30 drivers was found to have a blood alcohol level of over .08 BAC up from one in every 60 drivers in 2003

Current Administrative Justice Sanctions

1

24 Hour Driving Prohibition
& 24 Hour Vehicle
Impoundment

(Administered at Roadside)

3 Sanctions
Trigger ...

2

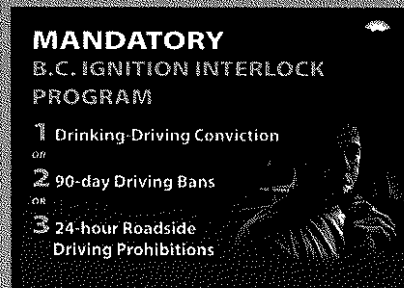
90 Day Driving Prohibition
for Over .08 BAC

(Administered at Police Station)

2 Sanctions
Trigger ...

User Pay Ignition Interlock Program (\$1,400/yr)

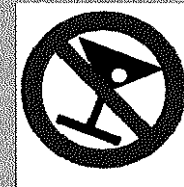
*Mandatory 1 year requirement to
have a breathalyser device
installed on vehicle ignition*



+

User Pay Responsible Driver Program (\$880)

*Mandatory Drinking Driver
Education and Counselling
Program*



Proposed Administrative Justice Sanctions

1

New Escalating Short Term Prohibitions (.05 to .08 BAC)

Administered at Roadside

All sanctions Accompanied by a
\$250 License Reinstatement Fee

Vehicle Impoundment Tied to
Prohibition Length

- 1st Offence = 3 Day Prohibition + \$200 Penalty
- 2nd Offence = 7 Day Prohibition + \$300 Penalty
- 3rd Offence = 30 Day Prohibition + \$400 Penalty

3 Sanctions
Trigger ...

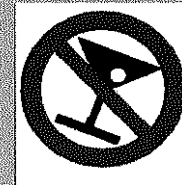
User Pay Ignition Interlock Program (\$1,400/yr)

*Mandatory 1 year requirement to
have a breathalyser device
installed on vehicle ignition*



User Pay Responsible Driver Program (\$880)

*Mandatory Drinking Driver
Education and Counselling
Program*



Proposed Administrative Justice Sanctions (Cont.)

2

New 90 Day Prohibition (over .08 BAC)

Administered at Roadside

\$250 License Reinstatement Fee +
\$500 Administrative Penalty

30 Day Vehicle Impoundment

1 Sanction
Would
Trigger ...

User Pay Ignition Interlock Program (\$1,400/yr)

*Mandatory 1 year requirement to
have a breathalyser device
installed on vehicle ignition*

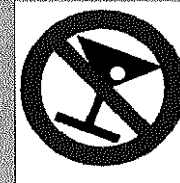
MANDATORY B.C. IGNITION INTERLOCK PROGRAM

- 1 Drinking Driving Conviction
- OR
- 2 90-day Driving Bans
- OR
- 3 24-hour Roadside
Driving Prohibitions

+

User Pay Responsible Driver Program (\$880)

*Mandatory Drinking Driver
Education and Counselling
Program*



Impaired Driving Initiative Contact:

Marc Alexander

New Approach to Motorcycle Safety

Presentation to BCACP Traffic Safety Committee

April 28, 2010

Office of the Superintendent of Motor Vehicles

Ministry of Public Safety & Solicitor General

LEGISLATION

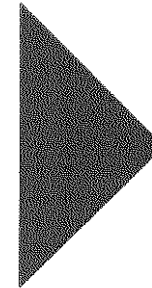
Helmets

Passenger Safety

Power Restrictions

Helmets

***Riders to wear helmets
that meet standards
prescribed in regulations***



Examples ...

Snell

DOT

ECE

***Police power to inspect
helmets***

***Existing power to seize
under Offence Act seizure
rules***

Passenger Safety

***Operator held responsible
for the safety of child
passengers under 16***

***Feet firmly planted on foot pegs
or floor boards***

***Properly fitting approved
helmets***

Power Restrictions

Regulation making authority to restrict the power of bikes that new riders can operate

In regulation – new category of Learner Approved Motorcycles (LAMs)

Specific criteria for LAMs to be set out in policy

REGULATIONS

GLP - M

Enforcement

GLP - M

Power

Passengers

Visibility Vest

Supervisor *(25 or older)*

L & N Sign

L & N Period Durations

0 BAC

Enforcement

Licence Plate Readability

***Increased fines for failure to
properly display plates
(\$145-\$170 to \$230)***

OSMV Contact:
Corey Bowness (250) 356-8093

New & Simplified Approach to Vehicle Impoundment

Presentation to BCACP Traffic Safety Committee

April 28, 2010

Office of the Superintendent of Motor Vehicles

Ministry of Public Safety & Solicitor General

Better System for Impound Lot Operators



Better System for Impound Lot Operators



Elimination of 30 day waiting period for disposal



Debt enforcement - refuse to issue:

- driver's licence
- vehicle registration
- vehicle insurance until debt is paid

Better System for Impound Lot Operators



ILO Ability to Negotiate with Client an Extension for Payment

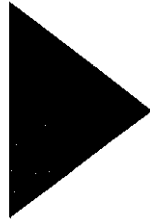


ILO Ability to Enter into Early Disposal Agreement with Client in Cases of Irreparable Salvage

Sympathetic administration continued regarding access to personal property

Impaired Impoundments

Warn
Range



3 days for first
prohibition

7 days for the second
prohibition in 5 years

30 days for the third &
subsequent in 5 years

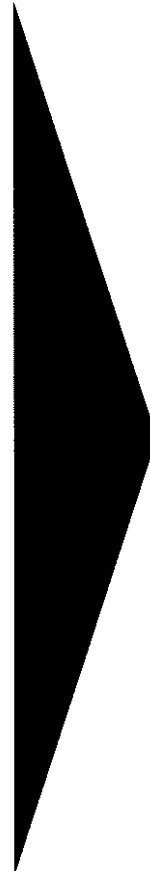
Fail



Automatic 30 day
impoundment

Other New Impoundable Offences

Unlicensed
Prohibited & Suspended
Excessive Speeding
Street Racing
Stunts
Motorcycle Seating



7 days for first impoundment
30 days for the second impoundment in 2 years
60 days for the third & subsequent in 2 years

~~90 Day Impoundments~~

Unlicensed Drivers

\$138 fine

1st Offence:

\$138 Fine + Notice of
Impoundment placed on
driving record

2nd & Subsequent Offences:

\$138 Fine +
Impoundment

1st Offence:

\$276 fine + Notice of
Impoundment

2nd Offence:

\$276 Fine +
Impoundment + Driver
Prohibited at
Roadside

3rd & Subsequent:

Same as Driving while
Prohibited

OSMV Contact:
Brad Gerhart (250) 387-1752

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES**

BRIEFING NOTE

PREPARED FOR: The Honourable John van Dongen, Minister of Public Safety and Solicitor General, for decision.

ISSUE: Potential Collapse of Vehicle Impoundment Program (VI).

BACKGROUND

The provincial VI Program is an important road safety program that allows police to immediately remove prohibited or unlicensed drivers and street racers from the road by impounding the vehicles they are operating. The *Motor Vehicle Act* (MVA) prescribes the amount of time that the vehicle may be impounded; ranging from 24 hours, when a police officer has reasonable and probable ground to believe that a driver's ability to operate a motor vehicle is affected by alcohol or drugs, to 48 hours for a first incident of street racing (30 days for a second incident) to 30, 60 or 90 days for unlicensed, suspended, or prohibited drivers.

The owner of the vehicle must pay the towing and storage costs related to the impoundment to Impound Lot Operators (ILO) before the vehicle is released at the end of the impoundment period. There are about 200 ILOs that are affiliated with the VI Program. Every authorized ILO must comply with the VI Program's fees, storage rules and standards. Sections 104.5 (2a) and 105.4 (2a) of the *Motor Vehicle Act* (MVA) expressly authorize the ILO to charge fees related to the costs incurred for towing, storage, care, etc. The impoundment fee structure is prescribed by section 43.05 of the MVA Regulations.

It has become evident that large numbers of abandoned vehicles are tying up valuable impound lot space for some time after the impoundment period is over. Retention rates for abandoned vehicles average 25% in the lower mainland and Victoria to 50-75% in the rest of the province. This means that many ILOs outside the lower mainland are refusing to accept vehicles, or threatening to refuse to accept vehicles, impounded through the VI program because they cannot recover their storage and towing costs. Their non-participation jeopardizes a crucial road safety program because police will not be able to enforce vehicle impoundment provisions of the MVA.

Last year the BC Automobile Retailers Association (ARA), representing the towing and impound lot industry, made a strong case for increasing towing and storage rates in BC. They cited rising fuel costs, rising land and leasing costs and increased operating expenses (administrative, security, etc.). On December 3, 2008 Treasury Board approved a fee increase of 15%. The proposed rate hike of 15% was, at that time, consistent with municipally-set towing and storage

rates and other jurisdictions across Canada. They were also in line with 2008 ICBC rates. An Order-in-Council is being prepared to update the rates as set in the *MVA regulations*. The new rates are expected to come into force on or before April 1, 2009. The Superintendent of Motor Vehicles and staff met with approximately 70 ILOs and the ARA on February 16th for a frank discussion of the pressures being faced by the industry.

DISCUSSION

Recent economic issues have increased the strain on the VI program. The first issue is the global economic recession, which has led to a sudden decline in the value of scrap metal (See Appendix A). As a result, ILOs are having greater difficulty disposing of abandoned vehicles. According to the Automotive Recyclers of Canada (ARC) scrap buyers are currently not buying in Alberta and many of the Atlantic provinces. In Ontario recyclers are receiving approximately \$80 per ton for flattened car bodies, while in BC the price is only approximately \$10 per ton. Even if an ILO is able to find a buyer for an abandoned vehicle, that disposal may well come at a net loss to the operator, especially when towing and environmental costs are factored in.

Furthermore, early this year ICBC increased its towing and storage rate payment schedule. This means that, despite the fact that the Province harmonized VI Program fees with ICBC in December, the current VI rates are below those offered by ICBC. In February 2009, the ARA requested a further fee increase to meet ICBC's 2009 storage rates, plus 25%.

In addition to proposed rate increases, the towing industry has suggested a solution whereby the Province allows ILOs to negotiate directly with vehicle owners for expedited disposal at the time of impoundment for those vehicles that are likely to be abandoned (see Appendix B for characteristics of abandoned vehicles). ILOs may be able to convince some owners that the costs for impoundment are likely to be higher than the value of the vehicle, and offer to take ownership for a significantly smaller fee. Under the current system, owners of these vehicles abandon them without paying anything.

ILOs have expressed increased frustration to the OSMV with what they see as an unfair system. Operators must absorb the costs associated with offenders abandoning their vehicles to avoid financial responsibility for their wrong-doing. These strong sentiments add to the volatility of the situation.

The OSMV is considering a number of operational improvements that will address some of the ILOs concerns with regards to process and procedures (without legislative change). These include, but are not limited to, working with police and ILOs to ensure that registered owners are given reasonable access to their vehicles but only remove personal effects, as well as examining procedural

changes to assist ILOs in disposing of abandoned vehicles as quickly as possible.

In addition, the OSMV is undertaking a comprehensive program review, which will include input from the industry as well as other effected stakeholders.

OPTIONS:

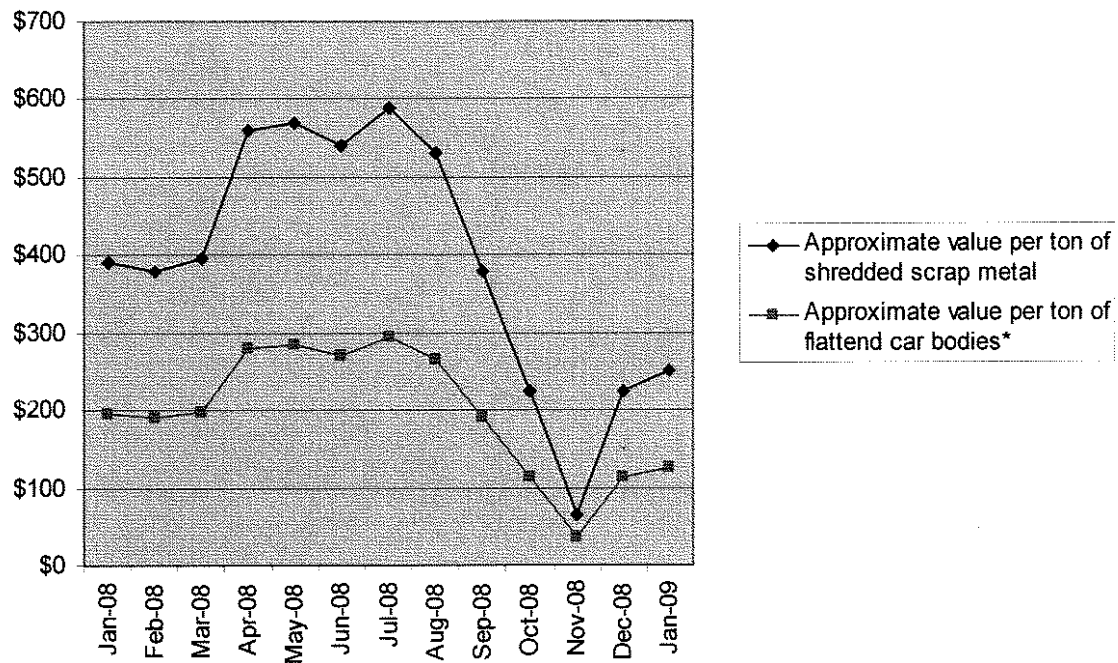
s.13

Pages 405 through 406 redacted for the following reasons:

s.13

Appendix A

North American Ferrous Scrap Metal Prices



*This number represents a maximum North American average based on ARC information. Auto wreckers tend to receive 1/2 to 1/3 the price of shredded scrap metal for flattened car bodies. We know that the price in BC is closer to \$10 per ton, significantly less than is shown in the North American average.

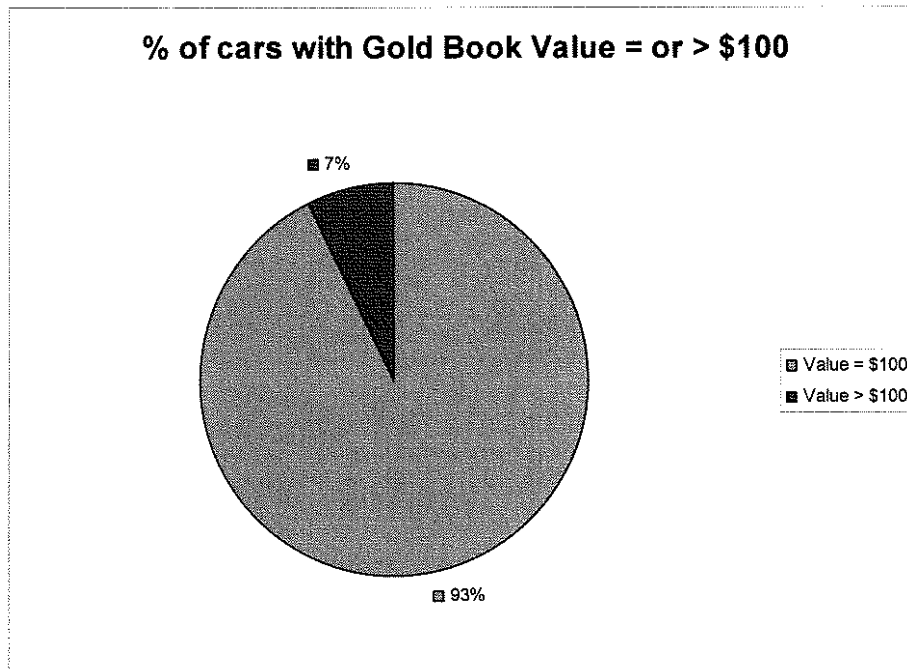
Appendix B

Statistics and trends identified in Vehicle Impound Program vehicles disposed in 2007

Methodology: For each Impound Lot Operator (ILO), slightly more than half of all vehicles with 2007 disposal dates were surveyed for Year, Make, and Model. Vehicles were cross-referenced in the Sanford Evans Gold Book. Age and Wholesale Value were recorded. Vehicles older than 1987 (not available in Gold Book database) are assumed to have a minimum value of \$100. Where multiple values were available for vehicles based on available information, the lowest possible value was recorded.

Results

Total # of Vehicles Sampled	1053
Minimum Age (in years, as of end of 2007)	5
Maximum Age (in years, as of end of 2007)	40
Average Age (in years, as of end of 2007)	19.05
Minimum Value (as of Feb 2009)	\$100
Maximum Value (as of Feb 2009)	\$4,550
Average Value (as of Feb 2009)	\$157
Vehicles with value = \$100	977
Vehicles with value > \$100	76
Total value of vehicles with value = \$100	\$97,700
Total value of vehicles with value > \$100	\$67,175



Observed Trends

Actual value of disposed vehicles with Gold Book Value > \$100 is probably much lower: In many cases where disposed vehicles were of considerable Gold Book value, ADP VI records noted "significantly low value" declared by ILOs when making disposal requests. Requests would be denied and reasons would be requested, and following answers, disposal would be granted. Most often, the ILO reasons were not included in comments. In some of those cases, ILO further reports that vehicles were in accidents, not drivable, or otherwise in "extremely rough shape." This may be the case for vehicles where reasons were not provided, in which case the total value would be much lower than noted above.

Appendix C

Vehicle Impoundment Rates Comparison

	Current
Towing Rates	
< 3,628 kg/GVW	
Base (<6.0 km)	\$68.60
Add (per km):	
6.1–16.0 km	\$2.60
16.1–32.0 km	\$2.15
> 32.0 km	\$1.90
Dolly usage > 32.0 km	
Paved road (per km)	N/A
Dirt / Gravel (per km)	N/A
3,628–7,257 kg/GVW	
Base (< 6.0 km)	\$80.15
Add (per km):	
6.1–16.0 km	\$3.00
16.1–32.0 km	\$2.75
> 32.0 km	\$2.25
> 7,258 kg/GVW	
Base (< 6.0 km)	\$133.60
Add (per km):	
6.1–16.0 km	\$3.75
16.1–32.0 km	\$3.20
> 32.0 km	\$2.60
Storage per day	
Lower Mainland/Victoria	\$17.00
Rest of Province	\$14.00
Recovery (per ½ hour)	N/A
Standby (per ½ hour)	N/A
Fuel Fee (% applied to total towing costs)	N/A

s.13

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES
SUMMARY FORM FOR BRIEFING DOCUMENTS

DATE: February 18, 2009

CLIFF: 372105

TYPE OF DOCUMENT: Briefing Note for Decision

ISSUE: Potential Collapse of Vehicle Impoundment Program

NEXT STEPS: Sign-off by the Superintendent and DSG

COMMENTS: Steve has not seen yet

STAKEHOLDERS CONTACTED: Automobile Retailers Association

OSMV INVOLVEMENT: Lead Agency for Vehicle Impoundment Program

APPROVED BY:	INITIALS:
Policy Analyst: Brad Gerhart, 387-1752	
Director, Policy & Research Branch: Nancy Letkeman, 356-0097	
Superintendent of Motor Vehicles: Steve Martin, 387,3437:	

Clayton, Penny L JAG:EX

From: Melvin, Stephanie JAG:EX
Sent: Friday, August 24, 2012 4:01 PM
To: Clayton, Penny L JAG:EX
Cc: Wilkinson, Anita JAG:EX
Subject: FW: Rates for Claims Suppliers - Okanagan Towing

Here's all I had – FOI request materials

From: Melvin, Stephanie JAG:EX
Sent: Friday, August 24, 2012 4:01 PM
To: Wilkinson, Anita JAG:EX
Subject: FW: Rates for Claims Suppliers - Okanagan Towing

Here's my one thing.....

From: SG OSMV Mailbox SG:EX
Sent: Thursday, May 26, 2011 3:05 PM
To: Melvin, Stephanie SG:EX
Subject: FW: Rates for Claims Suppliers - Okanagan Towing

Hi Stephanie,

Can you let me know where this email from Brent Ponton should go? As you can see, it's gone to the Minister's office, Premier's office, etc. Is this something that should go down to Policy?

Anita Wilkinson

Administrative Assistant to Stephanie Melvin

Director, Administrative Justice, Driver Fitness and Intervention Branch

Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General

250-356-8640

Anita.Wilkinson@gov.bc.ca



From: s.21
Sent: Friday, May 20, 2011 10:14 AM
To: Minister, AG AG:EX; Black.MLA, Iain LASS:EX; SG OSMV Mailbox SG:EX; OfficeofthePremier, Office PREM:EX; Minister, SG SG:EX
Subject: FW: Rates for Claims Suppliers - s.21

To Whom it May Concern,

Just what kind of insult is this new rate schedule.

2 plus years and this is the best you can come up with.

I guess you never considered the fact that dollies and deck trucks are used more than 2 out of 3 tows because there are more 4X4 and all wheel drive vehicles on the road now than when this program was introduced.

I remember back in the mid 1980s when you came up with your dictatorship program we rarely used dollies and we used to charge for them.

Now we use dollies and or supply deck trucks at no extra charge because there are so many more vehicles that require them than there were in the 1980s.

Where is the consideration for this in these new rates.

My company makes more towing a BCAA customer!!!!!!!

Negotiations are suppose to be two sided but there is no discussion here.

The attitude of this is it take it or go pound sand is not negotiations it is dictatorship!!!!!!!!!!!!!!

Your government expects far too much for what they are willing to pay for.

Certified drivers and equipment on call 24 hours a day are expected to be on any scene usually in less than 15 minutes.

After two plus years this offer equates to a \$0.26 cent per trip increase for the average tow truck operator. This is surely something that operators can take to the bank to pay their mortgages and count on to feed their families.

Oh wait what about operating costs and fuel.

My last deck truck cost \$107,000.00 before financing costs, and that was in 2008, and they are even more now.

Back in the 1980s a tow truck was less than half that amount.

These rates do not even take that into account.

The towing industry is the only emergency essential service that is in no way funded by the government.

Try going a day with out calling in the towing industry and just see what mayhem is created.

Then as a government you created the Automotive Retailers Association, to negotiate on behalf if your cash cow I.C.B.C. and then, years later when the towing industry bands together through the A.R.A. your government creates a law that prohibits the towing industry from using the A.R.A. to negotiate on their behalf.

A government form of bullying, so you can intimidate and force each company to accept an offer that really is not an offer but an ORDER.

If this was not so then why is there no negotiations.

Why is it take it or we will find some one else who will!!!!!!

In the 1980s your government came to the towing industry with a proposal that I.C.B.C. would build claim centers and all vehicles were to be towed to these claim centers, because the damage estimators were missing to much damage.

The idea behind this was that the estimators would be able to get a better look at a vehicle, and be able to better assess the damage to vehicles if it was at a facility designed for this purpose.

The rates that were set then were lower then industry standards because they were to include 3 tows per vehicle.

One tow from the accident scene to the holding yard, then a second tow to go from the holding yard to the claim center, then if the vehicle was fixable it went from the claim center to a vehicle repair facility or if it was not fixable it went to an I.C.B.C. holding yard where they would be sold.

Now you have cut out the 3 tows!!!!!!

Now the estimator comes to the tow yard and the vehicle is either sold off form the yard or only a second tow is used to take the vehicle to a repair facility.

In most cases the towing company is only getting one tow per vehicle.

The lower than industry standard rates that were established back then were based upon the fact that each vehicle would generate 3 tows and storage.

How do you expect to pay lower than industry standard rates now when you have taken away the most important part of your side of the deal!!!!!!

I hope that you will read this and RETHINK this last action that you have taken and come back to the table and renegotiate a better deal.

I have been involved in the towing industry since the early 1970s, and after 33 years in the towing industry I know you can work out a better deal than this!!!!!!

I would like for you to personally handle this request and I expect a phone call to discuss this in greater detail.

I remain,

s.21

From: Jim.Barnhard@icbc.com

To: (s.21

Subject: FW: Rates for Claims Suppliers - s.21

Date: Tue, 10 May 2011 16:11:31 +0000

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Clayton, Penny L JAG:EX

From: Tadla, Dana JAG:EX
Sent: Tuesday, August 14, 2012 11:31 AM
To: Anness, Glenn JAG:EX
Subject: FW: Impoundment fee increase analysis - KP 2012-05-25.xlsx
Attachments: Impoundment fee increase analysis - KP 2012-05-25.xlsx

FYI -

From: Moran, Deidre JAG:EX
Sent: Friday, June 15, 2012 9:18 AM
To: Stewart, Terry J JAG:EX; Park, Kyou JAG:EX
Cc: Tadla, Dana JAG:EX
Subject: FW: Impoundment fee increase analysis - KP 2012-05-25.xlsx

s.13

s.17

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.16
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Park, Kyou JAG:EX
Sent: Wednesday, June 13, 2012 3:52 PM
To: Moran, Deidre JAG:EX
Subject: Impoundment fee increase analysis - KP 2012-05-25.xlsx

Hi Deidre,

Please take a look at the attached spreadsheet for impoundment fee increase analysis.

s.17

Please advise me what might be better analysis that you think of in terms of "impact on budget". Good thing is that I have all FY12 entries which I can tweak and play with to get any sort of analysis and charts.

Thanks,
Kyou

Period Name	CLIENT	RC	SVC	STOB	PROJ
12-Jul	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
12-Jun	10	1509A	62910	8585	1508021
12-Jul	10	1509A	62910	8585	1508021
12-Feb	10	1509E	62910	8585	1508021
12-Sep	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Jul	10	1509E	62910	8585	1508021
12-May	10	1509B	62910	8585	1508021
12-Feb	10	1509E	62910	8585	1508021
12-Aug	10	1509E	62910	8585	1508021
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12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
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12-Aug	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Sep	10 1509B	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Jul	10 1509A	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021

12-Jul	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
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12-Nov	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
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12-Sep	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
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12-Jan	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Jul	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021

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12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
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12-Sep	10 1509E	62910	8585	1508021
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12-May	10 1509A	62910	8585	1508021
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12-Jun	10 1509A	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Apr	10 1509B	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Nov	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Oct	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509E	62910	8585	1508021
12-Mar	10 1509E	62910	8585	1508021
12-Jun	10 1509A	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Feb	10 1509E	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509A	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jun	10 1509B	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021

12-Jun	10 1509B	62910	8585	1508021
12-Jan	10 1509E	62910	8585	1508021
12-Jul	10 1509B	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Dec	10 1509E	62910	8585	1508021
12-Sep	10 1509E	62910	8585	1508021
12-Mar	10 1509N	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Mar	10 1509A	62910	8585	1508021
12-Aug	10 1509E	62910	8585	1508021
12-May	10 1509B	62910	8585	1508021
12-Jul	10 1509A	62910	8585	1508021
12-Feb	10 1509A	62910	8585	1508021
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12-Mar	10 1509E	62910	8585	1508021
12-Jul	10 1509B	62910	8585	1508021

Supplier Name	Effective Date	Actual Amount
		0.00
	2011-07-07	41,582.69
	2011-05-31	20,000.00
BUSTERS TOWING	2011-08-31	839.73
ZZZ SUNDRY ACCOUNTS	2011-06-09	811.67
ZZZ SUNDRY ACCOUNTS	2011-07-15	811.67
ZZZ SUNDRY ACCOUNTS	2012-02-20	795.51
	2011-09-30	791.66
ZZZ REVENUE REFUNDS	2011-05-16	762.60
ZZZ SUNDRY ACCOUNTS	2011-07-29	756.62
ZZZ REVENUE REFUNDS	2011-05-16	750.95
ZZZ SUNDRY ACCOUNTS	2012-02-29	736.86
ZZZ SUNDRY ACCOUNTS	2011-08-09	734.39
ZZZ SUNDRY ACCOUNTS	2011-12-12	733.01
ZZZ SUNDRY ACCOUNTS	2011-11-22	716.45
CLOVER TOWING LTD.	2011-07-20	713.49
ZZZ SUNDRY ACCOUNTS	2011-11-03	710.47
ZZZ SUNDRY ACCOUNTS	2012-03-16	710.47
ZZZ SUNDRY ACCOUNTS	2011-11-22	707.48
KUSTOM TOWING (2009) LTD.	2011-08-31	704.49
ZZZ SUNDRY ACCOUNTS	2011-09-28	704.49
ZZZ SUNDRY ACCOUNTS	2011-10-01	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-12	704.49
ZZZ SUNDRY ACCOUNTS	2011-12-01	704.49
ZZZ SUNDRY ACCOUNTS	2012-03-09	704.49
COQUITLAM TOWING & STORAGE CO. LTD.	2011-04-21	667.74
RUSTY'S AUTO TOWING LTD.	2011-07-27	644.05
ZZZ SUNDRY ACCOUNTS	2011-08-31	623.99
ZZZ SUNDRY ACCOUNTS	2011-12-12	615.02
ZZZ SUNDRY ACCOUNTS	2011-12-12	610.82
KOMAR ENTERPRISES	2012-03-29	606.05
ZZZ SUNDRY ACCOUNTS	2011-07-29	606.05
ZZZ SUNDRY ACCOUNTS	2012-02-20	603.06
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	592.81
ZZZ SUNDRY ACCOUNTS	2011-10-21	577.99
PARKSVILLE TOWING	2011-07-27	561.89
UNITOW SERVICES (1978) LTD.	2011-07-29	541.38
RUSTY'S AUTO TOWING LTD.	2011-12-20	532.91
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	529.92
PENINSULA TOWING	2011-10-01	528.54
RUSTY'S AUTO TOWING LTD.	2011-09-30	523.94
UNITOW SERVICES (1978) LTD.	2011-07-27	521.81
ROADWAY TOWING LTD.	2011-07-29	520.95
UNITOW SERVICES (1978) LTD.	2011-10-01	517.96
ROADWAY TOWING LTD.	2011-08-09	517.08
TOTEM TOWING SERVICE	2011-07-27	516.35

ZZZ SUNDRY ACCOUNTS	2011-11-22	515.20
CITY OF NEW WESTMINSTER	2011-08-01	514.97
LAKE COUNTRY TOWING LTD.	2011-12-12	513.59
BUSTERS TOWING	2012-03-29	513.36
KUSTOM TOWING (2009) LTD.	2011-10-01	508.99
KUSTOM TOWING (2009) LTD.	2011-05-16	508.99
MITCHELL'S TOWING LTD.	2011-07-27	508.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	508.99
MITCHELL'S TOWING LTD.	2011-07-29	507.20
RUSTY'S AUTO TOWING LTD.	2011-11-24	504.39
CITY OF NEW WESTMINSTER	2011-10-21	503.84
COQUITLAM TOWING & STORAGE CO. LTD.	2011-12-12	502.26
TONKS TOWING LTD.	2011-10-01	501.40
UNITOW SERVICES (1978) LTD.	2011-07-27	500.42
CLOVER TOWING LTD.	2011-08-31	500.00
BOYCE AUTO TOWING RICHMOND	2011-10-21	499.79
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	499.79
O'CONNOR TOWING	2011-11-24	496.80
CITY OF NEW WESTMINSTER	2011-11-22	495.42
RUSTY'S AUTO TOWING LTD.	2011-08-09	495.42
ROADWAY TOWING LTD.	2011-08-31	493.81
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	490.32
BUSTERS TOWING	2011-10-21	489.44
UNITOW SERVICES (1978) LTD.	2011-11-03	489.44
WALLY'S TOWING	2011-08-31	489.44
ROADWAY TOWING LTD.	2011-07-27	487.83
ZZZ SUNDRY ACCOUNTS	2012-03-16	487.65
ZZZ SUNDRY ACCOUNTS	2012-02-02	487.65
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	485.18
CITY OF NEW WESTMINSTER	2011-07-29	484.84
CLOVER TOWING LTD.	2011-07-20	484.84
ZZZ SUNDRY ACCOUNTS	2011-06-09	484.84
AURORA TRUCK CENTRE LTD.	2011-07-20	483.10
ZZZ REVENUE REFUNDS	2011-05-16	483.00
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	481.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	481.85
DALY'S AUTO CENTRE LTD.	2011-05-16	480.28
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	478.86
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-05-16	478.86
UNITOW SERVICES (1978) LTD.	2011-11-24	477.25
UNITOW SERVICES (1978) LTD.	2011-10-01	475.87
BUSTERS TOWING	2011-07-20	472.88
OFF ROAD TOWING LTD.	2012-03-29	472.88
GEORGIA STRAIGHT TOWING	2011-06-09	471.96
BUSTERS TOWING	2011-10-21	471.27
RELIABLE AUTO TOWING SERVICES	2011-10-01	471.27
BUSTERS TOWING	2011-10-21	469.89

BUSTERS TOWING	2012-03-29	469.89
BUSTERS TOWING	2011-06-09	469.89
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	469.89
MITCHELL'S TOWING LTD.	2011-12-20	469.89
PAYLESS AUTO TOWING LTD.	2011-08-31	469.89
PENINSULA TOWING	2011-08-31	469.89
UNITOW SERVICES (1978) LTD.	2011-11-03	469.89
CLOVER TOWING LTD.	2011-12-12	468.28
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	465.29
CLOVER TOWING LTD.	2011-07-20	462.30
CLOVER TOWING LTD.	2011-08-01	460.90
ROADWAY TOWING LTD.	2011-08-09	460.69
UNITOW SERVICES (1978) LTD.	2011-11-24	460.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	460.00
TOTEM TOWING SERVICE	2011-07-27	459.31
UNITOW SERVICES (1978) LTD.	2011-10-01	457.70
ZZZ SUNDRY ACCOUNTS	2011-12-20	456.32
ZZZ SUNDRY ACCOUNTS	2011-07-27	454.87
BAYVIEW AUTO TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-07-20	450.34
BUSTERS TOWING	2011-10-21	450.34
BUSTERS TOWING	2011-12-20	450.34
BUSTERS TOWING	2012-01-25	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
KUSTOM TOWING (2009) LTD.	2011-08-09	450.34
KUSTOM TOWING (2009) LTD.	2011-05-16	450.34
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	450.34
MAPLE RIDGE TOWING (1981) LTD.	2012-01-25	450.34
MITCHELL'S TOWING LTD.	2011-05-16	450.34
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-09	450.34
RELIABLE AUTO TOWING SERVICES	2011-06-09	450.34
SWEDE'S TOWING	2011-12-12	449.20
JACK'S TOWING LTD.	2011-08-09	448.73
UNITOW SERVICES (1978) LTD.	2011-08-31	448.73
TERRY'S TOWING SERVICE	2011-05-24	447.71
PENTICTON TOWING & RECOVERY	2012-01-06	446.99
ZZZ SUNDRY ACCOUNTS	2011-06-09	446.08
AGGRESSIVE AUTO TOWING LTD.	2011-06-09	445.74
SPARWOOD TOWING	2011-06-09	444.61
249513 B.C. LTD	2011-10-01	442.06
UNITOW SERVICES (1978) LTD.	2011-07-29	441.14
BUSTERS TOWING	2011-10-21	439.76
UNITOW SERVICES (1978) LTD.	2011-10-01	439.76
UNITOW SERVICES (1978) LTD.	2011-05-24	439.76
ZZZ SUNDRY ACCOUNTS	2012-03-16	435.40
MILL BAY TOWING AND RECOVERY LTD.	2011-05-16	434.93

TOTEM TOWING SERVICE	2011-06-09	433.78
UNITOW SERVICES (1978) LTD.	2011-07-29	433.78
COMOX VALLEY TOWING & RECOVERY	2011-11-22	433.09
ZZZ SUNDRY ACCOUNTS	2012-02-20	433.09
UNITOW SERVICES (1978) LTD.	2011-07-27	431.42
AJ 24 HOUR TOWING	2011-08-01	430.79
BUSTERS TOWING	2011-07-20	430.79
BUSTERS TOWING	2011-06-09	430.79
PAYLESS AUTO TOWING LTD.	2011-10-01	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
TOTEM TOWING SERVICE	2011-12-12	430.79
UNITOW SERVICES (1978) LTD.	2011-12-20	430.79
ZZZ SUNDRY ACCOUNTS	2011-10-28	430.79
BUSTERS TOWING	2011-10-21	429.18
ZZZ SUNDRY ACCOUNTS	2011-07-27	428.95
CLOVER TOWING LTD.	2011-11-03	426.19
UNITOW SERVICES (1978) LTD.	2011-07-27	426.19
MODERN TIRE & TOWING INC.	2011-07-27	424.20
UNITOW SERVICES (1978) LTD.	2011-08-31	423.20
ZZZ SUNDRY ACCOUNTS	2011-09-28	420.21
ACE AUTO TOWING	2011-08-01	419.98
ROD'S TOWING	2011-12-09	418.83
B.K.V. TOWING	2011-06-09	417.15
CLOVER TOWING LTD.	2011-08-09	417.07
OTTER POINT COLLISION LTD.	2012-03-16	416.99
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
BUSTERS TOWING	2012-01-06	411.24
BUSTERS TOWING	2012-03-29	411.24
MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	411.24
COQUITLAM TOWING & STORAGE CO. LTD.	2011-11-22	411.23
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	409.86
VERNON AUTO TOWING LTD.	2011-05-24	407.79
MARIO'S TOWING LTD.	2011-12-20	405.72
UNITOW SERVICES (1978) LTD.	2011-07-27	404.51
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	400.89
J.D. TOWING INC.	2011-12-12	400.89
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	400.89
VERNON AUTO TOWING LTD.	2011-12-12	400.89
TERRY'S TOWING SERVICE	2011-05-24	399.74
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	396.06
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	396.06
UNITOW SERVICES (1978) LTD.	2011-10-01	396.06
RUSTY'S AUTO TOWING LTD.	2011-05-24	392.37
BUSTERS TOWING	2011-08-09	391.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	390.77
RUSTY'S AUTO TOWING LTD.	2011-06-09	387.07

MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	384.96
COWICHAN TOWING LTD.	2011-12-12	384.79
EFM TOWING	2011-06-09	384.79
OTTER POINT COLLISION LTD.	2011-12-12	384.79
PENTICTON TOWING & RECOVERY	2012-01-06	384.79
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-29	384.10
NORTHERN CAPITAL TOWING LTD.	2011-10-01	383.68
COQUITLAM TOWING & STORAGE CO. LTD.	2011-10-21	381.11
CLOVER TOWING LTD.	2011-07-20	379.50
MARIO'S TOWING LTD.	2011-12-20	377.66
RUSTY'S AUTO TOWING LTD.	2011-05-16	376.51
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	375.13
DRAKE TOWING LTD.	2011-07-29	373.52
MARIO'S TOWING LTD.	2011-05-16	373.52
BUSTERS TOWING	2012-01-06	372.14
BUSTERS TOWING	2012-03-29	372.14
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	372.14
MITCHELL'S TOWING LTD.	2011-08-31	372.14
PAYLESS AUTO TOWING LTD.	2011-08-31	372.14
WESTSHORE TOWING LTD.	2011-05-24	372.13
MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	371.32
PENINSULA TOWING	2011-11-24	370.53
ROADWAY TOWING LTD.	2011-05-24	370.53
MARIO'S TOWING LTD.	2011-07-29	369.32
CLUB TOWING	2011-08-01	368.69
MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	367.57
RUSTY'S AUTO TOWING LTD.	2011-06-09	367.54
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	365.87
TOTEM TOWING SERVICE	2011-05-24	365.87
ZZZ SUNDRY ACCOUNTS	2011-09-28	365.87
ROADWAY TOWING LTD.	2011-10-01	362.94
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	361.55
AA MERRITT MOUNTAIN TOWING & RECOVERY LTD.	2011-08-01	357.42
CLOVER TOWING LTD.	2011-07-20	356.96
PAYLESS AUTO TOWING LTD.	2011-08-31	356.96
ZZZ SUNDRY ACCOUNTS	2011-09-28	356.96
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-12-12	355.58
ZZZ SUNDRY ACCOUNTS	2011-07-27	355.58
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	353.97
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	353.97
TOTEM TOWING SERVICE	2011-07-27	353.97
AJ 24 HOUR TOWING	2011-11-22	352.59
ALL-WAYS TOWING & RECOVERY	2011-07-20	352.59
BUSTERS TOWING	2012-03-29	352.59
COWICHAN TOWING LTD.	2011-06-09	352.59
KUSTOM TOWING (2009) LTD.	2011-05-16	352.59
PAYLESS AUTO TOWING LTD.	2011-07-29	352.59

CLOVER TOWING LTD.	2012-02-02	351.90
ZZZ SUNDRY ACCOUNTS	2011-09-28	351.90
MARIO'S TOWING LTD.	2011-07-29	349.77
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	348.45
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	345.00
ROADWAY TOWING LTD.	2011-10-01	343.39
ZZZ SUNDRY ACCOUNTS	2011-08-01	341.51
ZZZ SUNDRY ACCOUNTS	2011-09-30	341.39
GEM TOWING LTD.	2011-11-03	339.02
OTTER POINT COLLISION LTD.	2011-09-30	338.33
CLUB TOWING	2011-07-29	336.49
MARIO'S TOWING LTD.	2011-10-01	336.49
MARIO'S TOWING LTD.	2011-11-24	336.49
BAYVIEW AUTO TOWING	2011-10-21	333.04
BUSTERS TOWING	2011-07-20	333.04
BUSTERS TOWING	2011-08-31	333.04
ZZZ SUNDRY ACCOUNTS	2011-09-28	333.04
UNITOW SERVICES (1978) LTD.	2011-12-20	333.00
UNITOW SERVICES (1978) LTD.	2011-07-29	332.35
BUSTERS TOWING	2012-03-29	331.43
WALLY'S TOWING	2011-10-01	331.25
MID ISLAND TOWING & TRANSPORT LTD.	2011-07-29	330.44
ALL-WAYS TOWING & RECOVERY	2011-07-20	330.36
MARIO'S TOWING LTD.	2011-07-29	327.97
UNITOW SERVICES (1978) LTD.	2011-05-24	324.06
UNITOW SERVICES (1978) LTD.	2011-05-24	323.84
ACE AUTO TOWING	2011-11-03	323.03
TOM'S & MERRITT TOWING LTD.	2011-06-09	320.39
EXCEPTIONAL TOWING	2011-08-01	319.28
COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	317.86
GEORGIA STRAIGHT TOWING	2011-11-24	317.57
WALLY'S TOWING	2011-06-09	314.17
ZZZ SUNDRY ACCOUNTS	2011-07-14	314.17
BUSTERS TOWING	2011-10-21	313.49
BUSTERS TOWING	2012-01-06	313.49
BUSTERS TOWING	2011-06-09	313.49
MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	313.49
TOTEM TOWING SERVICE	2011-11-24	313.49
DON'S AUTO TOWING LTD.	2011-05-16	313.26
BUSTERS TOWING	2011-08-09	307.22
UNITOW SERVICES (1978) LTD.	2011-12-20	305.90
HOPE TOWING LTD.	2011-05-16	304.29
MARIO'S TOWING LTD.	2011-11-03	304.29
SCRAP KING AUTOWRECKING & TOWING LTD.	2012-03-16	303.14
UNITOW SERVICES (1978) LTD.	2011-07-29	302.91
ABLE TOWING	2011-06-09	301.47
PIONEER MOTORS LTD	2011-07-27	300.71

CITY OF NEW WESTMINSTER	2011-10-21	299.92
PENINSULA TOWING	2011-11-24	296.93
NORTHERN CAPITAL TOWING LTD.	2011-07-27	296.01
ROADWAY TOWING LTD.	2011-10-01	295.32
COWICHAN TOWING LTD.	2011-09-30	294.17
GEM TOWING LTD.	2011-10-21	293.94
TOTEM TOWING SERVICE	2011-12-12	293.94
ZZZ SUNDRY ACCOUNTS	2011-07-20	293.94
MARIO'S TOWING LTD.	2011-05-16	293.02
UNITOW SERVICES (1978) LTD.	2011-10-01	292.15
MARIO'S TOWING LTD.	2011-05-16	291.19
NORTHERN CAPITAL TOWING LTD.	2011-05-24	289.80
COLD COUNTRY AUTO	2012-01-25	288.19
DEL ORO TOWING	2011-08-31	288.19
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	288.19
DEL ORO TOWING	2011-08-31	287.04
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	286.35
ARCHIE'S AUTOWRECKING & TOWING	2011-12-12	285.37
EXCEPTIONAL TOWING	2011-11-24	285.37
LANDON COLLISION & TOWING LTD.	2011-05-16	284.05
ZZZ SUNDRY ACCOUNTS	2011-07-20	283.36
DEL ORO TOWING	2011-05-16	278.17
COMOX VALLEY DODGE CHRYSLER JEEP LTD.	2012-01-16	276.92
BUSTERS TOWING	2012-01-06	274.39
UNITOW SERVICES (1978) LTD.	2011-05-24	274.39
CLOVER TOWING LTD.	2011-10-21	273.70
MODERN TIRE & TOWING INC.	2011-07-29	273.70
PARKSVILLE TOWING	2011-08-09	272.09
PRONTO TOWING LTD.	2011-11-24	272.09
USHER'S TOWING	2011-05-24	272.09
RUSTY'S AUTO TOWING LTD.	2011-11-24	269.79
KUSTOM TOWING (2009) LTD.	2011-11-22	268.12
UNITOW SERVICES (1978) LTD.	2011-07-29	268.12
UNITOW SERVICES (1978) LTD.	2011-11-03	266.80
MITCHELL'S TOWING LTD.	2011-05-16	265.19
MITCHELL'S TOWING LTD.	2011-05-16	265.19
UNITOW SERVICES (1978) LTD.	2011-07-29	263.81
ZZZ SUNDRY ACCOUNTS	2011-09-28	263.81
MARIO'S TOWING LTD.	2011-10-01	260.82
UCLUELET PETRO-CANADA	2011-11-24	256.53
ALBERNI TOWING	2011-12-20	255.99
PENTICTON TOWING & RECOVERY	2011-06-09	255.99
ZZZ REVENUE REFUNDS	2011-05-16	255.00
BUSTERS TOWING	2011-10-21	254.84
MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	254.84
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	254.84
PAYLESS AUTO TOWING LTD.	2011-10-01	254.84

ZZZ SUNDRY ACCOUNTS	2011-07-29	254.84
ZZZ SUNDRY ACCOUNTS	2011-08-09	254.84
CARE TOWING (1991) LTD.	2012-03-09	245.87
CITY OF NEW WESTMINSTER	2011-10-21	244.26
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	243.25
UNITOW SERVICES (1978) LTD.	2011-05-24	240.91
COLD COUNTRY AUTO	2012-01-25	239.97
EXCEPTIONAL TOWING	2011-11-24	239.89
GEORGIA STRAIGHT TOWING	2011-11-24	239.89
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-11-03	239.66
ZZZ SUNDRY ACCOUNTS	2011-08-01	235.29
ZZZ SUNDRY ACCOUNTS	2011-12-20	234.47
ZZZ REVENUE REFUNDS	2011-05-16	233.58
ZZZ SUNDRY ACCOUNTS	2011-12-12	228.99
UNITOW SERVICES (1978) LTD.	2011-05-24	227.70
COMOX VALLEY TOWING & RECOVERY	2011-08-01	225.40
CLASSIC TOWING	2011-12-12	223.79
EFM TOWING	2011-11-24	223.79
ZZZ SUNDRY ACCOUNTS	2011-07-29	223.79
ZZZ SUNDRY ACCOUNTS	2012-01-06	223.79
ZZZ SUNDRY ACCOUNTS	2011-10-05	221.72
UNITOW SERVICES (1978) LTD.	2011-07-29	218.89
CLOVER TOWING LTD.	2011-08-09	217.52
ROADWAY TOWING LTD.	2011-05-24	215.74
24 HR. TOWING	2012-03-09	215.27
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	214.13
ALBERNI TOWING	2011-11-22	209.30
MITCHELL'S TOWING LTD.	2011-07-29	209.01
CLOVER TOWING LTD.	2011-10-21	208.15
ZZZ SUNDRY ACCOUNTS	2011-12-20	207.69
SPARWOOD TOWING	2011-05-24	204.11
COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	203.55
COQUITLAM TOWING & STORAGE CO. LTD.	2011-06-09	200.56
	2011-09-20	200.56
UNITOW SERVICES (1978) LTD.	2011-05-24	197.57
ZZZ SUNDRY ACCOUNTS	2011-07-14	197.57
BUSTERS TOWING	2011-06-09	196.19
CITY OF NEW WESTMINSTER	2011-07-20	196.19
MAPLE RIDGE TOWING (1981) LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2011-07-27	196.19
PAYLESS AUTO TOWING LTD.	2012-01-06	196.19
CLOVER TOWING LTD.	2011-10-21	195.50
ZZZ SUNDRY ACCOUNTS	2012-01-06	194.58
RUSTY'S AUTO TOWING LTD.	2011-08-31	194.40
MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	191.59
ZZZ SUNDRY ACCOUNTS	2011-12-12	191.59

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	188.60
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	187.45
AJ 24 HOUR TOWING	2011-10-21	186.99
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-09-30	184.00
RUSTY'S AUTO TOWING LTD.	2011-08-09	184.00
ZZZ SUNDRY ACCOUNTS	2011-11-24	183.00
AJ 24 HOUR TOWING	2012-01-25	182.62
UNITOW SERVICES (1978) LTD.	2012-01-25	182.62
BOYCE AUTO TOWING RICHMOND	2011-11-22	181.01
MARIO'S TOWING LTD.	2012-01-16	180.32
JACK'S TOWING LTD.	2012-03-29	179.63
JIMCO TOWING LTD.	2011-07-20	178.48
ZZZ SUNDRY ACCOUNTS	2011-09-28	178.02
BUSTERS TOWING	2012-01-16	176.64
COQUITLAM TOWING & STORAGE CO. LTD.	2011-09-30	176.64
O'CONNOR TOWING	2011-11-24	176.64
WESTSHORE TOWING LTD.	2011-08-31	176.64
ZZZ SUNDRY ACCOUNTS	2011-09-28	176.64
ZZZ SUNDRY ACCOUNTS	2011-11-22	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-17	176.64
ZZZ SUNDRY ACCOUNTS	2012-01-19	176.64
ZZZ SUNDRY ACCOUNTS	2012-02-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
ABLE TOWING	2011-06-09	175.49
ALBERNI TOWING	2011-10-21	175.49
DEL ORO TOWING	2011-07-29	175.49
DEL ORO TOWING	2011-11-24	175.49
MARIO'S TOWING LTD.	2011-05-16	175.49
PARKSVILLE TOWING	2011-07-27	175.49
PRO TOW	2011-07-29	175.49
ZZZ SUNDRY ACCOUNTS	2011-12-20	175.49
MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	175.45
PENTICTON TOWING & RECOVERY	2012-01-06	172.67
ZZZ SUNDRY ACCOUNTS	2011-07-29	170.37
ROADWAY TOWING LTD.	2012-03-16	169.91
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	167.21
TOTEM TOWING SERVICE	2012-01-06	163.17
GEORGIA STRAIGHT TOWING	2012-01-25	162.03
CITY OF NEW WESTMINSTER	2011-10-21	160.08
AUTOW QUESNEL TOWING LTD	2011-10-21	159.39
COLUMBIA TOWING LTD.	2011-11-22	159.39
DON'S AUTO TOWING LTD.	2011-08-01	159.39
GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	159.39
LAKE COUNTRY TOWING LTD.	2012-03-29	159.39
RON'S AUTO TOWING	2012-02-29	159.39
ZZZ SUNDRY ACCOUNTS	2011-07-29	159.39

ISLAND THUNDER TOWING	2011-07-20	159.38
GEM TOWING LTD.	2011-07-29	157.09
UNITOW SERVICES (1978) LTD.	2011-11-03	157.09
UNITOW SERVICES (1978) LTD.	2011-12-20	157.09
ZZZ SUNDRY ACCOUNTS	2011-10-01	157.09
SPORTSMAN'S CORNER GAS 2002	2011-05-24	155.25
COQUITLAM TOWING & STORAGE CO. LTD.	2012-03-16	152.49
CLOVER TOWING LTD.	2011-09-30	150.36
ZZZ SUNDRY ACCOUNTS	2011-09-28	150.19
RELIABLE AUTO TOWING SERVICES	2011-08-09	149.50
UNITOW SERVICES (1978) LTD.	2011-05-24	149.50
ZZZ SUNDRY ACCOUNTS	2011-12-12	148.30
UNITOW SERVICES (1978) LTD.	2011-05-24	147.89
VERNON AUTO TOWING LTD.	2011-05-24	143.29
MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	139.15
ZZZ SUNDRY ACCOUNTS	2011-08-09	137.89
CITY OF NEW WESTMINSTER	2011-12-20	137.54
CLOVER TOWING LTD.	2011-12-20	137.54
ZZZ SUNDRY ACCOUNTS	2011-06-09	137.54
CLOVER TOWING LTD.	2011-07-29	136.85
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2012-01-06	135.93
ZZZ SUNDRY ACCOUNTS	2011-12-12	135.90
	2011-04-19	133.93
ALBERNI TOWING	2011-10-21	127.19
ROD'S TOWING	2011-07-29	127.19
ZZZ SUNDRY ACCOUNTS	2011-11-22	127.19
ZZZ SUNDRY ACCOUNTS	2011-06-09	127.19
ZZZ SUNDRY ACCOUNTS	2011-12-12	119.22
WALLY'S TOWING	2011-05-24	117.99
KUSTOM TOWING (2009) LTD.	2011-10-01	117.30
MARIO'S TOWING LTD.	2012-01-06	111.09
NORTHERN CAPITAL TOWING LTD.	2011-07-29	111.09
RON'S AUTO TOWING	2012-03-29	111.09
ZZZ SUNDRY ACCOUNTS	2011-06-09	101.00
PAYLESS AUTO TOWING LTD.	2012-02-20	100.97
BUSTERS TOWING	2012-01-06	97.75
SPORTSMAN'S CORNER GAS 2002	2011-05-24	80.50
ALBERNI TOWING	2011-12-20	78.85
ZZZ SUNDRY ACCOUNTS	2011-09-28	78.20
ZZZ SUNDRY ACCOUNTS	2011-09-30	78.20
PRISM TOWING	2012-02-29	65.00
DRAKE TOWING LTD.	2011-08-31	58.65
ZZZ SUNDRY ACCOUNTS	2011-05-26	55.13
ROADHOUSE TOWING	2011-06-09	48.29
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	41.46
MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	37.29
ZZZ SUNDRY ACCOUNTS	2012-01-19	32.20

MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	-41.46	
BUSTERS TOWING	2012-01-17	-176.64	
COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-15	-200.56	
	2011-09-20	-200.56	
ZZZ SUNDRY ACCOUNTS	2011-12-20	-234.47	
MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	-243.25	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-435.40	
TERRY'S TOWING SERVICE	2011-05-24	-447.71	
ZZZ SUNDRY ACCOUNTS	2012-03-16	-487.65	
	2011-08-25	-629.32	
ZZZ REVENUE REFUNDS	2011-05-16	-762.60	
ZZZ SUNDRY ACCOUNTS	2011-07-15	-811.67	
	2012-02-08	-1,359.11	
	2011-07-27	-1,849.47	
	2012-03-30		-20,000.00
	2011-07-07		-41,582.69
			153,881.30

Not Towing Fee
Not Towing Fee

Clayton, Penny L JAG:EX

From: Tadla, Dana JAG:EX
Sent: Tuesday, August 14, 2012 11:47 AM
To: Stewart, Terry J JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: FW: ICBC query on ILO practice

More on ILO's – this could also be old news....

From: Anderson, Kathy E SG:EX
Sent: Monday, March 12, 2012 3:20 PM
To: Tadla, Dana SG:EX
Subject: ICBC query on ILO practice

Good afternoon Dana,

The OSMV operations and ICBC managers meet regularly to discuss issues related to our program areas. A question came up from ICBC at our last meeting in February, regarding the ILO's practice to require the owner pay a fee or a partial payment of the towing and storage costs before the owner can take their personal property from the vehicle. ICBC is concerned that the practice isn't equitable among the ILO's, and are further concerned that this information is nowhere to be found in our Fact Sheets or on our website. They question how an ILO can charge an owner for their property when the MVA states at s.251(6)

Personal property present in a motor vehicle that has been impounded under subsection (1) or section 215.46, other than personal property attached to or used in connection with the operation of the motor vehicle, must be returned to the owner on request.

I have attached ICBC's initiating complaint log from their Customer Service Representatives and their emails.



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df

I'd like to know if your policy team has any documentation that would be appropriate to provide to ICBC, and/or post to our website. I recall that Brad Gerhart worked on the ILO issues at one time and may have some recollection of the ILO's practice.

We meet again on April 5th. If possible, could I have something to advise ICBC by that time? It doesn't have to be a complete response.

Cheers,

Kathy Anderson

*Manager, Adjudication and Training
Administrative Justice, Driver Fitness and Intervention
Office of the Superintendent of Motor Vehicles*

*Direct: (250) 356-8068
Fax: (250) 387-4891*



Agenda – OSMV/ICBC LICENSING OPERATIONS FORUM

Date:	Feb. 3, 2012	Time:	1:30 – 3:00 pm		
Location:	940 Blanshard St	Room:	4A		
Attendees:	Catherine Minvielle Kathy Anderson Tony Esposito Melanie LeBrun Lisa Mitchner Jodi Pottery Ted Ockenden				

	<u>Items</u>	<u>Comment</u>	<u>Lead</u>
1.	OSMV Fact Sheet – Did You Miss the 7 Days to Apply		Ted
2.	Letter Library		Jodi
3.	Procedures for VI Release for OOP Owner (proposed wording sent via email Jan. 13)		Jodi
4.	Contents in Impounded Vehicles		Jodi
5.	Upgrade After Voluntary Downgrade.		Jodi
6.	Introduce New Director – Driver Fitness and Intervention		Catherine
7.	Request for Update of Certified Mail Project		Catherine
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Pottery, Jodi

From: Cheli, Vittorio
Sent: Thursday, September 22, 2011 2:10 PM
To: Pottery, Jodi
Cc: Luchies, Jason; Thickens, David; Sather, Lori
Subject: RE: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jodi – Please do send it along. I can't fathom how they would rule it out of scope, so I'd be interested to read their response (if any). Please redact/edit my original email and/or the email string as you see fit.

Cheers – Vitto

From: Pottery, Jodi
Sent: Thursday, September 22, 2011 2:00 PM
To: Cheli, Vittorio
Cc: Luchies, Jason; Thickens, David; Sather, Lori
Subject: RE: BP Item #68 - Removal of Personal Items from Impounded Vehicles
Importance: High

Interesting you brought this up Vitto, we met with them yesterday and I brought it up....and the response was ... it is out of our scope and it is between the owner and the tow lot. OSMV does not get involved whatsoever. So I think it may be beneficial for me to send your note off to them to ask them to re-evaluate. Sound ok?

.....
Jodi Pottery
Manager Driver Licensing Call Centre
 Driver Licensing Division
 ICBC building trust. driving confidence.

 2nd Floor 910 Government Street
 Victoria | British Columbia | V8W 3Y8
direct: 250-978-8471
facsimile: 250-978-8001 | **mobile:** 250-812-8818
 Save trees. Print only when necessary.

From: Cheli, Vittorio
Sent: Thursday, September 22, 2011 1:22 PM
To: Pottery, Jodi
Cc: Luchies, Jason; Thickens, David; Sather, Lori
Subject: FW: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Hi Jodi – I wanted to bring to your attention an issue that has cropped up in re: the removal of personal items from impounded vehicles. I raised this with our Senior Policy Advisors and thought that we ought to make OSMV aware of this issue. As I understand that you have regular meetings with OSMV with respect to issue management, I am forwarding this one to you in hopes that you can raise it with OSMV.

Please let me know if I can provide any further support in helping you raise this with OSMV.

Thanks – Vitto

From: Cheli, Vittorio
Sent: Tuesday, September 20, 2011 9:27 AM
To: Luchies, Jason; Thickens, David
Subject: BP Item #68 - Removal of Personal Items from Impounded Vehicles

Gentlemen – As you can see, this quarter's BP agenda certainly had some interesting items on it!

Thanks – Vitto

Q3 2011 Best Practices						
Item #	Year	Q	Initiative Name	Issue Description	Suggestion	This will Improve
68	2011	Q3	Customer Service	VI - Must pay towing and storage before collecting personal items from an impounded vehicle.		

s.13

.....
Vittorio F Cheli

Policy Advisor

Driver Licensing Policy

ICBC building trust. driving confidence.

.....
1st floor, 910 Government Street
Victoria | British Columbia | V8W 3Y8

telephone: 250-414-7904 |

facsimile: 250-978-8025

e-mail: Vittorio.Cheli@icbc.com



PLEASE ~ only print this email if absolutely necessary!

Moran, Deidre JAG:EX

From: Moran, Deidre JAG:EX
Sent: Thursday, June 14, 2012 11:17 AM
To: Stewart, Terry J JAG:EX
Cc: Park, Kyou JAG:EX; Wang, Dongmei JAG:EX; Tanti, Marianne JAG:EX
Subject: RE: Lien on Impounded Motor Vehicle Regulation

Thanks – we've been working on a financial analysis and I'm not clear that we'd be able to consider the implications of the vehicle weight. I'm copying Kyou who has performed some analysis on the topic for his consideration.

In terms of timing, I'd recommend dialogue with Arnie Handgraff on this. As well, we may want our public facing documents to be updated and distributed and web updates prepared. In addition to Kyou, I am copying Marianne and their supervisor Dongmei for feedback on any issues for timing of the implementation. Please advise Terry and I.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, June 14, 2012 11:13 AM
To: Moran, Deidre JAG:EX
Subject: Lien on Impounded Motor Vehicle Regulation

Hi Deirdre.

I think we are getting fairly close sending this for Steve's approval.

There is an item that is proposed to be added to what I sent you back in May.

ICBC also pays hourly rates called "Category Hourly Rates" based on the fee for each size and weight of vehicle for a basic tow up to 6 km. The only one that has been identified as being applicable to this regulation are, "Special services for vehicles with a GVWR of over 3,000 kg." These are charges for any one or a combination of services such as removal of drive shafts, release airbrakes, removal of axles, loading, etc. are paid at the appropriate category hourly rate in ½ hour increments, with a ½ hour minimum. The rates are: \$78.85 for 3 000 kg to 9 072 kg, and \$166.26 for 9 073 kg and above.

I assume you will want to factor this into the impact of these changes.

Some consideration will need be given to the timing of bringing these changes into force. Generally regulations may be drafted so they come into force upon being signed and deposited with the Registrar of Regulations, or so that they may come into effect at a specific date in the future. The reasons for deferring the effective date is generally either to give the government organization the opportunity to prepare (in this case OSMV) or to give stakeholders (ILOs) similar time to prepare. If you have any feedback on implementation timing that would be great. I will be discussing this with Kathy Anderson as well.

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 4:37 PM
To: Stewart, Terry J JAG:EX
Subject: RE: s.12

Thanks Terry – we'll take this data and estimate the total impact for making the change.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 4:35 PM
To: Moran, Deidre JAG:EX
Subject: RE: s.12

The most current financial analysis that I have seen is the data on the 2nd and subsequent pages of the draft BN I sent you.

The current Lien Reg, that sets the fees, may be viewed at:
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628

The proposed change to this Reg currently reads:

Lien on impounded vehicle

2 The following fees, costs and charges are prescribed for the purposes of section 255 (2) (a) of the Act:

(a) for storage,

(i) for motorcycles, 1/2 the rate set out in Table 1 applicable to the length of the motorcycle per day,
and

(ii) for all other vehicles as set out in the following table:

Table 1

Item	Column 1 Length of Vehicle	Column 2 Rate per day for impound lots located within the Greater Vancouver Regional District, the District of Squamish, the District of Chilliwack,	Column 3 Rate per day for impound lots located outside of the areas
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		the District of Abbotsford, the District of Mission or the City of Victoria	described in Column 2
1	up to 6.1 m	\$22.44	\$19.38
2	longer than 6.1 m and up to 10.7 m	\$44.88	\$38.76
3	longer than 10.7 m	\$67.32	\$58.14

(b) for towing,

(i) as set out in the following table:

Table 2

Item	Distance	Size and Weight of Vehicle	Size and Weight of Vehicle	Size and Weight of Vehicle
	Column 1	Column 2 up to 2 999 kg GVW Automobiles, vans, pickups, motorcycles	Column 3 3 000 kg to 9 072 kg GVW medium duty trucks and trailers	Column 4 9 073 kg GVW and over heavy trucks and trailers
1	up to 6 km	\$72.99	\$78.85	\$166.26
2	6.1 km to 16 km, add per km	\$2.54	\$2.94	\$3.58
3	16.1 km to 32 km, add per km	\$2.15	\$2.69	\$3.03
4	32.1 km and over, add per km	\$1.86	\$2.20	\$2.44
5	fuel surcharge on the total fees, costs and charges for towing	14.5%	14.5%	14.5%

(ii) \$0.43 per km for the use of dollies for automobiles, vans, pickups or motorcycles up to 2 999 kg GVW when the distance travelled exceeds 32 km while on a paved highway, and

(iii) \$0.63 for the use of dollies for automobiles, vans, pickups or motorcycles up to 2 999 kg GVW when the distance travelled exceeds 32 km while on a gravel highway.

I would be glad to work with your staff to see if there is any other info I can provide.

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 3:12 PM
To: Stewart, Terry J JAG:EX
Subject: RE:

s.12

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
Web:<http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 2:23 PM
To: Moran, Deidre JAG:EX
Subject: RE: s.12

Here it is.

It is in draft form, but the reference to the t-board approval is in the discussion section, under the 'previous approval' heading.

Terry

From: Moran, Deidre JAG:EX
Sent: Thursday, May 17, 2012 1:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE: s.12

Yes. For context, can you please provide me with a copy of the BN?

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

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Web:<http://www.pssg.gov.bc.ca/osmv/>

From: Stewart, Terry J JAG:EX
Sent: Thursday, May 17, 2012 1:51 PM
To: Moran, Deidre JAG:EX
Subject: s.12

Hello Deidre.

On the file that I was given on harmonizing the vehicle impound fees with ICBC towing and impound fees, there is a reference to an approval received from Treasury Board on March 23, 2010.

Is this something your area could help me with?

Terry Stewart
Senior Policy Advisor
Policy and Research Branch | Office of the Superintendent of Motor Vehicles
British Columbia Ministry of Justice
PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |
250-356-8070

Moran, Deidre JAG:EX

From: Moran, Deidre JAG:EX
Sent: Friday, June 15, 2012 9:18 AM
To: Stewart, Terry J JAG:EX; Park, Kyou JAG:EX
Cc: Tadla, Dana JAG:EX
Subject: FW: Impoundment fee increase analysis - KP 2012-05-25.xlsx
Attachments: Impoundment fee increase analysis - KP 2012-05-25.xlsx

s.13, s.17

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

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Web: <http://www.pssg.gov.bc.ca/osmv/>

From: Park, Kyou JAG:EX
Sent: Wednesday, June 13, 2012 3:52 PM
To: Moran, Deidre JAG:EX
Subject: Impoundment fee increase analysis - KP 2012-05-25.xlsx

Hi Deidre,

Please take a look at the attached spreadsheet for impoundment fee increase analysis.

Basically, what I did was I have entered all invoices in FY12 with towing and storage amounts as you can see in tab "FY12 invoices".

s.17

Please advise me what might be better analysis that you think of in terms of "impact on budget". Good thing is that I have all FY12 entries which I can tweak and play with to get any sort of analysis and charts.

Thanks,
Kyou

Period Name	CLIENT	RC	SVC	STOB	PROJ	Supplier Name	Effective Date	Actual Amount	
								0.00	
12-Jul	10	1509E	62910	8585	1508021		2011-07-07		41,582.69 Not Towing Fee
12-May	10	1509B	62910	8585	1508021		2011-05-31		20,000.00 Not Towing Fee
12-Aug	10	1509E	62910	8585	1508021	BUSTERS TOWING	2011-08-31	839.73	
12-Jun	10	1509A	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	811.67	
12-Jul	10	1509A	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-15	811.67	
12-Feb	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-20	795.51	
12-Sep	10	1509E	62910	8585	1508021		2011-09-30	791.66	
12-May	10	1509B	62910	8585	1508021	ZZZ REVENUE REFUNDS	2011-05-16	762.60	
12-Jul	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	756.62	
12-May	10	1509B	62910	8585	1508021	ZZZ REVENUE REFUNDS	2011-05-16	750.95	
12-Feb	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-29	736.86	
12-Aug	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-09	734.39	
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	733.01	
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-22	716.45	
12-Jul	10	1509E	62910	8585	1508021	CLOVER TOWING LTD.	2011-07-20	713.49	
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-03	710.47	
12-Mar	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-16	710.47	
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-22	707.48	
12-Aug	10	1509E	62910	8585	1508021	KUSTOM TOWING (2009) LTD.	2011-08-31	704.49	
12-Sep	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	704.49	
12-Oct	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-10-01	704.49	
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	704.49	
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-01	704.49	
12-Mar	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-09	704.49	
12-Apr	10	1509A	62910	8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-04-21	667.74	
12-Jul	10	1509E	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-07-27	644.05	
12-Aug	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-31	623.99	
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	615.02	
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	610.82	
12-Mar	10	1509E	62910	8585	1508021	KOMAR ENTERPRISES	2012-03-29	606.05	
12-Jul	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	606.05	
12-Feb	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-20	603.06	
12-Jun	10	1509B	62910	8585	1508021	AGGRESSIVE AUTO TOWING LTD.	2011-06-09	592.81	
12-Oct	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-10-21	577.99	
12-Jul	10	1509E	62910	8585	1508021	PARKSVILLE TOWING	2011-07-27	561.89	
12-Jul	10	1509E	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	541.38	
12-Dec	10	1509E	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-12-20	532.91	
12-Jul	10	1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	529.92	
12-Oct	10	1509E	62910	8585	1508021	PENINSULA TOWING	2011-10-01	528.54	
12-Sep	10	1509E	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-09-30	523.94	
12-Jul	10	1509E	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-27	521.81	
12-Jul	10	1509E	62910	8585	1508021	ROADWAY TOWING LTD.	2011-07-29	520.95	
12-Oct	10	1509E	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2011-10-01	517.96	
12-Aug	10	1509E	62910	8585	1508021	ROADWAY TOWING LTD.	2011-08-09	517.08	
12-Jul	10	1509E	62910	8585	1508021	TOTEM TOWING SERVICE	2011-07-27	516.35	
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-22	515.20	
12-Aug	10	1509E	62910	8585	1508021	CITY OF NEW WESTMINSTER	2011-08-01	514.97	
12-Dec	10	1509E	62910	8585	1508021	LAKE COUNTRY TOWING LTD.	2011-12-12	513.59	

12-Mar	10 1509E	62910 8585	1508021	BUSTERS TOWING	2012-03-29	513.36
12-Oct	10 1509E	62910 8585	1508021	KUSTOM TOWING (2009) LTD.	2011-10-01	508.99
12-May	10 1509B	62910 8585	1508021	KUSTOM TOWING (2009) LTD.	2011-05-16	508.99
12-Jul	10 1509E	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-07-27	508.99
12-Jul	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	508.99
12-Jul	10 1509E	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-07-29	507.20
12-Nov	10 1509E	62910 8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-11-24	504.39
12-Oct	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-10-21	503.84
12-Dec	10 1509E	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-12-12	502.26
12-Oct	10 1509E	62910 8585	1508021	TONKS TOWING LTD.	2011-10-01	501.40
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-27	500.42
12-Aug	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-08-31	500.00
12-Oct	10 1509E	62910 8585	1508021	BOYCE AUTO TOWING RICHMOND	2011-10-21	499.79
12-Aug	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	499.79
12-Nov	10 1509E	62910 8585	1508021	O'CONNOR TOWING	2011-11-24	496.80
12-Nov	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-11-22	495.42
12-Aug	10 1509E	62910 8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-08-09	495.42
12-Aug	10 1509E	62910 8585	1508021	ROADWAY TOWING LTD.	2011-08-31	493.81
12-Aug	10 1509E	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	490.32
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	489.44
12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-03	489.44
12-Aug	10 1509E	62910 8585	1508021	WALLY'S TOWING	2011-08-31	489.44
12-Jul	10 1509E	62910 8585	1508021	ROADWAY TOWING LTD.	2011-07-27	487.83
12-Mar	10 1509N	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-16	487.65
12-Feb	10 1509A	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-02	487.65
12-Jul	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	485.18
12-Jul	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-07-29	484.84
12-Jul	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-07-20	484.84
12-Jun	10 1509A	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	484.84
12-Jul	10 1509E	62910 8585	1508021	AURORA TRUCK CENTRE LTD.	2011-07-20	483.10
12-May	10 1509A	62910 8585	1508021	ZZZ REVENUE REFUNDS	2011-05-16	483.00
12-Nov	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	481.85
12-Sep	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	481.85
12-May	10 1509B	62910 8585	1508021	DALY'S AUTO CENTRE LTD.	2011-05-16	480.28
12-Aug	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	478.86
12-May	10 1509B	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-05-16	478.86
12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-24	477.25
12-Oct	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-10-01	475.87
12-Jul	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-07-20	472.88
12-Mar	10 1509E	62910 8585	1508021	OFF ROAD TOWING LTD.	2012-03-29	472.88
12-Jun	10 1509B	62910 8585	1508021	GEORGIA STRAIGHT TOWING	2011-06-09	471.96
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	471.27
12-Oct	10 1509E	62910 8585	1508021	RELIABLE AUTO TOWING SERVICES	2011-10-01	471.27
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	469.89
12-Mar	10 1509E	62910 8585	1508021	BUSTERS TOWING	2012-03-29	469.89
12-Jun	10 1509B	62910 8585	1508021	BUSTERS TOWING	2011-06-09	469.89
12-May	10 1509B	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	469.89
12-Dec	10 1509E	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-12-20	469.89
12-Aug	10 1509E	62910 8585	1508021	PAYLESS AUTO TOWING LTD.	2011-08-31	469.89
12-Aug	10 1509E	62910 8585	1508021	PENINSULA TOWING	2011-08-31	469.89

12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-03	469.89
12-Dec	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-12-12	468.28
12-Nov	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	465.29
12-Jul	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-07-20	462.30
12-Aug	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-08-01	460.90
12-Aug	10 1509E	62910 8585	1508021	ROADWAY TOWING LTD.	2011-08-09	460.69
12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-24	460.69
12-Aug	10 1509E	62910 8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	460.00
12-Jul	10 1509E	62910 8585	1508021	TOTEM TOWING SERVICE	2011-07-27	459.31
12-Oct	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-10-01	457.70
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-20	456.32
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-27	454.87
12-Oct	10 1509E	62910 8585	1508021	BAYVIEW AUTO TOWING	2011-10-21	450.34
12-Jul	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-07-20	450.34
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	450.34
12-Dec	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-12-20	450.34
12-Jan	10 1509E	62910 8585	1508021	BUSTERS TOWING	2012-01-25	450.34
12-Aug	10 1509E	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
12-Aug	10 1509E	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	450.34
12-Aug	10 1509E	62910 8585	1508021	KUSTOM TOWING (2009) LTD.	2011-08-09	450.34
12-May	10 1509B	62910 8585	1508021	KUSTOM TOWING (2009) LTD.	2011-05-16	450.34
12-Nov	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	450.34
12-Jan	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2012-01-25	450.34
12-May	10 1509B	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-05-16	450.34
12-Jun	10 1509B	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-09	450.34
12-Jun	10 1509B	62910 8585	1508021	RELIABLE AUTO TOWING SERVICES	2011-06-09	450.34
12-Dec	10 1509E	62910 8585	1508021	SWEDE'S TOWING	2011-12-12	449.20
12-Aug	10 1509E	62910 8585	1508021	JACK'S TOWING LTD.	2011-08-09	448.73
12-Aug	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-08-31	448.73
12-May	10 1509B	62910 8585	1508021	TERRY'S TOWING SERVICE	2011-05-24	447.71
12-Jan	10 1509E	62910 8585	1508021	PENTICTON TOWING & RECOVERY	2012-01-06	446.99
12-Jun	10 1509A	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	446.08
12-Jun	10 1509B	62910 8585	1508021	AGGRESSIVE AUTO TOWING LTD.	2011-06-09	445.74
12-Jun	10 1509B	62910 8585	1508021	SPARWOOD TOWING	2011-06-09	444.61
12-Oct	10 1509E	62910 8585	1508021	249513 B.C. LTD	2011-10-01	442.06
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	441.14
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	439.76
12-Oct	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-10-01	439.76
12-May	10 1509B	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	439.76
12-Mar	10 1509N	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-16	435.40
12-May	10 1509B	62910 8585	1508021	MILL BAY TOWING AND RECOVERY LTD.	2011-05-16	434.93
12-Jun	10 1509B	62910 8585	1508021	TOTEM TOWING SERVICE	2011-06-09	433.78
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	433.78
12-Nov	10 1509E	62910 8585	1508021	COMOX VALLEY TOWING & RECOVERY	2011-11-22	433.09
12-Feb	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-20	433.09
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-27	431.42
12-Aug	10 1509E	62910 8585	1508021	AJ 24 HOUR TOWING	2011-08-01	430.79
12-Jul	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-07-20	430.79
12-Jun	10 1509B	62910 8585	1508021	BUSTERS TOWING	2011-06-09	430.79
12-Oct	10 1509E	62910 8585	1508021	PAYLESS AUTO TOWING LTD.	2011-10-01	430.79

12-Dec	10	1509E	62910	8585	1508021 TOTEM TOWING SERVICE	2011-12-12	430.79
12-Dec	10	1509E	62910	8585	1508021 TOTEM TOWING SERVICE	2011-12-12	430.79
12-Dec	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-12-20	430.79
12-Oct	10	1509E	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-10-28	430.79
12-Oct	10	1509E	62910	8585	1508021 BUSTERS TOWING	2011-10-21	429.18
12-Jul	10	1509E	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-07-27	428.95
12-Nov	10	1509E	62910	8585	1508021 CLOVER TOWING LTD.	2011-11-03	426.19
12-Jul	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-07-27	426.19
12-Jul	10	1509E	62910	8585	1508021 MODERN TIRE & TOWING INC.	2011-07-27	424.20
12-Aug	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-08-31	423.20
12-Sep	10	1509E	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-09-28	420.21
12-Aug	10	1509E	62910	8585	1508021 ACE AUTO TOWING	2011-08-01	419.98
12-Dec	10	1509E	62910	8585	1508021 ROD'S TOWING	2011-12-09	418.83
12-Jun	10	1509B	62910	8585	1508021 B.K.V. TOWING	2011-06-09	417.15
12-Aug	10	1509E	62910	8585	1508021 CLOVER TOWING LTD.	2011-08-09	417.07
12-Mar	10	1509E	62910	8585	1508021 OTTER POINT COLLISION LTD.	2012-03-16	416.99
12-Sep	10	1509E	62910	8585	1508021 BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
12-Sep	10	1509E	62910	8585	1508021 BOYCE AUTO TOWING RICHMOND	2011-09-30	414.23
12-Jan	10	1509E	62910	8585	1508021 BUSTERS TOWING	2012-01-06	411.24
12-Mar	10	1509E	62910	8585	1508021 BUSTERS TOWING	2012-03-29	411.24
12-Nov	10	1509E	62910	8585	1508021 MAPLE RIDGE TOWING (1981) LTD.	2011-11-24	411.24
12-Nov	10	1509E	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-11-22	411.23
12-Aug	10	1509E	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	409.86
12-May	10	1509B	62910	8585	1508021 VERNON AUTO TOWING LTD.	2011-05-24	407.79
12-Dec	10	1509E	62910	8585	1508021 MARIO'S TOWING LTD.	2011-12-20	405.72
12-Jul	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-07-27	404.51
12-Jul	10	1509E	62910	8585	1508021 GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	400.89
12-Dec	10	1509E	62910	8585	1508021 J.D. TOWING INC.	2011-12-12	400.89
12-Sep	10	1509E	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	400.89
12-Dec	10	1509E	62910	8585	1508021 VERNON AUTO TOWING LTD.	2011-12-12	400.89
12-May	10	1509B	62910	8585	1508021 TERRY'S TOWING SERVICE	2011-05-24	399.74
12-Aug	10	1509E	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	396.06
12-May	10	1509A	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	396.06
12-Oct	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-10-01	396.06
12-May	10	1509B	62910	8585	1508021 RUSTY'S AUTO TOWING LTD.	2011-05-24	392.37
12-Aug	10	1509E	62910	8585	1508021 BUSTERS TOWING	2011-08-09	391.69
12-Dec	10	1509E	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	390.77
12-Jun	10	1509B	62910	8585	1508021 RUSTY'S AUTO TOWING LTD.	2011-06-09	387.07
12-Jun	10	1509B	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	384.96
12-Dec	10	1509E	62910	8585	1508021 COWICHAN TOWING LTD.	2011-12-12	384.79
12-Jun	10	1509B	62910	8585	1508021 EFM TOWING	2011-06-09	384.79
12-Dec	10	1509E	62910	8585	1508021 OTTER POINT COLLISION LTD.	2011-12-12	384.79
12-Jan	10	1509E	62910	8585	1508021 PENTICTON TOWING & RECOVERY	2012-01-06	384.79
12-Jul	10	1509E	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-29	384.10
12-Oct	10	1509E	62910	8585	1508021 NORTHERN CAPITAL TOWING LTD.	2011-10-01	383.68
12-Oct	10	1509E	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-10-21	381.11
12-Jul	10	1509E	62910	8585	1508021 CLOVER TOWING LTD.	2011-07-20	379.50
12-Dec	10	1509E	62910	8585	1508021 MARIO'S TOWING LTD.	2011-12-20	377.66
12-May	10	1509B	62910	8585	1508021 RUSTY'S AUTO TOWING LTD.	2011-05-16	376.51
12-May	10	1509B	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	375.13

12-Jul	10 1509E	62910	8585	1508021	DRAKE TOWING LTD.	2011-07-29	373.52
12-May	10 1509B	62910	8585	1508021	MARIO'S TOWING LTD.	2011-05-16	373.52
12-Jan	10 1509E	62910	8585	1508021	BUSTERS TOWING	2012-01-06	372.14
12-Mar	10 1509E	62910	8585	1508021	BUSTERS TOWING	2012-03-29	372.14
12-Jun	10 1509B	62910	8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	372.14
12-Aug	10 1509E	62910	8585	1508021	MITCHELL'S TOWING LTD.	2011-08-31	372.14
12-Aug	10 1509E	62910	8585	1508021	PAYLESS AUTO TOWING LTD.	2011-08-31	372.14
12-May	10 1509B	62910	8585	1508021	WESTSHORE TOWING LTD.	2011-05-24	372.13
12-Aug	10 1509E	62910	8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-08-01	371.32
12-Nov	10 1509E	62910	8585	1508021	PENINSULA TOWING	2011-11-24	370.53
12-May	10 1509B	62910	8585	1508021	ROADWAY TOWING LTD.	2011-05-24	370.53
12-Jul	10 1509E	62910	8585	1508021	MARIO'S TOWING LTD.	2011-07-29	369.32
12-Aug	10 1509E	62910	8585	1508021	CLUB TOWING	2011-08-01	368.69
12-Jun	10 1509B	62910	8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-06-09	367.57
12-Jun	10 1509B	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-06-09	367.54
12-Jul	10 1509E	62910	8585	1508021	GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	365.87
12-May	10 1509B	62910	8585	1508021	TOTEM TOWING SERVICE	2011-05-24	365.87
12-Sep	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	365.87
12-Oct	10 1509E	62910	8585	1508021	ROADWAY TOWING LTD.	2011-10-01	362.94
12-Dec	10 1509E	62910	8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	361.55
12-Aug	10 1509E	62910	8585	1508021	AA MERRITT MOUNTAIN TOWING & RECOVERY LTD.	2011-08-01	357.42
12-Jul	10 1509E	62910	8585	1508021	CLOVER TOWING LTD.	2011-07-20	356.96
12-Aug	10 1509E	62910	8585	1508021	PAYLESS AUTO TOWING LTD.	2011-08-31	356.96
12-Sep	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	356.96
12-Dec	10 1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-12-12	355.58
12-Jul	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-27	355.58
12-Aug	10 1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	353.97
12-Aug	10 1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-09	353.97
12-Jul	10 1509E	62910	8585	1508021	TOTEM TOWING SERVICE	2011-07-27	353.97
12-Nov	10 1509E	62910	8585	1508021	AJ 24 HOUR TOWING	2011-11-22	352.59
12-Jul	10 1509E	62910	8585	1508021	ALL-WAYS TOWING & RECOVERY	2011-07-20	352.59
12-Mar	10 1509E	62910	8585	1508021	BUSTERS TOWING	2012-03-29	352.59
12-Jun	10 1509B	62910	8585	1508021	COWICHAN TOWING LTD.	2011-06-09	352.59
12-May	10 1509B	62910	8585	1508021	KUSTOM TOWING (2009) LTD.	2011-05-16	352.59
12-Jul	10 1509E	62910	8585	1508021	PAYLESS AUTO TOWING LTD.	2011-07-29	352.59
12-Feb	10 1509E	62910	8585	1508021	CLOVER TOWING LTD.	2012-02-02	351.90
12-Sep	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	351.90
12-Jul	10 1509E	62910	8585	1508021	MARIO'S TOWING LTD.	2011-07-29	349.77
12-Sep	10 1509E	62910	8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	348.45
12-Aug	10 1509E	62910	8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	345.00
12-Oct	10 1509E	62910	8585	1508021	ROADWAY TOWING LTD.	2011-10-01	343.39
12-Aug	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-01	341.51
12-Sep	10 1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-30	341.39
12-Nov	10 1509E	62910	8585	1508021	GEM TOWING LTD.	2011-11-03	339.02
12-Sep	10 1509E	62910	8585	1508021	OTTER POINT COLLISION LTD.	2011-09-30	338.33
12-Jul	10 1509E	62910	8585	1508021	CLUB TOWING	2011-07-29	336.49
12-Oct	10 1509E	62910	8585	1508021	MARIO'S TOWING LTD.	2011-10-01	336.49
12-Nov	10 1509E	62910	8585	1508021	MARIO'S TOWING LTD.	2011-11-24	336.49
12-Oct	10 1509E	62910	8585	1508021	BAYVIEW AUTO TOWING	2011-10-21	333.04
12-Jul	10 1509E	62910	8585	1508021	BUSTERS TOWING	2011-07-20	333.04

12-Aug	10	1509E	62910	8585	1508021 BUSTERS TOWING	2011-08-31	333.04
12-Sep	10	1509E	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-09-28	333.04
12-Dec	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-12-20	333.00
12-Jul	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-07-29	332.35
12-Mar	10	1509E	62910	8585	1508021 BUSTERS TOWING	2012-03-29	331.43
12-Oct	10	1509E	62910	8585	1508021 WALLY'S TOWING	2011-10-01	331.25
12-Jul	10	1509E	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-07-29	330.44
12-Jul	10	1509E	62910	8585	1508021 ALL-WAYS TOWING & RECOVERY	2011-07-20	330.36
12-Jul	10	1509E	62910	8585	1508021 MARIO'S TOWING LTD.	2011-07-29	327.97
12-May	10	1509B	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-05-24	324.06
12-May	10	1509B	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-05-24	323.84
12-Nov	10	1509E	62910	8585	1508021 ACE AUTO TOWING	2011-11-03	323.03
12-Jun	10	1509A	62910	8585	1508021 TOM'S & MERRITT TOWING LTD.	2011-06-09	320.39
12-Aug	10	1509E	62910	8585	1508021 EXCEPTIONAL TOWING	2011-08-01	319.28
12-May	10	1509B	62910	8585	1508021 COQUITLAM TOWING & STORAGE CO. LTD.	2011-05-16	317.86
12-Nov	10	1509E	62910	8585	1508021 GEORGIA STRAIGHT TOWING	2011-11-24	317.57
12-Jun	10	1509A	62910	8585	1508021 WALLY'S TOWING	2011-06-09	314.17
12-Jul	10	1509A	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-07-14	314.17
12-Oct	10	1509E	62910	8585	1508021 BUSTERS TOWING	2011-10-21	313.49
12-Jan	10	1509E	62910	8585	1508021 BUSTERS TOWING	2012-01-06	313.49
12-Jun	10	1509B	62910	8585	1508021 BUSTERS TOWING	2011-06-09	313.49
12-Jun	10	1509B	62910	8585	1508021 MAPLE RIDGE TOWING (1981) LTD.	2011-06-09	313.49
12-Nov	10	1509E	62910	8585	1508021 TOTEM TOWING SERVICE	2011-11-24	313.49
12-May	10	1509B	62910	8585	1508021 DON'S AUTO TOWING LTD.	2011-05-16	313.26
12-Aug	10	1509E	62910	8585	1508021 BUSTERS TOWING	2011-08-09	307.22
12-Dec	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-12-20	305.90
12-May	10	1509B	62910	8585	1508021 HOPE TOWING LTD.	2011-05-16	304.29
12-Nov	10	1509E	62910	8585	1508021 MARIO'S TOWING LTD.	2011-11-03	304.29
12-Mar	10	1509E	62910	8585	1508021 SCRAP KING AUTOWRECKING & TOWING LTD.	2012-03-16	303.14
12-Jul	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-07-29	302.91
12-Jun	10	1509B	62910	8585	1508021 ABLE TOWING	2011-06-09	301.47
12-Jul	10	1509E	62910	8585	1508021 PIONEER MOTORS LTD	2011-07-27	300.71
12-Oct	10	1509E	62910	8585	1508021 CITY OF NEW WESTMINSTER	2011-10-21	299.92
12-Nov	10	1509E	62910	8585	1508021 PENINSULA TOWING	2011-11-24	296.93
12-Jul	10	1509E	62910	8585	1508021 NORTHERN CAPITAL TOWING LTD.	2011-07-27	296.01
12-Oct	10	1509E	62910	8585	1508021 ROADWAY TOWING LTD.	2011-10-01	295.32
12-Sep	10	1509E	62910	8585	1508021 COWICHAN TOWING LTD.	2011-09-30	294.17
12-Oct	10	1509E	62910	8585	1508021 GEM TOWING LTD.	2011-10-21	293.94
12-Dec	10	1509E	62910	8585	1508021 TOTEM TOWING SERVICE	2011-12-12	293.94
12-Jul	10	1509E	62910	8585	1508021 ZZZ SUNDRY ACCOUNTS	2011-07-20	293.94
12-May	10	1509B	62910	8585	1508021 MARIO'S TOWING LTD.	2011-05-16	293.02
12-Oct	10	1509E	62910	8585	1508021 UNITOW SERVICES (1978) LTD.	2011-10-01	292.15
12-May	10	1509B	62910	8585	1508021 MARIO'S TOWING LTD.	2011-05-16	291.19
12-May	10	1509B	62910	8585	1508021 NORTHERN CAPITAL TOWING LTD.	2011-05-24	289.80
12-Jan	10	1509E	62910	8585	1508021 COLD COUNTRY AUTO	2012-01-25	288.19
12-Aug	10	1509E	62910	8585	1508021 DEL ORO TOWING	2011-08-31	288.19
12-Sep	10	1509E	62910	8585	1508021 MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	288.19
12-Aug	10	1509E	62910	8585	1508021 DEL ORO TOWING	2011-08-31	287.04
12-Nov	10	1509E	62910	8585	1508021 MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-24	286.35
12-Dec	10	1509E	62910	8585	1508021 ARCHIE'S AUTOWRECKING & TOWING	2011-12-12	285.37

12-Nov	10 1509E	62910 8585	1508021	EXCEPTIONAL TOWING	2011-11-24	285.37
12-May	10 1509B	62910 8585	1508021	LANDON COLLISION & TOWING LTD.	2011-05-16	284.05
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-20	283.36
12-May	10 1509B	62910 8585	1508021	DEL ORO TOWING	2011-05-16	278.17
12-Jan	10 1509E	62910 8585	1508021	COMOX VALLEY DODGE CHRYSLER JEEP LTD.	2012-01-16	276.92
12-Jan	10 1509E	62910 8585	1508021	BUSTERS TOWING	2012-01-06	274.39
12-May	10 1509B	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	274.39
12-Oct	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-10-21	273.70
12-Jul	10 1509E	62910 8585	1508021	MODERN TIRE & TOWING INC.	2011-07-29	273.70
12-Aug	10 1509E	62910 8585	1508021	PARKSVILLE TOWING	2011-08-09	272.09
12-Nov	10 1509E	62910 8585	1508021	PRONTO TOWING LTD.	2011-11-24	272.09
12-May	10 1509B	62910 8585	1508021	USHER'S TOWING	2011-05-24	272.09
12-Nov	10 1509E	62910 8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-11-24	269.79
12-Nov	10 1509E	62910 8585	1508021	KUSTOM TOWING (2009) LTD.	2011-11-22	268.12
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	268.12
12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-03	266.80
12-May	10 1509A	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-05-16	265.19
12-May	10 1509A	62910 8585	1508021	MITCHELL'S TOWING LTD.	2011-05-16	265.19
12-Jul	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	263.81
12-Sep	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	263.81
12-Oct	10 1509E	62910 8585	1508021	MARIO'S TOWING LTD.	2011-10-01	260.82
12-Nov	10 1509E	62910 8585	1508021	UCLUELET PETRO-CANADA	2011-11-24	256.53
12-Dec	10 1509E	62910 8585	1508021	ALBERNI TOWING	2011-12-20	255.99
12-Jun	10 1509B	62910 8585	1508021	PENTICTON TOWING & RECOVERY	2011-06-09	255.99
12-May	10 1509B	62910 8585	1508021	ZZZ REVENUE REFUNDS	2011-05-16	255.00
12-Oct	10 1509E	62910 8585	1508021	BUSTERS TOWING	2011-10-21	254.84
12-Aug	10 1509E	62910 8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-08-31	254.84
12-Aug	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-08-31	254.84
12-Oct	10 1509E	62910 8585	1508021	PAYLESS AUTO TOWING LTD.	2011-10-01	254.84
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	254.84
12-Aug	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-09	254.84
12-Mar	10 1509E	62910 8585	1508021	CARE TOWING (1991) LTD.	2012-03-09	245.87
12-Oct	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-10-21	244.26
12-Sep	10 1509E	62910 8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	243.25
12-May	10 1509A	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	240.91
12-Jan	10 1509E	62910 8585	1508021	COLD COUNTRY AUTO	2012-01-25	239.97
12-Nov	10 1509E	62910 8585	1508021	EXCEPTIONAL TOWING	2011-11-24	239.89
12-Nov	10 1509E	62910 8585	1508021	GEORGIA STRAIGHT TOWING	2011-11-24	239.89
12-Nov	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-11-03	239.66
12-Nov	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-03	239.66
12-Aug	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-01	235.29
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-20	234.47
12-May	10 1509A	62910 8585	1508021	ZZZ REVENUE REFUNDS	2011-05-16	233.58
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	228.99
12-May	10 1509B	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	227.70
12-Aug	10 1509E	62910 8585	1508021	COMOX VALLEY TOWING & RECOVERY	2011-08-01	225.40
12-Dec	10 1509E	62910 8585	1508021	CLASSIC TOWING	2011-12-12	223.79
12-Nov	10 1509E	62910 8585	1508021	EFM TOWING	2011-11-24	223.79
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	223.79
12-Jan	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-01-06	223.79

12-Oct	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-10-05	221.72
12-Jul	10	1509E	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2011-07-29	218.89
12-Aug	10	1509E	62910	8585	1508021	CLOVER TOWING LTD.	2011-08-09	217.52
12-May	10	1509B	62910	8585	1508021	ROADWAY TOWING LTD.	2011-05-24	215.74
12-Mar	10	1509E	62910	8585	1508021	24 HR. TOWING	2012-03-09	215.27
12-Jul	10	1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-29	214.13
12-Nov	10	1509E	62910	8585	1508021	ALBERNI TOWING	2011-11-22	209.30
12-Jul	10	1509E	62910	8585	1508021	MITCHELL'S TOWING LTD.	2011-07-29	209.01
12-Oct	10	1509E	62910	8585	1508021	CLOVER TOWING LTD.	2011-10-21	208.15
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-20	207.69
12-May	10	1509A	62910	8585	1508021	SPARWOOD TOWING	2011-05-24	204.11
12-Aug	10	1509E	62910	8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-08-01	203.55
12-Jun	10	1509B	62910	8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-06-09	200.56
12-Sep	10	1509B	62910	8585	1508021		2011-09-20	200.56
12-May	10	1509B	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	197.57
12-Jul	10	1509A	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-14	197.57
12-Jun	10	1509A	62910	8585	1508021	BUSTERS TOWING	2011-06-09	196.19
12-Jul	10	1509E	62910	8585	1508021	CITY OF NEW WESTMINSTER	2011-07-20	196.19
12-Jul	10	1509E	62910	8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-07-27	196.19
12-Jul	10	1509E	62910	8585	1508021	PAYLESS AUTO TOWING LTD.	2011-07-27	196.19
12-Jan	10	1509E	62910	8585	1508021	PAYLESS AUTO TOWING LTD.	2012-01-06	196.19
12-Oct	10	1509E	62910	8585	1508021	CLOVER TOWING LTD.	2011-10-21	195.50
12-Jan	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-01-06	194.58
12-Aug	10	1509E	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-08-31	194.40
12-Jul	10	1509E	62910	8585	1508021	MAPLE RIDGE TOWING (1981) LTD.	2011-07-29	191.59
12-Dec	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	191.59
12-Jul	10	1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-07-27	188.60
12-Jan	10	1509E	62910	8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	187.45
12-Oct	10	1509E	62910	8585	1508021	AJ 24 HOUR TOWING	2011-10-21	186.99
12-Sep	10	1509E	62910	8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-09-30	184.00
12-Aug	10	1509E	62910	8585	1508021	RUSTY'S AUTO TOWING LTD.	2011-08-09	184.00
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-24	183.00
12-Jan	10	1509E	62910	8585	1508021	AJ 24 HOUR TOWING	2012-01-25	182.62
12-Jan	10	1509E	62910	8585	1508021	UNITOW SERVICES (1978) LTD.	2012-01-25	182.62
12-Nov	10	1509E	62910	8585	1508021	BOYCE AUTO TOWING RICHMOND	2011-11-22	181.01
12-Jan	10	1509E	62910	8585	1508021	MARIO'S TOWING LTD.	2012-01-16	180.32
12-Mar	10	1509E	62910	8585	1508021	JACK'S TOWING LTD.	2012-03-29	179.63
12-Jul	10	1509E	62910	8585	1508021	JIMCO TOWING LTD.	2011-07-20	178.48
12-Sep	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	178.02
12-Jan	10	1509E	62910	8585	1508021	BUSTERS TOWING	2012-01-16	176.64
12-Sep	10	1509E	62910	8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-09-30	176.64
12-Nov	10	1509E	62910	8585	1508021	O'CONNOR TOWING	2011-11-24	176.64
12-Aug	10	1509E	62910	8585	1508021	WESTSHORE TOWING LTD.	2011-08-31	176.64
12-Sep	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	176.64
12-Nov	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-22	176.64
12-Jan	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-01-17	176.64
12-Jan	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-01-19	176.64
12-Feb	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-02-29	176.64
12-Mar	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64
12-Mar	10	1509E	62910	8585	1508021	ZZZ SUNDRY ACCOUNTS	2012-03-29	176.64

12-Jun	10 1509B	62910 8585	1508021	ABLE TOWING	2011-06-09	175.49
12-Oct	10 1509E	62910 8585	1508021	ALBERNI TOWING	2011-10-21	175.49
12-Jul	10 1509E	62910 8585	1508021	DEL ORO TOWING	2011-07-29	175.49
12-Nov	10 1509E	62910 8585	1508021	DEL ORO TOWING	2011-11-24	175.49
12-May	10 1509A	62910 8585	1508021	MARIO'S TOWING LTD.	2011-05-16	175.49
12-Jul	10 1509A	62910 8585	1508021	PARKSVILLE TOWING	2011-07-27	175.49
12-Jul	10 1509E	62910 8585	1508021	PRO TOW	2011-07-29	175.49
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-20	175.49
12-Jan	10 1509E	62910 8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2012-01-25	175.45
12-Jan	10 1509E	62910 8585	1508021	PENTICTON TOWING & RECOVERY	2012-01-06	172.67
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	170.37
12-Mar	10 1509E	62910 8585	1508021	ROADWAY TOWING LTD.	2012-03-16	169.91
12-Sep	10 1509E	62910 8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	167.21
12-Jan	10 1509E	62910 8585	1508021	TOTEM TOWING SERVICE	2012-01-06	163.17
12-Jan	10 1509E	62910 8585	1508021	GEORGIA STRAIGHT TOWING	2012-01-25	162.03
12-Oct	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-10-21	160.08
12-Oct	10 1509E	62910 8585	1508021	AUTOW QUESNEL TOWING LTD	2011-10-21	159.39
12-Nov	10 1509E	62910 8585	1508021	COLUMBIA TOWING LTD.	2011-11-22	159.39
12-Aug	10 1509E	62910 8585	1508021	DON'S AUTO TOWING LTD.	2011-08-01	159.39
12-Jul	10 1509E	62910 8585	1508021	GENERIC TOWING & AUTO PARTS LTD.	2011-07-20	159.39
12-Mar	10 1509E	62910 8585	1508021	LAKE COUNTRY TOWING LTD.	2012-03-29	159.39
12-Feb	10 1509E	62910 8585	1508021	RON'S AUTO TOWING	2012-02-29	159.39
12-Jul	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-07-29	159.39
12-Jul	10 1509E	62910 8585	1508021	ISLAND THUNDER TOWING	2011-07-20	159.38
12-Jul	10 1509E	62910 8585	1508021	GEM TOWING LTD.	2011-07-29	157.09
12-Nov	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-11-03	157.09
12-Dec	10 1509E	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-12-20	157.09
12-Oct	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-10-01	157.09
12-May	10 1509A	62910 8585	1508021	SPORTSMAN'S CORNER GAS 2002	2011-05-24	155.25
12-Mar	10 1509E	62910 8585	1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2012-03-16	152.49
12-Sep	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-09-30	150.36
12-Sep	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	150.19
12-Aug	10 1509E	62910 8585	1508021	RELIABLE AUTO TOWING SERVICES	2011-08-09	149.50
12-May	10 1509A	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	149.50
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	148.30
12-May	10 1509A	62910 8585	1508021	UNITOW SERVICES (1978) LTD.	2011-05-24	147.89
12-May	10 1509A	62910 8585	1508021	VERNON AUTO TOWING LTD.	2011-05-24	143.29
12-Dec	10 1509E	62910 8585	1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-12-20	139.15
12-Aug	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-08-09	137.89
12-Dec	10 1509E	62910 8585	1508021	CITY OF NEW WESTMINSTER	2011-12-20	137.54
12-Dec	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-12-20	137.54
12-Jun	10 1509A	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	137.54
12-Jul	10 1509E	62910 8585	1508021	CLOVER TOWING LTD.	2011-07-29	136.85
12-Jan	10 1509E	62910 8585	1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2012-01-06	135.93
12-Dec	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	135.90
12-Apr	10 1509B	62910 8585	1508021		2011-04-19	133.93
12-Oct	10 1509E	62910 8585	1508021	ALBERNI TOWING	2011-10-21	127.19
12-Jul	10 1509E	62910 8585	1508021	ROD'S TOWING	2011-07-29	127.19
12-Nov	10 1509E	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-11-22	127.19
12-Jun	10 1509A	62910 8585	1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	127.19

12-Dec	10 1509E	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-12-12	119.22	
12-May	10 1509A	62910 8585 1508021	WALLY'S TOWING	2011-05-24	117.99	
12-Oct	10 1509E	62910 8585 1508021	KUSTOM TOWING (2009) LTD.	2011-10-01	117.30	
12-Jan	10 1509E	62910 8585 1508021	MARIO'S TOWING LTD.	2012-01-06	111.09	
12-Jul	10 1509E	62910 8585 1508021	NORTHERN CAPITAL TOWING LTD.	2011-07-29	111.09	
12-Mar	10 1509E	62910 8585 1508021	RON'S AUTO TOWING	2012-03-29	111.09	
12-Jun	10 1509A	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-06-09	101.00	
12-Feb	10 1509E	62910 8585 1508021	PAYLESS AUTO TOWING LTD.	2012-02-20	100.97	
12-Jan	10 1509E	62910 8585 1508021	BUSTERS TOWING	2012-01-06	97.75	
12-May	10 1509A	62910 8585 1508021	SPORTSMAN'S CORNER GAS 2002	2011-05-24	80.50	
12-Dec	10 1509E	62910 8585 1508021	ALBERNI TOWING	2011-12-20	78.85	
12-Sep	10 1509E	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-09-28	78.20	
12-Sep	10 1509E	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-09-30	78.20	
12-Feb	10 1509E	62910 8585 1508021	PRISM TOWING	2012-02-29	65.00	
12-Aug	10 1509E	62910 8585 1508021	DRAKE TOWING LTD.	2011-08-31	58.65	
12-May	10 1509A	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-05-26	55.13	
12-Jun	10 1509B	62910 8585 1508021	ROADHOUSE TOWING	2011-06-09	48.29	
12-Jun	10 1509B	62910 8585 1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	41.46	
12-Jun	10 1509B	62910 8585 1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	37.29	
12-Jan	10 1509E	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2012-01-19	32.20	
12-Jun	10 1509B	62910 8585 1508021	MUNDIE'S TOWING, STORAGE & SERVICE (1976) LTD.	2011-06-30	-41.46	
12-Jan	10 1509E	62910 8585 1508021	BUSTERS TOWING	2012-01-17	-176.64	
12-Jul	10 1509B	62910 8585 1508021	COQUITLAM TOWING & STORAGE CO. LTD.	2011-07-15	-200.56	
12-Sep	10 1509E	62910 8585 1508021		2011-09-20	-200.56	
12-Dec	10 1509E	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-12-20	-234.47	
12-Sep	10 1509E	62910 8585 1508021	MID ISLAND TOWING & TRANSPORT LTD.	2011-09-30	-243.25	
12-Mar	10 1509N	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2012-03-16	-435.40	
12-May	10 1509B	62910 8585 1508021	TERRY'S TOWING SERVICE	2011-05-24	-447.71	
12-Mar	10 1509A	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2012-03-16	-487.65	
12-Aug	10 1509E	62910 8585 1508021		2011-08-25	-629.32	
12-May	10 1509B	62910 8585 1508021	ZZZ REVENUE REFUNDS	2011-05-16	-762.60	
12-Jul	10 1509A	62910 8585 1508021	ZZZ SUNDRY ACCOUNTS	2011-07-15	-811.67	
12-Feb	10 1509A	62910 8585 1508021		2012-02-08	-1,359.11	
12-Jul	10 1509E	62910 8585 1508021		2011-07-27	-1,849.47	
12-Mar	10 1509E	62910 8585 1508021		2012-03-30		-20,000.00 Not Towing Fee
12-Jul	10 1509B	62910 8585 1508021		2011-07-07		-41,582.69 Not Towing Fee
					153,881.30	


Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: October-07-13 3:47 PM
To: Larkin, Brenda JAG:EX
Subject: FW: Re ILO Rates
Attachments: Sam MacLeod 13_09_03.pdf; -ILO and ICBC_12_09_18.pdf

Hi Brenda,

Could I get a Cliff number for this response? Thanks!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: MacLeod, Sam JAG:EX
Sent: Wednesday, September 4, 2013 8:20 AM
To: Anness, Glenn JAG:EX; Bowness, Corey JAG:EX
Cc: Larkin, Brenda JAG:EX
Subject: FW: Re ILO Rates

Glenn

For review/discussion.

Sam

Sam MacLeod
Superintendent of Motor Vehicles
BC Ministry of Justice
Ph 250-387-5692 or (cell)
<http://www.pssg.gov.bc.ca/osmv/>
<http://twitter.com/#!/RoadSafetyBC>

From: Dale Finch [<mailto:dalefinch@wcaba.ca>]
Sent: Wednesday, September 4, 2013 7:47 AM
To: MacLeod, Sam JAG:EX
Subject: Re ILO Rates

Good morning Mr. MacLeod,

Please find the attached letter regarding the ILO Program. I am hoping we can work together on a solution prior to the busy winter season.

Thank you and I look forward to hearing from you shortly.

Dale Finch

Western Canada Automotive Business Association
Wcaba.ca
President & CEO

C: 604.341.4933
F: 604.424.4119





Mr. Sam MacLeod
Superintendent of Motor Vehicles
9A, 940 Blanchard Street
Victoria, BC
V8W 3E6

September 2nd, 2013

Dear Mr. MacLeod,

Some months ago we spoke and we shared our Impound Lot Operators and ICBC report. WCABA agreed to reply back to you.

The WCABA has been dealing with one of the issues discussed at that time. First, is the alleged "Section 45" Competition Conspiracy issue raised by ICBC and imported back to OSMV and government. I have been in direct communication with senior Competition Bureau staff as late as 2 weeks ago. Simply, because of the Canadian Charter, the federal government is not interesting in interfering, but in extraordinary circumstances, in programs governed by provincial legislation. Under the legislation governing your office, the OSMV may determine rate changes in rates from time to time. Clearly, your office may do so at anytime.

WCABA would ask you to review our report keeping in mind, BC has the highest costs. We would ask that your office arrive at towing storage rates that are fair and equitable compared to the rest of the country and the northwest USA. As I discussed with you, the report rates are for the most part municipal or provincial police towing and storage rates. Common sense is that BC expenses and land values are much higher than the rest of Canada. Industry is financially struggling due to the lowest rates in the report. This is not right and needs to be rectified. Whichever way you slice our report, BC ILO operators are not even close to rates in these other jurisdictions.

Our report is that, as it gives the OSMV the numbers to make a informed decision on rates.

The most obvious objection in the approval process will be from Treasury Board by percentage increase. It is critical they understand **the prohibited drivers** are paying the costs, not government coffers.

The final point which you raised, is the abandonment rate will go up. Yes it might. Industry cannot worry about government policy issues such as supreme court decisions on the overall program. We tow, store and dispose of vehicles under the Wharehouse lien act.



What we highly recommend, is the province close the loop on deterrence, by attaching outstanding ILO invoices to drivers license renewals through ICBC. Why would they object to collecting from prohibited drivers who have been drinking alcohol, using drugs or excessively speeding. The very drivers who cause huge cost accidents. This just makes common sense and fits in their road safety initiatives.

I would like to make it clear, we see that the rate increase does not need to be in concert of ICBC / government agreeing to attaching these costs to the drivers license. We recommend the change but do not want to wait. ICBC moves at snails pace and frankly rate suppression is always their goal. This program has nothing to do with volume insurance towing rates. The ILO Program is completely different.

In closing Mr. MacLeod, we believe we have reported all of the rates which would allow your office to make an informed rate calculation. We would request a meeting shortly to review and answer any questions that you might have and to provide answers and solutions to the same.

We are would like to again emphasize considerable time has gone by and government has not acted on rate increases. We cannot understand why prohibited drivers are receiving a break. This is at cross purpose to deterrence.

Industries number one struggle is retaining staff and not addressing correct rate calculations are at the heart of the matter.

We look forward to hearing from you shortly.

Yours truly,

Western Canada Automotive Business Association

Dale Finch
President & CEO

WHY THE ILO PROGRAM & ICBC TOWING ARE DIFFERENT



Submitted by:
Western Canada Automotive Business Association



Dale Finch
President & CEO
September 18th, 2012



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Executive Summary

The towing industry in BC has a long-standing relationship with the stakeholders unlike any other jurisdiction in North America, with the exception of Manitoba and Saskatchewan. In BC the two government stakeholders are the crown monopoly, ICBC and the office of Superintendent of Motor Vehicles (OSMV). This report is specifically about the OFMV Vehicle Impoundment Program, the history of how the program started and the rates and services provided by the towing industry are different from ICBC towing. We have also suggested solutions to industries concerns.

The relationship with the OSMV goes back a number of years since the inception of the Vehicle Impoundment Program. The towing industry was very concerned about the rates paid by the registered vehicle owners and the abandonment of vehicles under the program. This was something flagged from the very first meetings and again when the pilot program became permanent. The two basic questions are, "What is the proper impound rate the public should pay?", as the charges can drive abandoned vehicle rates up. The second question is "How can tow companies be assured they will be paid?"

The purpose of this report is to educate, inform and build a business case that the government should use in the decision making, to reflect the cost that should be born by the public when their vehicle is impounded.

It is imperative that everyone realizes this is a user pay program. Those drivers who break the law in some fashion pay the tow company for towing and storage during this impoundment period. Government or any other agency does not pay for this program. The rates should not be subsidized by the towing industry.

When industry and the OSMV worked together prior to Bill 14 and the good work done by Minister De Jong. Industry requested the charges for the ILO program should be attached to drivers licenses so the charges would be paid regardless of whether their vehicle was picked up or not. Industry was told this was not possible however it was announced just recently by the current Minister Translink fair evaders, can have their fines attached to their drivers license and this is not a Motor Vehicle Act infraction.

Being able to attach the cost to a driver's license would help to solve drivers from having numerous impounded vehicles and to make sure the towing industry was paid for their work.



Background Information

The Vehicle Impoundment program started out with a pilot program. During that pilot the government paid a manual invoice for about 50 vehicles in the range of \$400 to \$500 for the complete process. This assessment period had such low numbers there is no way the proper actuarial assessment could have ever been obtained. The towing industry from the programs inception was concerned about abandonments and in fact how abandonments would drive a vicious circle of new abandonments.

Simply to explain this, if tow companies are responsible for collecting, towing and storage in lower value vehicles then consumer just abandons the vehicle with no intention of paying the bill. This concern turned out to be true and in 2009 this really came to ahead when the price of steel bottomed out. It was during this time period the Superintendent of OSMV attended an industry meeting and asked for patience and understanding, as the law needed to be changed for the Vehicle Impoundment Program and legal disposal of these vehicles.

On May 20th, 2010 Bill 14 was passed that changed the law and Minister De Jong had a clear understanding of what was required by the towing industry. The problem is, the administrative side, led by OSMV to harmonize rates with ICBC completely conflicts with the excellent work done by legislation. This was a completely unanticipated turn of events. It completely affects the revenue of the towing industry. That is why Bill 14 changed the previous legislation.

Towing Industry Book of Business

The industry has several different books of business and generates revenue in the following categories:

- Consumer vehicle break down
- ICBC and private insurance collisions
- Police emergency towing from either being on the police rotation or being the designated municipal contract tower
- Impound lot operator
- Private impounds

All of these books of business contribute to the financial health of a tow company. Some companies have all or part of this list. All customers want more for less and costs continue to rise for staff, trucks and equipment. ICBC gave many tow companies over a 10% increase for truck insurance. Industry has not had a revenue increase from OFMV since 2008 and with the reduction in revenue after Bill 14, tow companies are being pushed to their financial limits.



What makes the ICBC Towing and the Impound Lot Operators Program (ILO) different?

Collision towing also known as "Police Emergency Towing" and is driven by three key elements

- The police are on scene and they need the road way open
- The police and emergency personnel need help in extracting people from the vehicle
- Police want to secure vehicles for inspection or investigation

Once an ICBC insured files a claim with ICBC generally the next step is ICBC has the vehicle towed to a claim centre or an Express Body Shop. This is very simple as it involves a phone call or email with a claim number authorizing the vehicle to be towed. Payment is by ICBC's rate schedule.

The Impound Lot Operators Program (ILO) is much more complex. The vehicle impound also involves the police even when there is not an accident, if someone is impaired they want to finalize their arrest and seizure and move on with all their other responsibilities. They don't want to be sitting on the side of the road with someone impaired and they now have another police situations they can't deal with.

In the case of roadblocks, many times the police will give the tow company the heads up so that the tow company can be adequately staffed especially on weekends. The sequence of events that transpire on a vehicle impound are as follows:

- The police may be dealing with the driver and/or passengers. This becomes important in rural areas because you can't leave somebody on the side of the road in the wilderness, especially in severe weather conditions
- The tower needs to deal with the paper work
- The vehicle is taken back to the impound yard, checked in for damage and articles left in the vehicle are noted and cataloged
- Vehicle occupants don't have time to remove articles from the vehicle and especially with the electronic world we live in high priced, GPS's, cell phones, laptops etc. Of course people do not have a means to carry anything with them, other than very small items
- Other items that may be attached to vehicles include ski's, motorcycles, fuel tanks, work boxes etc and in some cases vehicles are work trucks
- The following day we are dealing with the customers first by phone, then generally someone will attempt to pick up the vehicle while trying to find out further information to get their vehicle back especially regarding tools and work trucks



As noted earlier many of these registered owners (RO's) or drivers are "in the system", this has been referred to in the past by the OSMV. That the same folks may be using the welfare system, know to police, or other agencies. Many times the police will impound a vehicle and don't realize there are illicit goods, weapons or other items that the criminal element is trying to retrieve or secure. This may put our staff in a tenuous position.

Many times RO's or family members will be anxiously trying to retrieve medicines, medical devices, and child car seats or boosters.

The bottom line is in many cases ICBC has called for the collision vehicle to be towed to the claim centre within hours. On the vehicle impound program three or four visits for various reasons are common. If the RO is allowed to retrieve items they must be escorted and observed at all times in order to protect other vehicles and to protect vehicles under police investigation. Each visit must be recorded and adjustments to each paper or electronic file to reflect items removed.

Even if they're not allowed to retrieve vehicles, the ILO creates both phone calls and visits. We find in many cases the vehicle has been sold but never transferred. Now we are dealing with not only the registered owner but someone who has purchased the vehicle, not transferred title and not paid tax trying to claim the vehicle. This all takes manpower and staff time.

Now if the vehicle has been involved in an accident and is damaged or if the accident involves a third party or there is bodily injuries involved, this triggers other events

- The investigating officer may attend to take pictures
- Ident may attend for further photo's and finger printing
- ICBC may attend then or just after the impound has expired, even if ICBC advises they have no further interest in the vehicle
- If private insurance is involved they may attend for their own photos and review of the vehicle
- In some cases now someone from a law firm may attend the vehicle
- The next concerns will be from the customer especially on 30 day impounds as financially they need to figure out how much it is going to cost to retrieve their vehicle
- In some cases once the impound is over the customer will tow it to the area they live in. This will lead to another phone call or two if another tow company comes to pick the vehicle up. The vehicle then needs to be moved by the ILO tower to outside the compound, as other tow companies for security reasons are not allowed in the yard.

Disposals of abandoned vehicles is a rarity with ICBC. With the ILO it runs between 30% in most markets and up to 50% in some interior markets.



The Vehicle Disposal Process

The vehicle disposal process is a multi-layer one depending on many factors. The towing industry generally uses the warehouse lien act to take legal possession of the vehicle. Fulfilling the requirements of this "Possessionary Lien" is difficult in today's credit environment. The path to "legal possession" has many exceptions, and with today's privacy laws the towing industry spends both money and employees time to find the registered owner.

In low value vehicles in the 30 or 60 day impounds. The cost of towing and storage obviously exceeds the cost of the vehicle value. Consumers use vehicles as assets for payday loans, which is prominent in this user group.

The other double edge sword that has really effected tow companies, they used to be able to sell vehicles "as is" but with new consumer laws being enforced by the vehicle sales authority, the tow companies are effectively in the retail sales business. With the consumer protection laws we now have, all vehicles must effectively be "reconditioned" as if they were being sold through a used car dealership. The value is low that's why the tow companies have possession of them, so they just end up scraping the vehicles for the most part.

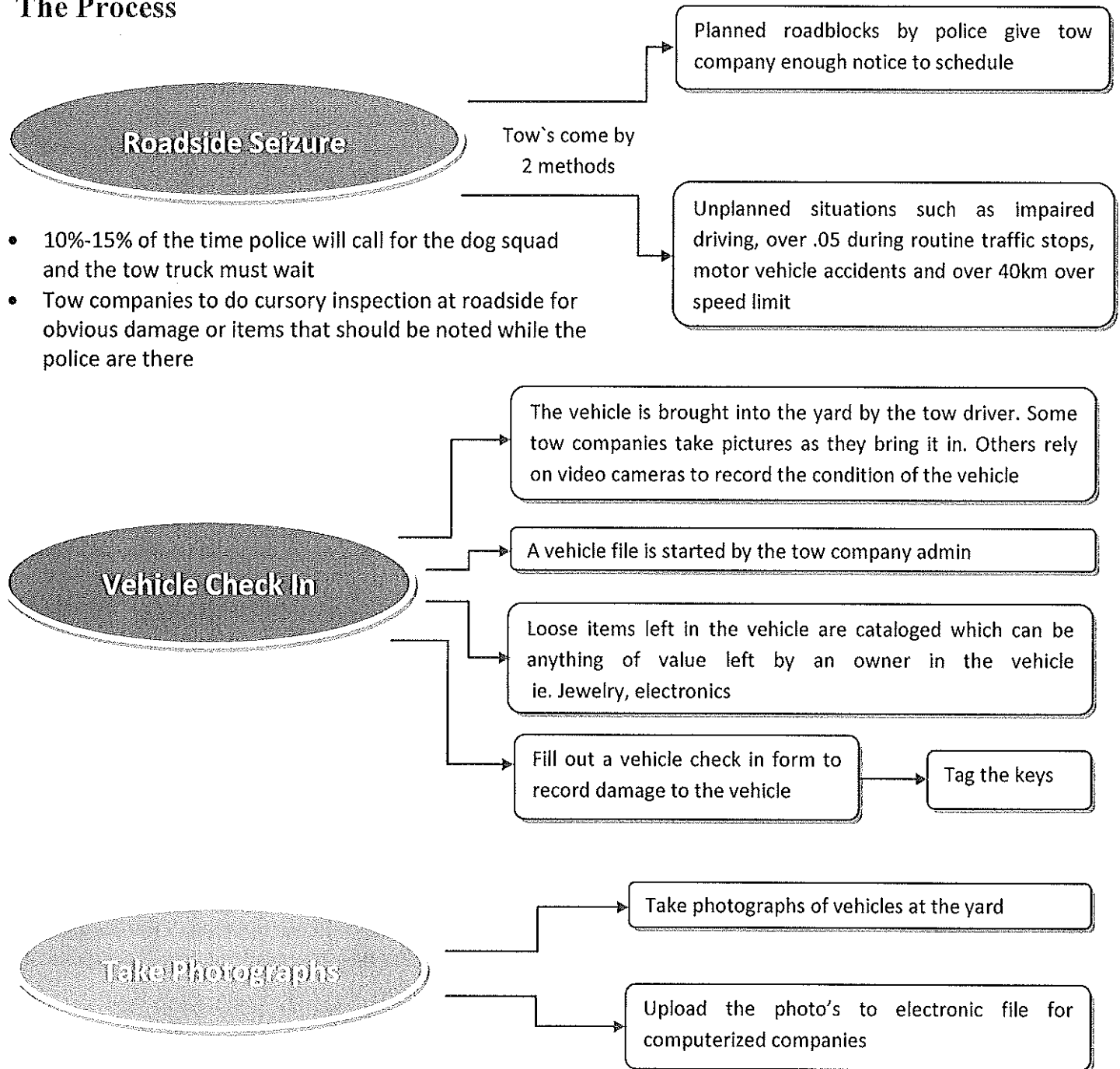
The process is as follows once the impound period has passed and the consumer is not coming to pick up the vehicle.

- Our first opportunity to gain legal possession is at one of the owner interactions where they will ask them to sign transfer papers into the tow company's name. Some of these people are very angry and won't sign it out of spite or they believe they will raise the funds to get their vehicle back
- The tow company does a lien search and a registered owner search. Many of these vehicles do not have paper work in the glove box and in many cases the police paper work is very hard to read
- If there is a lien or chattel on the vehicle this is where all the problems arise
 - First there are financial institutions this can be broken into two categories
 - Banks and Credit Unions are easy to find
 - Over the last 10 years there has been many small independent leasing companies and "Buy Here, Pay Here" finance companies. Many of these types of companies closed during the financial recession a few years ago. Trying to get a "Letter of Release" is in many cases impossible as there is no one running these closed or defunct companies. Usually at that point the address is of a corporate law firm who wont act on anything as no one is paying them

When a US vehicle is seized in Canada, there is no legal jurisdiction to do anything with that vehicle by a tow company. Canadian Border Services (CBS) have legal means, to seize a foreign vehicle but they sure aren't interested in disposal of that vehicle



The Process





Customers to pick up or try to pick up

This could be medication, child seats and any health or safety items such as hard hats, safety, respirators, tools and equipment

90% percent of customer come back the next day or within the week on longer impounds

Tow company asks customers if they intend to pick the vehicle up on lesser value vehicles if the customer says no, tow company tries to get customer to sign transfer forms

Company vehicles

By there very nature these vehicles have tools, supplies, equipment and way of transportation. Generally companies are trying to find out how to retrieve their property. They must be coached through the process they generally are trying to find out how to get their vehicle back as they may have employees unable to work when the vehicle is impounded

Update Logs

Every time a customer calls or attends the yard the interface must be recorded as the yard is open seven days a week and company staff must know all details with the customer interface

Registered Owner Search \$12.50/search

This search is imperative as there are some very creative situations where people have insurance but they have actually transferred the vehicle out of their name

On long term impounds the tow company must send the registered owner a letter advising them they have possession of the vehicle prior to the end of the impound

2 Paths of Disposal

First Path

Vehicle has value and customer picks up the vehicle and pays the tow and storage bill

Second Path

If customer doesn't pick the vehicle up and has not signed a transfer form the tow company must thoroughly inspect the vehicle for items that could cause liability in the future

Tow company must fill out a disposal form for the OSMV

Tow company to assess the value of the vehicle compared to the towing and storage bill

The form is submitted to the OSMV and they review if the value is appropriate, if they deem it inappropriate then a discussion takes place and the onus is on the tow company to communicate why this vehicle has less value than the Gold book value. This is a due diligence on both the government and the tow company as consumers can come back looking for the excess monetary value

Once value is agreed upon the tow company takes the disposal letter to Driver Services to swear an affidavit and return the license plates they've removed from the vehicle

Tow company returns to Driver Services about a week later to pick up originals of letters that are now stamped and ready for disposal and crush pending lien notification

OSMV sends a letter in about two weeks

- If there are no liens on the vehicle
 - If there are no liens then vehicles are ready for disposal
- If there is a lien on the vehicle
 - If there is a lien a registered letter must be sent to the last known address advising the customer of impound costs and the customer can decide what to do with it
 - After 51 days waiting period the tow company can request the personal property register to remove the lien and transfer the vehicle into the tow companies name



Jurisdiction Comparison

The BC towing industry has become trapped on rates by its relationship with ICBC. Groups such as Municipalities and private impounds look to a comparison or standard set by the ICBC rates. This has really suppressed rates in BC. Even other government insurance in Manitoba and Saskatchewan have higher and regional rates based on costs. Below is a comparison chart of towing and impound rates in other Canadian markets and in Washington State to the south.

The chart below tries to compare police impounds as best possible. Generally this chart reflects seizure or impoundment of a regular automobile with an impaired driver. Rates for trucks or highway tractors are so varied it would make the chart below hard to follow.

Figure A

	BC IIC Program	Alberta Check Stop	Washington State Patrol	Calgary Police Services	Edmonton Police Services	Toronto City Police	Ontario Prov Police
Towing Charge	\$78.89	Retail Prices	\$177.00 / hr with one hour minimum	\$95.00	\$116.00	\$100-\$148.00	\$185.00
Storage Per day	\$19.55 in Lower Mainland & \$16.10 in Interior		\$45.00 / day storage	\$28.00	\$30.00	\$48-\$76.00	\$65.00
Per Kilometer or Mile	\$2.99 after 6 -to 16 kilos declines to \$2.19 on 32 kilometers and over				\$2.00 per KM over 5 km		\$3.50 from 0km
Jurisdiction Charge			contact Sgt. John Buma state wide program coordinator (360) 596-3804				\$200.00 for OPP call
Denverboot App/Remove					\$143.00 App/Remove		
Admin Fee					\$18.00		\$59.95
Lot moves					\$60.00		



In Closing

Clearly, comparing the business interaction and steps between ICBC paid insurance towing has very few business steps compared to the Impound Lot Operators program. Based on the "Jurisdiction Comparison" and the fact that property values in BC are in the top percentile in North America but Towing and Storage Rates are nowhere near the rates paid in other lower cost jurisdictions.

Industry cannot understand why Justice Branch & OSMV continue to push the ILO rate setting based on ICBC rates. Simply, the ILO program is a user pay program. If a vehicle is being driven on the roadways illegally it is seized under BC law. Why would those "consumers" be given a discount equal to a dominant government insurance company?

Industry is asking that rate setting be returned to our previous OSMV and Treasury Board approval. If that is not possible then we would suggest that rates be set by the BCUC.

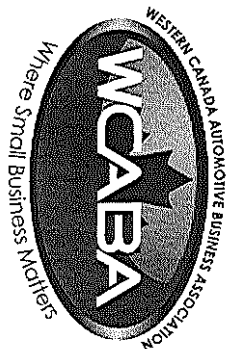
All industry is asking for is a reasonable process with rates that reflect their costs and revenue requirements. Industry wants rates that compare to other jurisdictions and does not have ICBC interference. The two books of business are not parallel and the rates should not be common.

Section 269 of the Motor Vehicle Act (Power to make regulations - superintendent) provides that "the superintendent may make regulations prescribing the fees, costs, charges, surcharges and the deposit amount for the purposes of section 255 (2)." Historically, this is how rates for the Vehicle Impound program have been negotiated and again industries request that Treasury Board and the Justice Branch to allow that process to continue in a fair and reasonable manner to industry.

The Motor Vehicle Act is there and industries problem can be solved in very short order for the ILO program.

We look forward to working with the Justice Branch and OSMV to accomplish this goal quickly. Industry is struggling financially right now and it struggling to retain drivers because revenues and therefore driver commissions are not allowing for an income that is retaining staff.

We look forward to working with the Justice Branch and OSMV to solve this industry problem once and for all.



Attachments Figure B

STEPS	INDICATIONS AND NOTES	STANDARD COST	TIME TO ASSOCIATES
ROADSIDE SEIZURE	if the group want the dog to go thru we have to wait for a dog. 10 to 15%. need to do roadsider cursory inspections	\$12.00 - \$18.00 per hour	0.3
CHECK VEHICLE IN	removal of valuables and check in form. 4 Tag keys and envelope. 2	\$12.00 - \$18.00 per hour	0.4
TAKE PHOTOS	take photos and upload into system 3	\$12.00 - \$18.00 per hour	0.3
CUSTOMERS TO PICK UP (MEDICAL/ CHILD SEAT)	90% customer comes back 4. we must verify the owner.	\$12.00 - \$18.00 per hour	2-4
COMPANY TO PICK UP (WORK TOOLS)	yes they can get tools try to get an early release. 4	\$12.00 - \$18.00 per hour	0.5
UPDATE LOGS	make a note and enter into the log. 1 to 2	\$12.00 - \$18.00 per hour	1-2
RO SEARCH	1 to 2	\$12.00 - \$18.00 per hour	1-2
SEND RO LETTER BEFORE END OF IMPOUND	1 to 2	\$12.00 - \$18.00 per hour	1-2
IF CUSTOMER PICKS UP		\$12.00 - \$18.00 per hour	0.2
IF CUSTOMER DOESN'T PICK UP		\$12.00 - \$18.00 per hour	
REQUEST FOR DISPOSAL FORM	need to do a condition report for the osmv if value is less than the tow and storage	\$12.00 - \$18.00 per hour	0.5
REQUEST FOR DISPOSAL LETTER	take to drivers services requests and swear the affidavit and remove plates (some people have transferred out of their name)	\$12.00 - \$18.00 per hour	stand in line
GO BACK AND PICK UP ORIGINALS OF LETTERS THAT ARE STAMPED		\$12.00 - \$18.00 per hour	stand in line
VICTORIA SENDS LETTERS IN ABOUT 2 WEEKS	if there is a lien the process starts over again	\$12.00 - \$18.00 per hour	
MOST THEN GO TO CRUSH-FILE CLOSED		\$12.00 - \$18.00 per hour	2-3
IF IT CAN BE SOLD THEN- STAMPED FORMS AND DISPOSAL LETTER FROM OSMV AND TRANSFER PAPERS INTO OUR NAME		\$12.00 - \$18.00 per hour	0.4
IF IT HAS LIEN WRITE A REGISTERED LETTER TO LIEN HOLDER ADVISING OF COSTS AND DEMAND LETTER		\$12.00 - \$18.00 per hour	0.5
FILE TO FORM TO ASK THE PERSONAL PROPERTY REGISTRAR TO REMOVE THE LIEN		\$12.00 - \$18.00 per hour	0.5

110 - 19150 Lougheed Hwy Box 31528 Meadowvale Pitt Meadows British Columbia V3Y 2B0 P : (604) 341-4933

W C a b a . c a

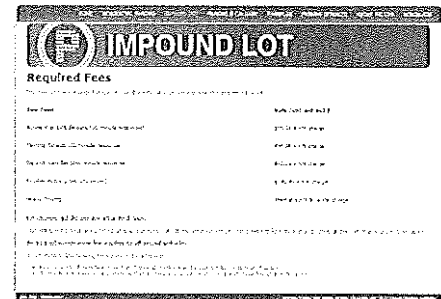


Calgary Parking Authority

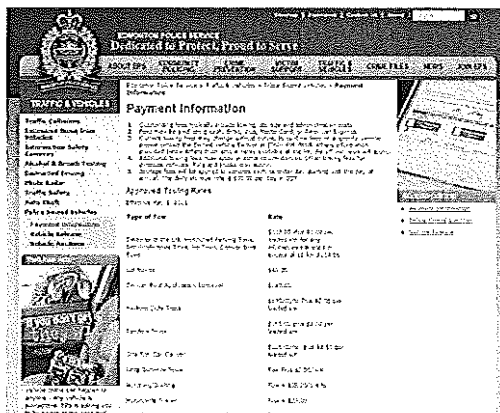
Tow Type	Rate (GST not incl.)
Accident or CPS Seizure (20 minute response)	\$95.00 + KM charge
Parking Related (30 minute response)	\$86.00 + KM charge
Derelict Vehicles (240 minute response)	\$60.00 + KM charge
Smaller Motorcycles (minimum)	\$140.00 + KM charge
Heavy Towing	Start at \$163.00 + KM charge

KM charge: \$2.20 per km after first 5km.

An \$18 administration fee applies to all seized vehicles



Edmonton Police Services

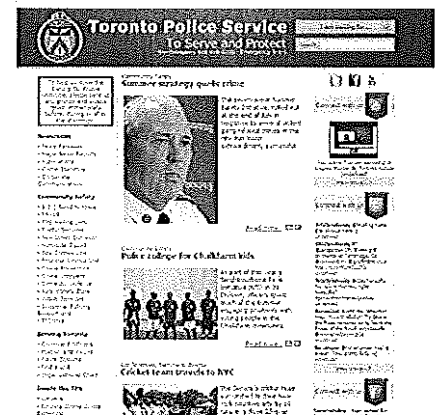


Type of Tow	Rate (GST not incl.)
Seizures to the Lot, Restricted Parking	\$116.00 Plus \$2.00 / loaded
Tows, Non-Preference Tows, Re-Tows,	km for any kilometres travelled
Denver Boot Tows	in excess of 10 km. \$114.06
Lot Moves	\$60.00
Denver Boot Application/Removal	\$143.00
Medium Duty Truck	\$130.00/hr Plus \$2.00 / km.
Tandem Truck	\$153.00 plus \$2.00 / km
One Ton Car Carrier	\$116.00/hr. plus \$2.00 / km
Long Distance Tows	Tow Plus \$2.00/ km.
Winching/Waiting	Tow + \$20.00/1/4 hr
Motorcycle Trailer	Tow + \$20.00
Unlock Vehicle in Conjunction with Tow	Tow + \$20.00
Unlock Vehicle - No Other Service	\$60.00
Drop Fee	\$60.00



Toronto Police Services

Distric	Company	Towing Charge	Storage Charge
1	JP Towing 11 Glen Scarlett Road Toronto, M6N-1P5 Tel: (416) 203-9300 Fax: (416) 203-9303 www.jptowing.com	\$140.00	\$48.00
2	Bill and Son Towing 15 Atomic Avenue Toronto, M8Z-5K8 Tel: (416) 622-2222 Fax: (416) 622-3584 billandsontowing@hotmail.com	\$120.00	\$68.00
3	Abrams Towing 124 LePage Court Toronto, M3J-1Z9 Tel: (416) 398-2500 Fax: (416) 633-4498 www.abrams.ca	\$123.00	\$65.00
4	Williams Towing 2671 Markham Road Toronto, M1X-1M4 Tel: (416) 299-8383 Fax: (416) 299-9698 www.williamstowing.ca	\$112.00	\$76.00
5	Downtown Group Towing and Storage 151 - 171 Cherry Street Toronto, M5A-3K8 Tel: (416) 503-2300 Fax: (416) 503-2301 Email:downtowntowing@gmail.com	\$100.00	\$48.00
6	A Towing (Downtown) 10 York Street Toronto, M5J - 2L9 (416) 203-7641		
	A Towing (Uptown) 185 Bartley Street Toronto, M4A-1E6 Tel: (416) 656-4000 Fax: (416) 690-7757 www.atowing.ca	\$128.00	\$48.00





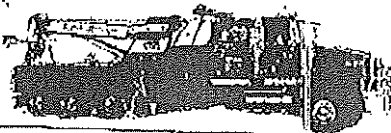
OPP Impound Example

42 Eglee Street,
North Bay, ON P1B 8Z7
(705) 474-4544
Fax: (705) 494-7560

N.T.S.

Towing & Tractor Rental

WRECK-MASTER CERTIFIED



- Heavy Towing & Recovery
- Accident Load Recovery
- Lock-Out
- Flat Bed Service

NAME _____ DATE 21 Jan 12
 ADDRESS _____
 PHONE _____ DRIVER J.W. TRUCK # 127
 MAKE Dodge UNIT# _____ LICENCE 639
 TOWED FROM South Shore Rd
 TOWED TO UB Pound REQUESTED BY OPP
 CHARGED TO Dodge CASH/OTHER _____
 SERIAL # MACKAN 7388 NPIA005069

RELEASE 28 JAN 2012 1300H

Local Recovery	185. ⁰⁰
OPP TOW	200. ⁰⁰
42 km @ 3.50	147. ⁰⁰
FLATBED	85. ⁰⁰
ADMINISTRATIVE	59.95
STORAGE \$65 ⁰⁰ /day	520. ⁰⁰
<div> <p>NOT RESPONSIBLE FOR DAMAGE TO VEHICLES AS A RESULT OF EMERGENCY ROAD SERVICE. 2% INTEREST ON OVERDUE ACCOUNTS</p> <p>REC'D BY <u>Tom Bance</u></p> </div> <div> <p>SUB TOTAL <u>1196.95</u></p> <p>GST#053185155 <u>155.60</u></p> <p>INVOICE TOTAL <u>1352.55</u></p> </div>	

NO HILL TOO STEEP, NO DITCH TOO DEEP

Nº 02005

Fisher, Sandra L CITZ:EX


From: Bowness, Corey JAG:EX
Sent: September-25-13 3:09 PM
To: Smith, Curtis M JAG:EX
Cc: Esposito, Tony JAG:EX
Subject: VI letter/Web reference to RTI.
Attachments: Doc4.docx

Hey Curtis,

s.13

Thanks for looking into this!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Esposito, Tony JAG:EX
Sent: Wednesday, September 25, 2013 2:19 PM
To: Bowness, Corey JAG:EX
Subject: Document4

Corey,

Please see the attached letter. These are sent to registered owners where a vehicle was impounded for an IRP. I guess nobody bothered to remove the language three years ago?

Vehicle Impoundment Program Information for Owners of Impounded Vehicles

September 25, 2013

Dear :

Vehicle Impoundment Information—VI No.

Our records indicate that you are the owner of the motor vehicle identified on the attached Notice of Impoundment. On , your vehicle was impounded for 30 days, under section 215.46 of the *Motor Vehicle Act* because it was operated by a driver whose BAC was 80 milligrams of alcohol or more in 100 millilitres of blood.

To obtain the release of your vehicle following the impoundment you will need to attend a Driver Licensing Centre to request release of the vehicle. The Driver Licensing Centre will fax an order of release to the impound lot, and you, or someone you authorize, will be able to claim the vehicle. You are responsible for paying all towing and storage fees to the ILO. If you do not claim your vehicle, the Superintendent of Motor Vehicles may direct that ICBC refuse to issue you a driver's licence, or a vehicle licence and corresponding number plates for any other vehicle until those costs are paid.

Administrative Driving Prohibition/Vehicle Impoundment Programs
Office of the Superintendent of Motor Vehicles

Enclosure

Vehicle Impoundment Program Information for Owners of Impounded Vehicles

Your vehicle has been impounded as indicated on the attached Notice of Impoundment. The attached letter will indicate whether the impoundment has been extended because you have owned other vehicles that have been impounded under the Vehicle Impoundment (VI) Program.

You are responsible to pick up your vehicle after the impoundment, and to pay the impound lot operator (ILO) all towing and storage charges relating to the impoundment. If you do not, it may result in you being unable to renew your driver's licence or a vehicle licence and plates.

Your various options and other relevant information relating to this impoundment are outlined below.

CALCULATING IMPOUNDMENT DAYS

Vehicle impoundment terms are calculated in full days. Partial days, including the day the vehicle was impounded do not count.

EARLY DISPOSAL AGREEMENT

If you do not intend to claim your vehicle following an impoundment you may enter into an early disposal agreement with the ILO. Under this agreement you transfer ownership of the vehicle to the ILO and in exchange you do not accumulate the full costs and charges that normally apply to a full length impoundment. Any vehicle transferred under such an agreement cannot be registered again for use on a highway.

UNCLAIMED VEHICLES

If you do not enter into an Early Disposal Agreement and do not claim your vehicle after the impoundment, the ILO may dispose of your vehicle after the impoundment expires. You will lose your vehicle and you will still be responsible for all towing and storage charges. The Superintendent of Motor Vehicles may, upon request of the ILO, direct ICBC to refuse to issue you a driver's licence, a vehicle licence and plates, and this direction would only be rescinded once the debt is resolved.

REVIEW PROCESS

A review is not available for a 3-day or 7-day impoundment

An owner who was not the driver may apply for a review on the following grounds:

- Reasonable care and diligence was taken in entrusting the vehicle to another driver
- The driver took the vehicle without the owner's knowledge or consent
- The person driving the vehicle was not prohibited or suspended
- The person driving the vehicle held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

Vehicle Impoundment Program Information for Owners of Impounded Vehicles

An owner who was the driver may apply for a review on the following grounds:

- He or she was neither prohibited nor suspended, or had no reason to believe they were prohibited or suspended
- He or she held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

A cohabitant of a owner, who also holds a valid driver's licence and with no reasonable alternative form of transportation may apply for a review on the following grounds:

- He or she will suffer a loss or curtailment of employment or educational opportunities
- The impoundment will prevent the cohabitant, or a person under their care, from obtaining medical treatment

Business owners may apply for early release of a vehicle if they can demonstrate that:

- The vehicle is used in the business
- There business has a reasonable prospect for generating income that depends on the impounded vehicle, and
- The anticipated lost income represents a substantial amount of the business's income during the impoundment, or will otherwise pose an economic hardship to the business

More information on the various review grounds, including review and applicable vehicle release fees is available at www.pssg.gov.bc.ca/osmv.

CLAIMING YOUR VEHICLE AFTER THE IMPOUNDMENT

At the end of a 3 or 7 day impoundment you may claim your vehicle directly from the ILO. If the impoundment is for 30 or 60 days, you will need to attend a Driver Licensing Centre to request release of the vehicle. The Driver Licensing Centre will fax an order of release to the impound lot, and you, or someone you authorize, will be able to claim the vehicle. You are responsible for paying all towing and storage fees to the ILO.

For the location of your nearest Driver Licensing Centre visit www.icbc.com.

YOUR RIGHTS AGAINST THE DRIVER

If someone else was driving your vehicle at the time of the impoundment, the Motor Vehicle Act gives you the right to recover, in any court of competent jurisdiction, the fees and charges that you have to pay as a result of the impoundment.

Fisher, Sandra L CITZ:EX


From: Bowness, Corey JAG:EX
Sent: September-04-13 8:37 AM
To: Ribeiro, Bima JAG:EX
Cc: Labelle, Michael J JAG:EX
Subject: FW: DRAFT POLICE PROCEDURES (Sept 3 2013)
Attachments: ML version DRAFT POLICE PROCEDURES (Sept 3 2013).docx; VI-2722-Report to Superintendent-Revision-Ver 10.pdf

Hi Bima,

Michael and I took a stab at revising the "police procedures" instructional piece (word document) to the VI forms (PDF). Would you mind having a look and letting us know if you have any changes?

Thanks!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Labelle, Michael J JAG:EX
Sent: Wednesday, September 4, 2013 8:29 AM
To: Bowness, Corey JAG:EX
Cc: Labelle, Michael J JAG:EX
Subject: RE: DRAFT POLICE PROCEDURES (Sept 3 2013)

Here is my first go...

I am not totally happy with the description for lines 4, 5 under the Completing the RTS section.
I guess when you are ready we will put them before Bima to have a look?

Let me know what you think...

Cheers

Michael Labelle
Business Area Expert
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General
940 Blanshard Street Victoria BC V8W 3E6
cell: 250-415-8320
michael.labelle@gov.bc.ca


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Note: This e-mail is confidential and may not be disclosed to anyone without the expressed written consent of the sender.

From: Bowness, Corey JAG:EX
Sent: Tuesday, September 3, 2013 4:34 PM
To: Labelle, Michael J JAG:EX
Subject: RE: DRAFT POLICE PROCEDURES (Sept 3 2013)

No problem – thanks!


Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Labelle, Michael J JAG:EX
Sent: Tuesday, September 3, 2013 4:33 PM
To: Bowness, Corey JAG:EX
Subject: RE: DRAFT POLICE PROCEDURES (Sept 3 2013)

I didn't realise the time. I will send you my suggested changes tomorrow, I am still working on them.

Michael Labelle
Business Area Expert
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General
940 Blanshard Street Victoria BC V8W 3E6
cell: 250-415-8320
michael.labelle@gov.bc.ca

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From: Bowness, Corey JAG:EX
Sent: Tuesday, September 3, 2013 3:41 PM
To: Labelle, Michael J JAG:EX
Subject: DRAFT POLICE PROCEDURES (Sept 3 2013)

Can you have a review of this?

Page 491 redacted for the following reason:

s.13


VI No. 20-12345679

DRIVER	1 SURNAME, GIVEN NAME(S)	BIRTH DATE (YYYY/MM/DD)	GENDER
	2 DRIVER'S LICENCE NUMBER	PROVINCE/STATE	CLASS
OWNER	3 <input type="checkbox"/> THE DRIVER IS A REGISTERED OWNER		
	4 REGISTERED OWNER(S) SURNAME(S), GIVEN NAME(S) (OR OTHER ENTITY NAME)		BIRTH DATE (YYYY/MM/DD)
OWNER	5 ADDRESS(STREET)		CITY/TOWN
	6 CONTACT PHONE		PROVINCE/STATE
VEHICLE	7 LICENCE PLATE NUMBER	PROV/STATE	MAKE
	8 REGISTRATION NUMBER	NSC <input type="checkbox"/>	VEHICLE IDENTIFICATION (SERIAL) NUMBER
9 The undersigned peace officer has reasonable grounds to believe that on DATE (YYYY/MM/DD) 10 at Hours , on STREET/HIGHWAY , at or near CITY/TOWN British Columbia, the driver was operating a motor vehicle and for one or more of the reason(s) specified below the vehicle is impounded for the period set out below:			
3, 7, OR 30 DAY IMPOUNDMENT IN ACCORDANCE WITH SECTION 215.46 AND 253 OF THE MOTOR VEHICLE ACT: (Immediate Roadside Prohibition IMPOUNDMENT)			
CHECK ALL APPLICABLE REASONS	11 <input type="checkbox"/> 3-DAY IMPOUNDMENT <input type="checkbox"/> 7-DAY IMPOUNDMENT <input type="checkbox"/> 30-DAY IMPOUNDMENT IRP No.		
	7 DAY IMPOUNDMENT FOR THE FOLLOWING REASON(S) – SECTION 251 AND 253 OF THE MOTOR VEHICLE ACT: (Driving Behaviour Related IMPOUNDMENT)		
	12 <input type="checkbox"/> EXCESSIVE SPEED - Committing an offence under section 148 of the Motor Vehicle Act		
	13 <input type="checkbox"/> PROHIBITED Driving while prohibited under the Motor Vehicle Act, Criminal Code, Youth Justice Act or Youth Criminal Justice Act (Canada)		
	14 <input type="checkbox"/> SUSPENDED Driving while suspended under section 89 or section 232 of the Motor Vehicle Act		
	15 <input type="checkbox"/> STREET RACING - Driving or operating a motor vehicle in a race as defined in the Motor Vehicle Act and the officer intends to charge with an offence		
	16 <input type="checkbox"/> STUNT DRIVING - Driving or operating a motor vehicle in a stunt as defined in the Motor Vehicle Act and the officer intends to charge with an offence		
	17 <input type="checkbox"/> MOTORCYCLE (seating) - Committing an offence under section 194 (1) or (2) of the Motor Vehicle Act		
	18 <input type="checkbox"/> MOTORCYCLE (restrictions) - Committing an offence under section 25(15) of the Motor Vehicle Act relating to a restriction or condition of a motorcycle learner or novice driver's licence		
	19 <input type="checkbox"/> UL - Driving without a valid driver's licence and with a notice on the driving record indicating a previous conviction for driving while unlicensed UL No.		
IMP LOT	20 The motor vehicle was impounded on DATE (YYYY/MM/DD) , and is stored at IMPOUND LOT		
	21 STREET ADDRESS CITY/TOWN IMPOUND LOT CONTACT PHONE		
22	PEACE OFFICER'S NAME (PRINT)		PEACE OFFICER'S SIGNATURE
	ENFORCEMENT AGENCY NAME (PRINT)		AGENCY FILE NUMBER
REVIEW INSTRUCTIONS No review is available when a vehicle is impounded for 3 or 7 days. Under section 256 of the Motor Vehicle Act (MVA), the owner of a motor vehicle impounded for 30 days or longer may, within 15 days of the impoundment, apply to the Superintendent of Motor Vehicles (the "Superintendent") for a review. The owner must: (1) file an application with the Superintendent at any Driver Licensing Centre, and (2) pay the prescribed hearing fee. Before filing the application for review, the owner may request a copy of all the evidence the Superintendent will consider during the review. The owner may also attach any written statement or other evidence they wish the Superintendent to consider. To ensure all written evidence is considered, the Superintendent must receive it before the scheduled review date. The owner may request an oral hearing at the time of application by paying the prescribed oral hearing fee. If the applicant requests an oral hearing and fails to appear on the date, and at the time and place arranged for the hearing without prior notice to the Superintendent, the applicant's right to an oral hearing is deemed to have been waived, and the review will be conducted based on any written evidence that is available. The filing of an application for review does not stay the impoundment of the motor vehicle.			
PERIOD OF IMPOUNDMENT If an eligible owner does not apply for a review under the MVA section 256, the vehicle will remain impounded until it is eligible for release. In the case of a 7 day impoundment under the MVA section 251, the vehicle will be impounded for 30 days or 60 days if the records of the Superintendent indicate that the owner has, within the two years before the date of this impoundment, owned one or more vehicles that have been subject to impoundment. The Superintendent will notify the owner and the impound lot operator when the impoundment term is 30 or 60 days. DISPOSAL OF UNCLAIMED VEHICLES If the owner of a motor vehicle does not pay the towing and storage charges associated with the impoundment, the vehicle may be disposed of after the expiry of the impoundment under the Warehouse Lien Act, or under the MVA section 255(7). If an owner does not claim a vehicle, the Superintendent may direct the Insurance Corporation of British Columbia to refuse to issue the owner a driver's licence, a vehicle licence and corresponding number plates, or any permit until payment has been made to the impound lot operator (ILO) that stored the vehicle.			

SEE REVERSE FOR MORE INFORMATION



INFORMATION FOR DRIVERS

REASONS FOR IMPOUNDMENT

The notice of impoundment indicates the reason(s) the vehicle you were driving was impounded. Under the Motor Vehicle Act, these reasons are:

- Driving while prohibited or with a suspended driver's licence
- Driving without a valid licence having been previously convicted for the same offence
- Committing an excessive speeding offence (more than 40 km/h over the speed limit)
- Being involved in a street race (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Stunt driving, which includes activities such as lifting any or all of a vehicle's tires off the road surface, causing a vehicle to lose traction, causing the vehicle to spin, driving in an oncoming lane longer than necessary to pass, blocking other vehicles or driving too close to another vehicle, pedestrian or fixed object (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Failing to ride properly astride a motorcycle
- Failing to obey learner/novice motorcycle restrictions and conditions
- Being served with an immediate roadside prohibition for drinking and driving.

EARLY RELEASE FOR UNLICENSED DRIVER IMPOUNDMENTS

If the vehicle was impounded because you were "Driving without a valid driver's licence, and with a notice on the driving record indicating a previous conviction for driving while unlicensed", and for no other reason, the vehicle can be released immediately if you obtain a valid British Columbia driver's licence. Bring a copy of the notice of impoundment with you to a Driver Licensing Centre when you apply for a driver's licence. If you do not own the vehicle you were driving, the owner should attend with you or provide written authorization for you or another person to retrieve the vehicle from the impound lot. For the location of your nearest Driver Licensing Centre visit www.lcbc.com.

DUTY OF DRIVER

Under section 251(8) of the Motor Vehicle Act, a driver who is not the owner of the vehicle must make all reasonable efforts to notify the owner of the impounded vehicle of the impoundment as soon as practicable.

INFORMATION FOR VEHICLE OWNERS

HOW ARE IMPOUNDMENT DAYS CALCULATED?

Vehicle impoundment terms are calculated in full days. Partial days, including the day the vehicle was impounded do not count.

EARLY DISPOSAL AGREEMENT

If you do not intend to claim your vehicle following an impoundment you may enter into an early disposal agreement with the impound lot operator (ILO). Under this agreement you transfer ownership of the vehicle to the ILO and in exchange do not accumulate the full costs and charges that normally apply to a full length impoundment. Any vehicle transferred under such an agreement cannot be registered again for use on a highway.

WHO CAN APPLY FOR A REVIEW AND ON WHAT GROUNDS?

A review is not available for a 3-day or 7-day impoundment

An owner who was not the driver may apply for a review on the following grounds:

- Reasonable care and diligence was taken in entrusting the vehicle to another driver
- The driver took the vehicle without the owner's knowledge or consent
- The person driving the vehicle was not prohibited or suspended
- The person driving the vehicle held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

An owner who was the driver may apply for a review on the following grounds:

- He or she was neither prohibited nor suspended, or had no reason to believe they were prohibited or suspended
- He or she held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

A cohabitant of an owner, who also holds a valid driver's licence and with no reasonable alternative form of transportation may apply for a review on the following grounds:

- He or she will suffer a loss or curtailment of employment or educational opportunities
- The impoundment will prevent the cohabitant, or a person under their care, from obtaining medical treatment

Business owners may apply for early release of a vehicle if they can demonstrate that:

- The vehicle is used in an active sole proprietorship, partnership or company (i.e. a business).
- There is a reasonable prospect of earning income that is dependent on the impounded vehicle, and
- That the continued impoundment would impose an economic hardship on the business

More information on the various review grounds, including review and applicable vehicle release fees is available at www.pssg.gov.bc.ca/osmy.

CLAIMING YOUR VEHICLE AFTER THE IMPOUNDMENT

At the end of a 3 or 7 day impoundment the vehicle may be claimed directly from the impound lot. If the impoundment is for 30 or 60 days, you will need to attend a Driver Licensing Centre to request release of the vehicle. The Driver Licensing Centre will fax an order of release to the impound lot, and the owner, or someone authorized by the owner, will be able to claim the vehicle. The vehicle owner is responsible for paying all towing and storage fees to the impound lot operator. For the location of your nearest Driver Licensing Centre visit www.lcbc.com.



1 DATE OF REPORT: _____

Report on driver

DRIVER
2
3

SURNAME, GIVEN NAME(S)

DRIVER'S LICENCE NUMBER

4 ☐ The officer had grounds to believe that the Driver resides in British Columbia (explain in incident details and/or narrative)

5 ☐ Out-of-Province DL produced

DRIVER'S LICENCE NUMBER

PROVINCE / STATE / COUNTRY

EXPIRY YEAR (YYYY)

The officer determined the following: (relationship between the driver, owner, and the vehicle)

- LINKAGE
6 ☐ The driver is a principal operator (PDN)
7 ☐ The owner was in the vehicle
8 ☐ The owner was aware the driver was in possession of the vehicle (explain in incident details and/or narrative)
9 ☐ Vehicle subject to a transfer notice (explain in incident details and/or narrative)
10 ☐ Other (explain in incident details and/or narrative)

This Report is related to:

11 ☐ IRP This Vehicle Impoundment is a result of an Immediate Roadside Prohibition (explain in incident details and/or narrative)

CHECK ALL APPLICABLE REASONS

12 ☐ Excessive Speed Speed Limit KM/H Vehicle Speed KM/H
13 Vehicle speed estimated by: ☐ Visual ☐ Pacing
14 Vehicle speed confirmed by: ☐ Laser ☐ Radar ☐ Other (explain in incident details and/or narrative)

For items 15 through 21 below – explain in incident details and/or narrative

- 15 ☐ Prohibited Driver
16 ☐ Suspended Driver
17 ☐ Street Racing
18 ☐ Stunt Driving
19 ☐ Motorcycle – contrary to seating
20 ☐ Motorcycle – contrary to restrictions
21 ☐ Unlicensed Driver (UL) – VI Flag on Driving record

22 Incident Details:

23 PEACE OFFICER'S NAME (PRINT)

PEACE OFFICER'S SIGNATURE

PIN/BADGE NUMBER

24 ENFORCEMENT AGENCY NAME (PRINT)

AGENCY FILE NUMBER



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: August-21-13 2:59 PM
To: Roberts, Steven JAG:EX; Anness, Glenn JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

Impoundment of motor vehicle

251

(5) If a peace officer is satisfied that the impoundment of a motor vehicle under subsection (1) or section 215.46 would


(a) jeopardize the safety of the occupants of the motor vehicle, or

(b) leave the occupants stranded ,

the peace officer must arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can summon an alternative form of transportation.

Section 215.46 includes impoundments for all MVA, YCJA, CCC prohibits, suspensions, unlicensed, excessive speed, stunting, racing, UL notices, MC provisions.

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Roberts, Steven JAG:EX
Sent: Wednesday, August 21, 2013 2:44 PM
To: Bowness, Corey JAG:EX; Anness, Glenn JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

Can you re-look at the legislation... Bima told me there is definitely reference to VI in legislation and responsibilities of officer at roadside. On quick review I found this. Can you see what else you can find. The question pertains to excessive speed – however I'm thinking that the responsibility would be the same regardless of the reason!

Found this....

24 hour impoundment of motor vehicle

215 . 4 (1) If a peace officer serves a driver with a notice of driving prohibition under section 215 (2) or (3), the peace officer may, if the peace officer believes that impoundment is necessary to

prevent the driver from driving or operating the motor vehicle before the prohibition expires, immediately cause the motor vehicle that the driver was operating or of which the driver had care or control to be taken to a place directed by the peace officer and impounded there for a period of 24 hours.

(2) If a peace officer is satisfied that the impoundment of a motor vehicle under subsection (1) would

(a) jeopardize the safety of the occupants of the motor vehicle, or

(b) leave the occupants stranded,

the peace officer must arrange for transportation of the occupants of the motor vehicle to the nearest safe area where they can summon an alternative form of transportation.

(3) The owner or driver of a motor vehicle that is impounded under subsection (1) may remove any cargo or other personal property that is in or on the motor vehicle.

(4) If a motor vehicle is impounded under subsection (1), the peace officer must take all reasonable steps to notify the owner of the motor vehicle.

(5) A person must not remove or permit the removal of a motor vehicle from the place where it is impounded under subsection (1) before the end of the 24 hour period unless the person is authorized to do so by a peace officer or a court.

(6) All the costs and charges for towing, care and storage of a motor vehicle impounded under subsection (1) are a lien on the motor vehicle, and the lien may be enforced in the manner provided under the *Warehouse Lien Act*.

From: Bowness, Corey JAG:EX
Sent: Wednesday, August 21, 2013 11:35 AM
To: Anness, Glenn JAG:EX; Roberts, Steven JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

s.13

let me check my files to see if I have anything a bit more concrete...

Corey

From: Anness, Glenn JAG:EX
Sent: Wednesday, August 21, 2013 11:31 AM
To: Roberts, Steven JAG:EX; Bowness, Corey JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

OSMV may have facilitated something, but I'm not aware of it. Corey?

s.13

G

From: Roberts, Steven JAG:EX
Sent: Wednesday, August 21, 2013 11:29 AM
To: Anness, Glenn JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

OK thanks – I thought OSMV facilitated something after initial IRP launch and complaints of drivers being stranded roadside in middle of nowhere. Anything in ILO agreements?

From: Anness, Glenn JAG:EX
Sent: Wednesday, August 21, 2013 11:27 AM
To: Roberts, Steven JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: RE: Vehicle Impoundment

Nothing that I am aware of.... MVA is silent in Part 9

Bima would be a more likely source on policy as I would expect it would be police policy on what an officer does with the driver.

From: Roberts, Steven JAG:EX
Sent: Wednesday, August 21, 2013 11:24 AM
To: Anness, Glenn JAG:EX
Cc: Ribeiro, Bima JAG:EX
Subject: Vehicle Impoundment
Importance: High


Is there anything leg, regs or policy about what police do with drivers at roadside after impoundment? Media concern about abandoning drivers at roadside.

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: July-12-13 1:10 PM
To: XT:Atherton, Jerome JTST:IN
Subject: RE: MV2714

Thanks Jerome!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Atherton, Jerome [<mailto:Jerome.Atherton@icbc.com>]
Sent: Friday, July 12, 2013 1:09 PM
To: Laupland, Lisa
Cc: Bowness, Corey JAG:EX
Subject: RE: MV2714

Much appreciated! Could you follow-up directly with Corey once it's sorted?

Thx

Jerome

From: Laupland, Lisa
Sent: Friday, July 12, 2013 1:03 PM
To: Atherton, Jerome
Subject: RE: MV2714

Jerome I will look into this. maybe it is not in use anymore. I will check with Stephanie and with our forms and publication area.

Lisa Laupland
Manager, Licensing Support Services
Driver Licensing Programs
Insurance and Driver Licensing Division

ICBC building trust. driving confidence.
.....
910 Government Street
Victoria | British Columbia | V8W 3Y8
direct: 250-414-7639

From: Harrison, Jackie P JAG:EX
Sent: Thursday, July 11, 2013 11:55 AM
To: Bowness, Corey JAG:EX
Subject: MV2714

Hi Corey,
ILO invoice books.....

I have only found the Kelowna Claims Center to have books of these invoices for MV2714. These books are supposed to be available at all Driving Claims Centers, but that does not seem to be the case. Were you going to mention this to someone at ICBC? Just wondering as I've had another
Call on where to get the invoice books.

Thanks,
Jackie

Jacqueline Harrison
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 952 6910 fax- 250 356 6544



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Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: June-14-13 1:58 PM
To: Simpson, Linda M JAG:EX
Cc: Handgraaf, Harjeet JAG:EX; Harrison, Jackie P JAG:EX
Subject: RE: Tow Lot Fees

My apologies – missed this email entirely. Thanks very much for following up.

s.13

This is an issue that seems to be growing, and requires monitoring. Please let me know of any other such issues you've received or continue to receive in the future.

Please let me know if there's any other information you need or concerns you have.

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/> ♻️ Please consider the environment before printing this e-mail

From: Simpson, Linda M JAG:EX
Sent: Friday, June 14, 2013 1:51 PM
To: Bowness, Corey JAG:EX
Cc: Handgraaf, Harjeet JAG:EX; Harrison, Jackie P JAG:EX
Subject: FW: Tow Lot Fees

Hi Corey – sorry to bother you but did you get a chance to read my email below?

Thanks!

Linda Simpson
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General
phone-250 356 6556 fax- 250 356 6544
email: linda.m.simpson@gov.bc.ca



From: Simpson, Linda M JAG:EX
Sent: Tuesday, June 11, 2013 1:38 PM
To: Bowness, Corey JAG:EX
Cc: Harrison, Jackie P JAG:EX
Subject: Tow Lot Fees

Hi Corey,

I don't know if you are the correct person to ask regarding the following issue we are having in Appeals Registry or not. Peninsula Towing is charging customers \$19.55 per day for storage and they are located in Saanichton which in my book is located out of the City of Victoria and they should be charging \$16.10 per day.

Is OSMV able in any way shape or form able to enforce the fee schedule we have done pursuant to MVA 269? We basically have been told that they are part of the CRD which entitles them to charge the \$19.55 and they are not going to change it.

If this isn't a question for you, could you let me know who to send it to if you know?

Thanks so much,

Linda Simpson

Intake agent, AJDFI Appeals Registry

Administrative Justice, Driver Fitness and Intervention Branch

The Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General

phone-250 356 6556 fax- 250 356 6544

email: linda.m.simpson@gov.bc.ca



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: June-03-13 9:48 AM
To: Coburn, David JAG:EX
Subject: RE: ILO Procedures - version 4

Looks bang on. Thanks David!

Enjoy your DAY OFF!

Corey Bowness | Senior Policy Advisor | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/> ☑ Please consider the environment before printing this e-mail

-----Original Message-----

From: Coburn, David JAG:EX
Sent: Sunday, June 2, 2013 8:10 PM
To: Bowness, Corey JAG:EX
Subject: FW: ILO Procedures - version 4

Corey,

Here is the response I have drafted for Steve at MOT. He was interested in OSMV's VI program, specifically the policy around tow fee recovery...

"Steve,

I apologize for the delay in getting back to you.

The Office of the Superintendent of Motor Vehicles (OSMV) operates the Vehicle Impoundment Program (VI) in which tow companies and Impound Lot Operators (ILO) apply to participate. Vehicles impounded under the VI Program are subject to Section 255 of the Motor Vehicle Act (MVA).

All authorized ILO's must comply with the VI program's fee schedule, storage rules and standards. OSMV provides approved ILO's with a manual that outlines the procedures for handling vehicles impounded under the VI program. For your convenience, I have attached the Procedures for Impound Lot Operators manual above.

From what I understand, you will be primarily interested in Section 8. Section 8 outlines the options available to ILO's for obtaining compensation for their losses associated with abandoned vehicles. An impounded vehicle that is not claimed by the owner may only be disposed of in one of the following two ways:

1. Authorization by the Superintendent under the Motor Vehicle Act; or
2. Transfer of ownership under the Warehouse Lien Act.

Generally, ILO's apply to dispose of vehicles under the MVA through an Early Disposal or Normal Disposal. Early Disposals apply when vehicle owners indicate they have no intention of claiming their vehicle from the ILO as the value

of the vehicle is less than \$1,000. Vehicles approved for Early Disposal must be dismantled and sold for parts or crushed.

Normal Disposals apply after the expiration of the impoundment period. Vehicles that meet the criteria outlined in the procedures manual and approved for Normal Disposal may be either sold or disposed of by the ILO. It is important to note that should a security interest be registered against the vehicle, the ILO may not dispose of the vehicle under this Section. See Section 8.1 for more information regarding procedures related to Early and Normal Disposals.

Section 8.2 and 8.3 provide information on disposing of vehicles, with a security interest registered against them, under the Warehouse Lien Act.

Please feel free to give me a call if you have any questions or require further clarification on ILO fee recoveries.

Thank you."

Let me know if you have any feedback and I will forward the ILO Procedures Manual above and this response to Steve sometime on Monday.

Thanks

From: Handgraaf, Harjeet JAG:EX
Sent: Thursday, May 30, 2013 10:24 AM
To: Coburn, David JAG:EX
Subject: ILO Procedures - version 4

Here you go David as per our discussion this morning. Have a great day!

Regards
Arnie

Arnie Handgraaf
Team Lead, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch The Office of the Superintendent of Motor Vehicles |
Ministry of Justice
phone-250 356-0599 fax- 250 356-6544
e-mail: Harjeet.Handgraaf@gov.bc.ca

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: April-30-13 4:08 PM
To: Anness, Glenn JAG:EX
Subject: RE: ICBC related amendments

Just heard back from Rob and Kirk on this:

Nothing planned for 2013, except a possible amendment
s.13

s.13


A few potential ones for 2014:

- -
- s.13

They are all fairly technical in nature, so Rob has offered to talk to Judy directly if she has any further questions.

Cheers,

Corey

Corey Bowness | Senior Policy Advisor | Policy and Research Branch | Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Anness, Glenn JAG:EX
Sent: Thursday, April 25, 2013 5:20 PM
To: Bowness, Corey JAG:EX
Subject: RE: ICBC related amendments

Can we touch base on this on Monday?

Thanks
G

From: Anness, Glenn JAG:EX
Sent: Tuesday, April 23, 2013 3:35 PM
To: Bowness, Corey JAG:EX
Subject: Fw: ICBC related amendments

Can you call Kirk Rockerbie at MOTI and check if they have any ICBC leg or reg amendments in their hopper?

Also, what do we have. I know there's one or two...

G

From: Klima, Judy H JAG:EX
Sent: Tuesday, April 23, 2013 03:10 PM Pacific Standard Time
To: Anness, Glenn JAG:EX

Subject: ICBC related amendments

Hi Glenn –

If MOT happens to have any ICBC related amendments can you just give me a heads up (not for our list, but just so I am aware). Also, I'm sure you're aware, but ICBC may put forward items that wouldn't normally make our priority list, (or may not require amendment) and don't always realize the amount of work required.

Hope all is well over with you, and that you're enjoying the springing of spring.

Cheers,

Judy

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: April-05-13 1:15 PM
To: Lacombe, Cecile JAG:EX
Subject: Stakeholder Info

Hey Cecile,

Here is some summary information on some VI and MC stakeholders.

It might be more info than you can accommodate, but I thought I'd give you more and let you trim rather than risk giving you insufficient info!

Cheers!!

Corey



Motorcycle and VI
stakeholders...

Corey Bowness | Senior Policy Advisor | Policy and Research Branch| Office of the Superintendent of Motor Vehicles | Ministry of Justice | Ph: 250 952-6937; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2| <http://www.pssg.gov.bc.ca/osmv/> ♻️ Please consider the environment before printing this e-mail

BC Coalition of Motorcyclists (BCCOM)

Adele Tompkins
Executive Director
1-877-580-0111
adele@bccom-bc.com

The BC Coalition of Motorcyclists (BCCOM) is a motorcycle riders' association as well as a professional lobby group. BCCOM advocates for safety measures and reduced regulatory burden for motorcyclists. Their slogan is "Freedom ain't free... but in B.C. it's affordable". The organization claims the following accomplishments:

Having motorcycles included in High Occupancy Vehicle (HOV) lane usage;

- Organizing the annual "MLA Ride" every May;
- Gaining assured motorcycle loading on B.C. Ferries;
- Establishing designated motorcycle parking in various municipalities;
- Lobbying against "no-fault" insurance;
- Achieving the creation and implementation of collector plates for motorcycles;
- Establishing guidelines and regulations for handlebar height and modified motorcycles; and
- Exempting motorcycles from emission testing.

Motorcycle Moped Industry Council (MMIC)

Luc Fournier
Directeur des relations gouvernementales
Director of Government Relations
MMIC-COHV
416-491-4449
lfournier@mmic.ca

The Motorcycle & Moped Industry Council (MMIC) is a national non-profit trade association. According to MMIC, the member companies account for over 90 percent of all the new motorcycles and scooters sold in Canada. MMIC represents the interests of major motorcycle and scooter distributors, manufacturers, distributors and retail outlets of motorcycle and scooter related products and services, and individual owners and riders of motorcycles and scooters in Canada.

MMIC's stated objectives include:

- promoting the safe and responsible use of motorcycles and scooters;
- developing and expanding communication and cooperation among all levels of the motorcycle and scooter community;
- enhancing government relations and public affairs through broad cooperative efforts; and

- promoting the responsible interests of motorcycle and scooter riders and the industry.

The organization's activities include:

- identifying and acting on issues of importance to the motorcycle and scooter communities;
- monitoring and responding to changes in legislation and regulations affecting the use of on-road and off-road motorcycles and scooters;
- making representations to the senior levels of government on behalf of its members and affiliate members;
- acting as a statistical gathering base for the industry; and
- developing and offering group programs to serve dealers and motorcycle and scooter riders.

Automotive Retailers Association (ARA)

Ken McCormack
 President & CEO
 kenmccormack@ara.bc.ca
 Phone: (604) 432-7987
 Fax: (604) 432-1756
 Unit 1 – 8980 Fraserwood Court
 Burnaby, BC, Canada V5J 5H7

The ARA competes with the WCABA in representing the automotive industry. The ARA has industry representation across 8 key divisions for British Columbia:

- Automotive Glass
- Auto Rental
- Automotive Recyclers (BCAR)
- Collision Repair
- Licensed Motor Dealers
- Mechanical Repair
- PowerSport Dealers
- Towing & Recovery

The ARA has expressed concerns with the current impound program. Their concerns relate to:

- vehicles being abandoned after impound and Impound Lot Operators (ILOs) not receiving towing/impound fees,
- the general viability of small towing companies under the impound system,
- the delay in implementation of 'refusal to issue',
- harmonization of impound fees with ICBC rates, and
- a desire to have a role in regulating standards of ILOs

As these issues have been ongoing for some time ARA may feel that the Province is not paying sufficient attention to their concerns.

Western Canadian Automotive Business Association (WCABA)

Dale Finch
President & CEO
dalefinch@wcaba.ca
C:604-341-4933
F:604-942-3943

While the ARA lobby's for the interests of the automotive sector in British Columbia, the Western Canada Automotive Business Association (WCABA), aims to represent the automotive sector in Western Canada. The WCABA has similar objectives and activities, but across multiple provincial jurisdictions and the federal level.

The Coalition of Riders Educating Youth (C.O.R.E.Y.)

Corey Lodge, a 21 year-old motorcyclist, was killed in a March 3, 2005 crash, less than one day after receiving a motorcycle learner's licence that required him to ride supervised and keep to speeds less than 60 km/h. At the time of the crash, he and his supervisor were reportedly riding at extremely high speeds on high-performance sports motorcycles.

Corey's mother, Denise Lodge, formed the Coalition of Riders Educating Youth (C.O.R.E.Y.) with a number of retired police and other concerned citizens. Ms. Lodge met with the former Solicitor General in 2005 to put forward recommendations to improve motorcycle safety, including:

1. A longer and more segmented graduated licensing period;
2. Restrictions on the size of motorcycles to a maximum of 250cc for a minimum of three years for new riders, or until age 25;
3. Mandatory driver's education and training;
4. Clear definition/revision of the role of the supervisor;
5. Zero tolerance for learner and supervisor violations, resulting in licence suspension;
6. Requirement for exam to be taken on the same bike that riders plan to operate;
7. Colour-coded licence plates to identify learners.

Dillon Adey, another young motorcyclist, died on June 1, 2009 in a motorcycle collision. His parent's, Cindy and Perry have given their support to the C.O.R.E.Y. recommendations. The Lodges and Adeys have generally been unified in their advocacy of changes to improve motorcycle safety.

Motorcyclists Confederation of Canada (MCC)

The Motorcyclists Confederation of Canada (MCC) is the national not-for-profit advocacy organization for the promotion of motorcycling interests. MCC advocates for federal, provincial, territorial, and municipal actions to ensure that:

1. motorcycle safety is firmly entrenched in the national road safety agenda and that motorcyclists are recognized as vulnerable road users who have specific safety needs;
2. motorcycling is recognized as a legitimate, growing and distinct mode of transport in all road and urban planning and development;
3. motorcycling is recognized as a growing and accessible sport, recreational and competitive activity that generates significant economic benefits in communities across the country;
4. motorcycling – especially off-road motorcycling – is recognized as providing important physical health benefits, and;
5. motorcyclists are recognized as a growing and distinct group of road users who have the potential to resolve certain mobility issues.

Motorcycle Training Schools

ICBC is the regulator of driver training in British Columbia. There are approximately 40 ICBC-licensed motorcycle training schools. Approximately half of them are certified to carry out the parking lot skills test on behalf of ICBC. With the exception of some instructor licensing requirements and a certification agreement that governs the parking lot course and test, there are very few quality control measures that ICBC has at its disposal to ensure students can rely on a consistent and high quality level of training across the province.

Bombardier Recreational Products (BRP)

Caroline Emond
Chef de service, Affaires publiques et relations gouvernementales
Manager, Public affairs and government relations
BRP (Bombardier Produits Récréatifs inc.)
726, rue St-Joseph
Valcourt, Québec J0E 2L0
1-450-532-5078

BRP manufactures a 3-wheeled vehicle called a Roadster Can-Am Spyder, with 2 wheels in the front. Unlike "trikes" (3-wheeled motorcycles with 2 wheels in the back), the Spyder has a vehicle stability system which allows the chassis to lean in curves, increasing stability. All three-wheeled vehicles fall under the legal definition of "motorcycle." As such, the existing motorcycle licensing requirements apply.

BRP have asked that BC reconsider how the Spyder is regulated with respect to driver licensing and power restrictions.

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: January-07-13 11:26 AM
To: 'Ken Hendricks'
Cc: Anness, Glenn JAG:EX; Esposito, Tony N JAG:EX; Ribeiro, Bima JAG:EX
Subject: RE: Question

Hi Ken,

I can see the concerns this might raise with the stand-by time required. This form is not new. I spoke with our OSMV Police Liaison Officer about this. He advises that some officers use the C240 form on certain occasions. It is not required and not policy when towing although it occurs from time to time.

Please let me know if you have any other questions.

Corey

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Monday, January 7, 2013 10:18 AM
To: Bowness, Corey JAG:EX
Subject: Question

Hi Corey,

I hope you had a good holidays and a Happy New Year.

I have had a question from Coquitlam towing with regards to a new police procedure they are experiencing for 3, 7, and 30 day impounds. This has been recent and they are now being asked to sign-off on a C240 form that documents the over-all condition of the impounded vehicle as well as documenting any valuables left in the vehicle at the time of the impoundment. I presume this all has to do with liability and transferring that liability to the tow operator should the customer complain of damage incurred or property lost while the vehicle is in impoundment. I am not sure if this is a new police procedure or just limited to the Coquitlam detachment.

At any rate, for the tower the additional concern is the stand-by time required (and not currently compensated for under the current ILO rates) while the officer completes the new form.

Please let me know if you have any knowledge of this or if you could find out if this indeed a new police procedure for impoundments.

Thanks

Ken Hendricks
Industry Relations Advisor



Unit #1 – 8980 Fraserwood Court

Burnaby, BC Canada V5J 5H7

T 604 419-4836

C 604-312-0331

F 604-432-1756

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: January-07-13 10:25 AM
To: Ribeiro, Bima JAG:EX; Esposito, Tony N JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: FW: Question

Hi Bima,

Please see Ken Hendricks' email below. Is the use of this C240 form a wide-spread process with police? Any background you can get would be greatly appreciated.

Just FYI -

s.13

Cheers,

Corey

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Monday, January 7, 2013 10:18 AM
To: Bowness, Corey JAG:EX
Subject: Question

Hi Corey,

I hope you had a good holidays and a Happy New Year.

I have had a question from Coquitlam towing with regards to a new police procedure they are experiencing for 3, 7, and 30 day impounds. This has been recent and they are now being asked to sign-off on a C240 form that documents the over-all condition of the impounded vehicle as well as documenting any valuables left in the vehicle at the time of the impoundment. I presume this all has to do with liability and transferring that liability to the tow operator should the customer complain of damage incurred or property lost while the vehicle is in impoundment. I am not sure if this is a new police procedure or just limited to the Coquitlam detachment.

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Please let me know if you have any knowledge of this or if you could find out if this indeed a new police procedure for impoundments.

Thanks

Ken Hendricks
Industry Relations Advisor



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Burnaby, BC Canada V5J 5H7

T 604 419-4836

C 604-312-0331

F 604-432-1756

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: November-21-12 3:06 PM
To: Esposito, Tony N JAG:EX; Anderson, Kathy E JAG:EX
Subject: FW: ILO Forum

Hey – do either of you have any background on this website?

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Wednesday, November 21, 2012 10:48 AM
To: Bowness, Corey JAG:EX
Subject: ILO Forum

Hi Corey,

Brad Gerhart had set up an ILO web-forum where towers could get updates and/or download required forms. Is the site still running? I had someone ask me - he has been unable to access the site.

Thanks

Ken Hendricks
Industry Relations Advisor



AUTOMOTIVE RETAILERS ASSOCIATION
Driving Industry Excellence

Unit #1 – 8980 Fraserwood Court
Burnaby, BC Canada V5J 5H7

T 604 419-4836
C 604-312-0331
F 604-432-1756

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: October-25-12 4:26 PM
To: Anderson, Kathy E JAG:EX
Subject: RE: ARA Meeting with Steven - Question on ILO agreement

Thanks Kathy!

From: Anderson, Kathy E JAG:EX
Sent: Thursday, October 25, 2012 4:14 PM
To: Bowness, Corey JAG:EX
Subject: FW: ARA Meeting with Steven - Question on ILO agreement

Kathy Anderson
Manager, Adjudication and Training
Direct: 250-356-8068
BlackBerry: s.17

From: Harrison, Jackie P JAG:EX
Sent: Thursday, September 13, 2012 2:21 PM
To: Anderson, Kathy E JAG:EX
Subject: RE: ARA Meeting with Steven - Question on ILO agreement

Hi Kathy,
There is no new agreement.
As I update the ILO files, I will send out a "new" agreement only if the owner or lot information has changed.
It's the same agreement they've always signed.

It looks to me that the "Agreement" has barely changed from inception in 1997. I have attached an agreement from 1997 to compare, and there's only very slight changes are #3 and #4.
I spoke with a couple ILOs and their concern was under #1 (b) they have concerns with the procedures manual with ICBC, but this has not changed from 1997.

Thanks,
Jacqueline

Jacqueline Harrison
Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice



From: Anderson, Kathy E JAG:EX
Sent: Thursday, September 13, 2012 1:54 PM
To: Harrison, Jackie P JAG:EX
Cc: Handgraaf, Harjeet JAG:EX
Subject: FW: ARA Meeting with Steven - Question on ILO agreement

Jackie,
Thanks for your email with the documents. Here are the questions I'm being asked about the ILO's. Do you have any insight that you can provide for me?

*Kathy Anderson
Manager, Adjudication and Training
Direct: 250-356-8068
BlackBerry: 250-508-0481*

From: Stewart, Terry J JAG:EX
Sent: Thursday, September 13, 2012 8:34 AM
To: Anderson, Kathy E JAG:EX
Subject: ARA Meeting with Steven - Question on ILO agreement

Hi Kathy

As for clarification of what the ARA is looking for, at this point all we have is the following bullet.

- Clarification on recent ILO agreement

Is the attached document the most recent ILO agreement? It looks like it was last updated May 2011.

Back in May of this year we received some questions from Ken Hendricks at the ARA about the new ILO agreements that were sent out. I got the info below to answer these questions from you or Tony.

Have there been any developments regarding ILO agreements since May that the ARA or its members would be aware of that may be of concern to them?

Is there anything Steve may want to discuss that may be of interest to the ARA with regard to any upcoming changes to the agreements? I remember hearing that the agreement was being reviewed for possible changes, Steve could offer to take the ARA's input on possible changes if that would be appropriate at this time.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Wednesday, May 23, 2012 12:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks for your help Terry

Ken

From: Stewart, Terry J JAG:EX [<mailto:Terry.J.Stewart@gov.bc.ca>]
Sent: May-23-12 9:05 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

I have some information on the three questions you asked last week about new ILO agreements that ILO's have received.

- Why are these being sent out?
- Are they being sent to all ILO's?
These were sent out to all ILO's because, in many cases, the info that OSMV had on file for ILOs was out of date. The purpose was to ensure this info was up to date for all ILO's.
- The agreement contains a reference to ICBC's Vendor Policies and Procedures Manual, why was this added?
I was told that this has been in place for a number of years. One of the requirements for ILO's is to have an ICBC vendor number. If an ILO has an ICBC vendor number it would follow that they would be expected to follow ICBC's vendor policies and procedures.

I hope this is helpful.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Thursday, May 17, 2012 11:25 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks Terry,

I am attaching a copy of the harmonization recommendations we sent to Brad earlier this year. Please feel free to call or email me with any questions or concerns.

Ken

From: Stewart, Terry J JAG:EX [<mailto:Terry.J.Stewart@gov.bc.ca>]
Sent: May-17-12 11:23 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

The person who can provide me with the info on the ILO's is out of the office this week. I will speak with them next week and get back to you as soon as possible.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Wednesday, May 16, 2012 10:47 AM
To: Stewart, Terry J JAG:EX
Subject: Question on ILO agreement

Hello Terry,

This is Ken Hendricks, I am the ARA consultant for the Towing & Recovery division. Dana Tadla gave you our President's Ken McCormack's email and it was forwarded to myself.

I am in the office most days and can be reached at my direct line 604-419-4836.

There are a few matters I need to discuss with you before the OSMV moves forward with rate harmonization. As well, I have a couple of questions with regards to the new ILO agreement being sent out to towers.

I look forward to speaking with you

Ken Hendricks

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-28-12 2:14 PM
To: Anness, Glenn JAG:EX
Subject: 388527 - Dale Finch signed response

Here's a letter that suggest harmonization will mean increased ability for ILOs to charge for services. This is pretty vague, as this is still true when applied to services that are tallied towards total liens.

s.14

The law is the law and we'll find out.

I'll let you know what I hear and if I find any other correspondence/communications in this.



388527 - Dale
Finch signed res...



November 9, 2010

Mr. Dale Finch, President and CEO
Automotive Retailers Association
1 – 8980 Fraserwood Court
Burnaby BC V5J 5H7

Dear Mr. Finch:

Your September 20, 2010 letter addressed to Mr. Spencer Sproule, regarding the harmonization of vehicle impoundment towing and storage rates with ICBC towing and storage rates has been forwarded to me. As, Deputy Solicitor General I am pleased to respond.

My staff assure me that harmonization will actually result in higher revenues for towing companies. I am told that, on a 30 day impoundment, when the 10 per cent fuel surcharge is taken into consideration, the total charges in rural areas will increase by 2 per cent, and by up to 21 per cent in urban areas. While I recognize that harmonized rates may not as high as those you have been seeking, I would like to suggest that harmonization would still be a positive step for your members.

My staff also assure me that, by harmonizing, your members will have access to a broader range of fees that they can charge for their services than are currently available in the Vehicle Impoundment Program. I understand that towing companies will be able to charge for services such as recovery, standby, and use of dollies, and that none of those are available under the existing program rate structure.

I appreciate that negotiations with ICBC have been difficult. I also understand that there are some differences between ICBC's towing program and the Ministry's vehicle impoundment program. I would like to suggest that you consider raising these differences to ICBC in your negotiations, and to see if they can be accommodated in the new rate structure.

.../2

Mr. Dale Finch
Page 2

I hope that I have been able to provide you with some assurance that harmonization is a positive step that is to the benefit of your membership. I would like to thank you for your ongoing support of Bill 14 and this important road safety initiative.

Sincerely,

ORIGINAL SIGNED BY

Lori Wanamaker, CA
Deputy Solicitor General

pc: The Honourable Shirley Bond
The Honourable Kevin Falcon
The Honourable Ben Stewart

CLIFF 388527Drafted by Kyle Murray

Approved by Steve Martin

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-25-12 8:30 AM
To: Paul, Jessica JAG:EX
Cc: Anness, Glenn JAG:EX; Stewart, Terry J EDUC:EX
Subject: ARA meeting


Hi Jessica,

Further to our phone call, I just wanted to confirm in advance of the ARA meeting whether or not Steve has any new

s.13

Thanks,

Corey

Corey Bowness | Senior Policy Advisor | Policy and Research Branch| Office of the Superintendent of Motor Vehicles | Ministry of Justice | Ph: 250 952-6937; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2| <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-20-12 3:08 PM
To: Stewart, Terry J EDUC:EX
Subject: Chart for ARA - current vs s.13 (Bowness Edits)

Just some thoughts! Take them or leave them!



Chart for ARA -
current vs s.13...

Comparison of Current vs

s.13

Expense Category	Current: Lien on Impounded Motor Vehicles Regulation	s.13, s.17
Base towing rate up to 6 km: (depending on weight of vehicle)	\$78.89-153.64	
Towing per km after 6 km (depending on weight of vehicle, and distance towed.)	\$2.19 - \$4.31	
Use of Dollies per km (for tow exceeding 32 km)	Not set out	
Fuel Surcharge (to be added to total fees noted above)	Not set out	
Storage Daily (dependent on location of ILO)	\$16.10-\$19.55	

Example:

s.13, s.17

Expense Category	Vancouver		Fort Nelson	
	Current		Current	
Base towing rate (for first 6 km of 10 km)	\$78.89	s.13, s.17	\$78.89	s.13, s.17
Per km total (for final 4 km of 10 km)	\$11.96		\$11.96	
Towing subtotal	<u>\$90.85</u>		<u>\$90.85</u>	
Total fuel surcharge (adds 14.5% to towing fees only)	0		0	
Towing subtotal plus fuel surcharge.	<u>\$90.85</u>		<u>\$90.85</u>	
30 days impound	\$586.50		\$483.00	
GrandTotal	<u>\$677.35</u>		<u>\$573.85</u>	

Net change:

-
-

s.13, s.17

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-17-12 11:00 AM
To: Stewart, Terry J EDUC:EX
Subject: RE: ARA Meeting Notes
Attachments: Points for Steve - for Sept 19 Pre-ARA meeting (CB Edits Tracked).docx

Here you go – looks good. Just a couple comments/questions since I'm new to all this!

From: Stewart, Terry J JAG:EX
Sent: Monday, September 17, 2012 10:43 AM
To: Bowness, Corey JAG:EX
Subject: ARA Meeting Notes

Hi Corey.

As discussed.

Terry

Notes for September 19, 2012, pre-meeting for ARA

Topics:

s.13

s.13, s.17

Page 538 redacted for the following reason:

s.13, s.17

Comparison of Current vs.

s.13

Expense Category	Current: Lien on Impounded Motor Vehicles Regulation
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s.13, s.17

Example:

s.13

Expense Category	Vancouver		Fort Nelson	
	Current		Current	
Base towing rate (for first 6 km of 10 km)	\$78.89	s.13, s.17	\$78.89	s.13, s.17
Per km total (for final 4 km of 10 km)	\$11.96		\$11.96	
Towing subtotal	<u>\$90.85</u>		<u>\$90.85</u>	
Total fuel surcharge (adds 15% to towing fees only)	0		0	
Towing subtotal plus fuel surcharge.	<u>\$90.85</u>		<u>\$90.85</u>	
30 days impound	\$586.50		\$483.00	
GrandTotal	<u>\$677.35</u>		<u>\$573.85</u>	

Net change:

-
-

s.13, s.17

Economic Hardship Review Process for Car Dealerships and Car Dealerships Repair and Service Shops

NOTE to ADJUDICATORS: Whether client meets criterion or not, please email Danielle, Kathy, Tony and Shelly Burchnall the details pertaining to the review.

Policy Application:

This policy applies to all car dealerships who loan vehicles to individuals and corporate customers for demonstration purposes for extended periods of time where **no salesperson is present in the vehicle when the vehicle is impounded**. The vehicles may be owned or leased by the car dealership. This policy further applies to all car dealership repair and service shops who loan courtesy vehicles to customers.

Policy:

The Office of the Superintendent of Motor Vehicles (OSMV) will accept, expedite and review applications for the early release of a motor vehicle on grounds of economic hardship for **three and seven day** vehicle impoundments. The OSMV will not escalate the period of impoundment for car dealerships or car repair shops who receive subsequent vehicle impoundments as a result of a driver driving while prohibited, suspended or unlicensed, excessive speeding, stunt driving or street racing.

Process:

The registered owner of the car dealership or car repair shop (or an authorized representative of the registered owner) will telephone the Driver Improvement Adjudicator (250-356-0200 or 250-356-0898) and request a written review. The BC dealerships and service and repair shops have been provided the telephone numbers to call when their vehicle has been impounded.

Adjudicator will:

- Ask the registered owner or representative to provide Information regarding the circumstances for the individual or corporate customer having the vehicle (see the Police Application);
- Fax a Request for Economic Hardship/Compassionate Review (attached) to registered owner or authorized representative;
- Ask the registered owner or representative to call them back once they have received the application. There is no application fee required to be paid.



20110928121116.pdf

f

- Adjudicator will go over the application with the registered owner or authorized representative once it is returned to them;
- If an authorized representative is applying for the review, a signed letter of authorization from an officer of the company on company letterhead is required (see attached sample).



Letter of
Authorization.pdf

Adjudicator will ask the registered owner or authorized representative to provide:

- The vehicle impoundment number that can be found on the Notice of Impoundment issued to the driver of the vehicle;
- A copy of the business licence or other company document which matches the name of the registered owner of the business;
- A brief description of the business to identify it as a car dealership or car repair service;
- A description of the impounded vehicle so that the OSMV may identify it from existing records;
- Owner's consent to release signature on application if the owner wishes someone else to retrieve the vehicle from the Impound Lot.

Adjudicator will review any written submission submitted with the application; and
Render a decision on the application and immediately contact the person who applied for the review.

If the review is successful, adjudicator will:

- Fill out the Vehicle Impoundment Order of Release (attached) and fax it to the Impound Lot Operator;



Vehicle
Impoundment Order

- Contact the Impound Lot Operator to confirm they have received the Order of Release fax and ask about any information the client should be aware of regarding hours of operation;
- Call back the car dealership or authorized representative to confirm they can now pick up the vehicle.

The owner of the car dealership or car dealership service and repair shop (or authorized representative) may then go to the impound lot during the towing company's operating hours, pay the towing and storage fees, and retrieve the vehicle.



BRITISH
COLUMBIA

VEHICLE IMPOUNDMENT APPLICATION FOR REVIEW
REQUEST FOR ECONOMIC HARDSHIP/COMPASSIONATE REVIEW
SECTIONS 262, 263 – MOTOR VEHICLE ACT

The personal information on this form is collected under the authority of the *Motor Vehicle Act* (RS British Columbia 1996, c. 318, s. 262, 263) and the *Freedom of Information and Protection of Privacy Act* (RS British Columbia 1996, c. 166, s. 26 (a) and (c)). The personal information collected will be used by the Office of the Superintendent of Motor Vehicles in reviewing the vehicle impoundment. If you have any questions about the collection, use and disclosure of the information collected, contact the Office of the Superintendent of Motor Vehicles, at PO Box 9254 Stn Prov Govt, Victoria BC V8W 9J2, phone (250) 387-7747.

VI No. -

APPLICANT'S NAME <u>APPLICANT OR REPRESENTATIVE</u>		APPLICANT'S DRIVER'S LICENCE NUMBER	
ADDRESS		CITY/TOWN	
PROVINCE	POSTAL CODE	HOME PHONE NUMBER	OTHER PHONE NUMBER(S)

Owner's consent to the release of the motor vehicle to the applicant:
I consent to the Superintendent releasing the motor vehicle to the applicant upon a successful request for release.

OWNER SIGNATURE
SIGNATURE OF OWNER OF MOTOR VEHICLE

REQUEST FOR RELEASE FOR ECONOMIC HARDSHIP*

I am the owner or authorized representative of the owner, and I am attaching information that shows that:

1. The impounded vehicle is used in a business;
2. The business has a reasonable prospect for generating income that depends on the impounded vehicle; and
3. This anticipated lost income represents a substantial amount of the business's income during the impoundment, or will otherwise pose an economic hardship to the business.

I request either (check one):

☒ a written review ☐ an oral hearing

Review scheduled for

Date

Time

(123) 456-7891
Telephone Number

Applicant's signature APPLICANT OR REPRESENTATIVE

REQUEST FOR COMPASSIONATE RELEASE*

I reside at the same address of the vehicle owner, and the impoundment will:

- ☐ Cause me to lose, or otherwise limit employment or educational opportunities; and/or
- ☐ Prevent me or someone under my care from obtaining medical treatment;

and I have no reasonable alternative form of transportation, including public transportation.

I request either (check one):

☐ a written review ☐ an oral hearing

Review scheduled for

Date

Time

()
Telephone Number

Applicant's signature _____

*The review grounds outlined above are authorized under sections 262(3), 263(1) and 263(2) of the *Motor Vehicle Act*. These sections can be reviewed at www.bclaws.ca.

OFFICE USE ONLY

SIGNATURE OF CUSTOMER SERVICE REPRESENTATIVE

OFFICE

DATE (YYYY/MM/DD)

RECEIPT NUMBER



To: Superintendent of Motor Vehicles
Regarding Vehicle Impoundment Number #00-000000
Vehicle: Lincoln Navigator
Plate #
Vehicle Identification Number:

This letter has been prepared by Budget Rent a Car of BC Ltd., the registered owners of the above mentioned vehicle. I, John Smith, hereby authorize Jane Doe to represent Budget Rent a Car Ltd as an applicant for a review of the Vehicle Impoundment. I further consent to the Superintendent of Motor Vehicles releasing the motor vehicle to Jane Doe upon a successful request for release.

Sincerely,

John Smith

Vice President of Operations



VEHICLE IMPOUNDMENT ORDER OF RELEASE

The personal information on this form is collected under the authority of the *Motor Vehicle Act* (RSBC 1996, c. 318, s. 264) and the *Freedom of Information and Protection of Privacy Act* (RSBC 1996, c. 185.2.26 (a) and (c)). The information collected will be used to facilitate the release of the vehicle named herein. If you have any questions about the collection, use and disclosure of the information collected, contact the Office of the Superintendent of Motor Vehicles, at PO Box 9254 Stn Prov Govt, Victoria BC V8W 9J2, phone (250) 387-7747.

DATE (YYYY/MM/DD)

VI No.

-

MAKE

MODEL

YEAR

LICENCE PLATE NUMBER

The Superintendent of Motor Vehicles orders the impounded vehicle released:

to

PRINT NAME IN FULL

on

DATE (yyyy/mm/dd)

Impound Lot Name:

Impound Lot Address:

Impound Lot Fax number:

TO BE COMPLETED AT THE IMPOUND LOT:

NAME OF OWNER/AUTHORIZED PERSON

SIGNATURE OF OWNER/AUTHORIZED PERSON

DRIVER'S LICENCE/IDENTIFICATION NUMBER

DATE (yyyy/mm/dd)

NAME OF IMPOUND LOT REPRESENTATIVE

SIGNATURE OF IMPOUND LOT REPRESENTATIVE

OSMV USE ONLY

- ☐ Invoice the Superintendent for towing and storage costs up to and including the date of release indicated above.
- ☐ Collect towing and storage costs from the owner/authorized person
- ☐ Collect towing and storage costs from owner/authorized person for the first 30 days of the impoundment. Invoice the Superintendent for the remainder of the storage costs up to and including the date of the release indicated above.

AUTHORIZING SIGNATURE



Dear:

Re: Impound Lot Expression of Interest

Thank you for your interest in the Vehicle Impoundment Program.

I have reviewed the information you provided in your Impound Lot Expression of Interest and found that you do not meet the program standards at this time for the following reason(s):

You must apply under the correct National Safety Code #

You have a 1988 Ford Wrecker that does not reflect the correct NSC#

Attached is a copy of the Impound Lot Operator Application and Information Update form so that if in the future you meet the program requirements you can re-apply.

Yours truly,

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: October-04-13 9:06 AM
To: Larkin, Brenda JAG:EX
Subject: FW: Re ILO Rates
Attachments: Sam MacLeod 13_09_03.pdf; -ILO and ICBC_12_09_18.pdf

He did say it was for review/discussion, so I wouldn't say anyone dropped the ball.

Regardless, I will still draft something quite quickly.

Works out!



Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/> ♻️ Please consider the environment before printing this e-mail

From: MacLeod, Sam JAG:EX
Sent: Wednesday, September 4, 2013 8:20 AM
To: Anness, Glenn JAG:EX; Bowness, Corey JAG:EX
Cc: Larkin, Brenda JAG:EX
Subject: FW: Re ILO Rates

Glenn

For review/discussion.

Sam

Sam MacLeod
Superintendent of Motor Vehicles
BC Ministry of Justice
Ph 250-387-5692 or 250-882-2347 (cell)
<http://www.pssg.gov.bc.ca/osmv/>
<http://twitter.com/#!/RoadSafetyBC>

From: Dale Finch [<mailto:dalefinch@wcaba.ca>]
Sent: Wednesday, September 4, 2013 7:47 AM
To: MacLeod, Sam JAG:EX
Subject: Re ILO Rates

Good morning Mr. MacLeod,

Please find the attached letter regarding the ILO Program. I am hoping we can work together on a solution prior to the busy winter season.

Thank you and I look forward to hearing from you shortly.

Dale Finch

Western Canada Automotive Business Association

Wcaba.ca

President & CEO

C: 604.341.4933

F: 604.424.4119



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-04-13 2:23 PM
To: Murray, Melanie JAG:EX
Cc: Labelle, Michael J JAG:EX
Subject: FW: DRAFT POLICE PROCEDURES (Sept 3 2013)
Attachments: ML version DRAFT POLICE PROCEDURES (Sept 3 2013).docx; VI-2722-Report to Superintendent-Revision-Ver 10.pdf


Hi Melanie,

I understand you provided some feedback on an earlier draft of these VI forms (attached PDF). We have made a couple tweaks, but have also updated the instructions to police (word doc).

Would be able to review these and provide feedback?

Many thanks,

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

Page 555 redacted for the following reason:

s.13



DRIVER	1	SURNAME, GIVEN NAME(S)				BIRTH DATE (YYYY/MM/DD)				GENDER	
	2	DRIVER'S LICENCE NUMBER				PROVINCE/STATE		CLASS		EXPIRY YEAR (YYYY)	

OWNER	3	<input type="checkbox"/> THE DRIVER IS A REGISTERED OWNER									
	4	REGISTERED OWNER(S) SURNAME(S), GIVEN NAME(S) (OR OTHER ENTITY NAME)								BIRTH DATE (YYYY/MM/DD)	

OWNER	5	ADDRESS (STREET)				CITY/TOWN				PROVINCE/STATE		POSTAL / ZIP CODE	
	6	CONTACT PHONE				EMAIL ADDRESS							

VEHICLE	7	LICENCE PLATE NUMBER		PROV/STATE		MAKE		MODEL		YEAR		COLOUR	
	8	REGISTRATION NUMBER		NSC		VEHICLE IDENTIFICATION (SERIAL) NUMBER							

9	The undersigned peace officer has reasonable grounds to believe that on										DATE (YYYY/MM/DD)									
10	at										Hours, on		STREET/HIGHWAY		, at or near		CITY/TOWN		British Columbia,	
the driver was operating a motor vehicle and for one or more of the reason(s) specified below the vehicle is impounded for the period set out below:																				

CHECK ALL APPLICABLE REASONS	3, 7, OR 30 DAY IMPOUNDMENT IN ACCORDANCE WITH SECTION 215.46 AND 253 OF THE MOTOR VEHICLE ACT: (Immediate Roadside Prohibition IMPOUNDMENT)																
	11	<input type="checkbox"/> 3-DAY IMPOUNDMENT				<input type="checkbox"/> 7-DAY IMPOUNDMENT				<input type="checkbox"/> 30-DAY IMPOUNDMENT				IRP No. _____			
	7 DAY IMPOUNDMENT FOR THE FOLLOWING REASON(S) - SECTION 251 AND 253 OF THE MOTOR VEHICLE ACT: (Driving Behaviour Related IMPOUNDMENT)																
	12	<input type="checkbox"/> EXCESSIVE SPEED - Committing an offence under section 148 of the Motor Vehicle Act															
	13	<input type="checkbox"/> PROHIBITED Driving while prohibited under the Motor Vehicle Act, Criminal Code, Youth Justice Act or Youth Criminal Justice Act (Canada)															
	14	<input type="checkbox"/> SUSPENDED Driving while suspended under section 89 or section 232 of the Motor Vehicle Act															
15	<input type="checkbox"/> STREET RACING - Driving or operating a motor vehicle in a race as defined in the Motor Vehicle Act and the officer intends to charge with an offence																
16	<input type="checkbox"/> STUNT DRIVING - Driving or operating a motor vehicle in a stunt as defined in the Motor Vehicle Act and the officer intends to charge with an offence																
17	<input type="checkbox"/> MOTORCYCLE (seating) - Committing an offence under section 194 (1) or (2) of the Motor Vehicle Act																
18	<input type="checkbox"/> MOTORCYCLE (restrictions) - Committing an offence under section 25(15) of the Motor Vehicle Act relating to a restriction or condition of a motorcycle learner or novice driver's licence																
19	<input checked="" type="checkbox"/> UL - Driving without a valid driver's licence and with a notice on the driving record indicating a previous conviction for driving while unlicensed																
UL No. _____																	

IMP LOT	20	DATE (YYYY/MM/DD)				IMPOUND LOT											
	21	The motor vehicle was impounded on										, and is stored at					
		STREET ADDRESS				CITY/TOWN				, British Columbia				IMPOUND LOT CONTACT PHONE			

22	PEACE OFFICER'S NAME (PRINT)				PEACE OFFICER'S SIGNATURE				PIN/BADGE NUMBER			
	23	ENFORCEMENT AGENCY NAME (PRINT)								AGENCY FILE NUMBER		

REVIEW INSTRUCTIONS
No review is available when a vehicle is impounded for 3 or 7 days. Under section 256 of the Motor Vehicle Act (MVA), the owner of a motor vehicle impounded for 30 days or longer may, within 15 days of the impoundment, apply to the Superintendent of Motor Vehicles (the "Superintendent") for a review. The owner must: (1) file an application with the Superintendent at any Driver Licensing Centre, and (2) pay the prescribed hearing fee. Before filing the application for review, the owner may request a copy of all the evidence the Superintendent will consider during the review. The owner may also attach any written statement or other evidence they wish the Superintendent to consider. To ensure all written evidence is considered, the Superintendent must receive it before the scheduled review date.

The owner may request an oral hearing at the time of application by paying the prescribed oral hearing fee. If the applicant requests an oral hearing and fails to appear on the date, and at the time and place arranged for the hearing without prior notice to the Superintendent, the applicant's right to an oral hearing is deemed to have been waived, and the review will be conducted based on any written evidence that is available. The filing of an application for review does not stay the impoundment of the motor vehicle.

PERIOD OF IMPOUNDMENT
If an eligible owner does not apply for a review under the MVA section 256, the vehicle will remain impounded until it is eligible for release. In the case of a 7 day impoundment under the MVA section 251, the vehicle will be impounded for 30 days or 60 days if the records of the Superintendent indicate that the owner has, within the two years before the date of this impoundment, owned one or more vehicles that have been subject to impoundment. The Superintendent will notify the owner and the impound lot operator when the impoundment term is 30 or 60 days.

DISPOSAL OF UNCLAIMED VEHICLES
If the owner of a motor vehicle does not pay the towing and storage charges associated with the impoundment, the vehicle may be disposed of after the expiry of the impoundment under the Warehouse Lien Act, or under the MVA section 255(7). If an owner does not claim a vehicle, the Superintendent may direct the Insurance Corporation of British Columbia to refuse to issue the owner a driver's licence, a vehicle licence and corresponding number plates, or any permit until payment has been made to the impound lot operator (ILO) that stored the vehicle.

SEE REVERSE FOR MORE INFORMATION

INFORMATION FOR DRIVERS

REASONS FOR IMPOUNDMENT

The notice of impoundment indicates the reason(s) the vehicle you were driving was impounded. Under the Motor Vehicle Act, these reasons are:

- Driving while prohibited or with a suspended driver's licence
- Driving without a valid licence having been previously convicted for the same offence
- Committing an excessive speeding offence (more than 40 km/h over the speed limit)
- Being involved in a street race (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Stunt driving, which includes activities such as lifting any or all of a vehicle's tires off the road surface, causing a vehicle to lose traction, causing the vehicle to spin, driving in an oncoming lane longer than necessary to pass, blocking other vehicles or driving too close to another vehicle, pedestrian or fixed object (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Failing to ride properly astride a motorcycle
- Failing to obey learner/novice motorcycle restrictions and conditions
- Being served with an immediate roadside prohibition for drinking and driving.

EARLY RELEASE FOR UNLICENSED DRIVER IMPOUNDMENTS

If the vehicle was impounded because you were "Driving without a valid driver's licence, and with a notice on the driving record indicating a previous conviction for driving while unlicensed", and for no other reason, the vehicle can be released immediately if you obtain a valid British Columbia driver's licence. Bring a copy of the notice of impoundment with you to a Driver Licensing Centre when you apply for a driver's licence. If you do not own the vehicle you were driving, the owner should attend with you or provide written authorization for you or another person to retrieve the vehicle from the impound lot. For the location of your nearest Driver Licensing Centre visit www.icbc.com.

DUTY OF DRIVER

Under section 251(8) of the Motor Vehicle Act, a driver who is not the owner of the vehicle must make all reasonable efforts to notify the owner of the impounded vehicle of the impoundment as soon as practicable.

INFORMATION FOR VEHICLE OWNERS

HOW ARE IMPOUNDMENT DAYS CALCULATED?

Vehicle impoundment terms are calculated in full days. Partial days, including the day the vehicle was impounded do not count.

EARLY DISPOSAL AGREEMENT

If you do not intend to claim your vehicle following an impoundment you may enter into an early disposal agreement with the impound lot operator (ILO). Under this agreement you transfer ownership of the vehicle to the ILO and in exchange do not accumulate the full costs and charges that normally apply to a full length impoundment. Any vehicle transferred under such an agreement cannot be registered again for use on a highway.

WHO CAN APPLY FOR A REVIEW AND ON WHAT GROUNDS?

A review is not available for a 3-day or 7-day impoundment

An owner who was not the driver may apply for a review on the following grounds:

- Reasonable care and diligence was taken in entrusting the vehicle to another driver
- The driver took the vehicle without the owner's knowledge or consent
- The person driving the vehicle was not prohibited or suspended
- The person driving the vehicle held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

An owner who was the driver may apply for a review on the following grounds:

- He or she was neither prohibited nor suspended, or had no reason to believe they were prohibited or suspended
- He or she held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

A cohabitant of a owner, who also holds a valid driver's licence and with no reasonable alternative form of transportation may apply for a review on the following grounds:

- He or she will suffer a loss or curtailment of employment or educational opportunities
- The impoundment will prevent the cohabitant, or a person under their care, from obtaining medical treatment

Business owners may apply for early release of a vehicle if they can demonstrate that:

- The vehicle is used in an active sole proprietorship, partnership or company (i.e. a business),
- There is a reasonable prospect of earning income that is dependent on the impounded vehicle, and
- That the continued impoundment would impose an economic hardship on the business

More information on the various review grounds, including review and applicable vehicle release fees is available at www.pssa.gov.bc.ca/osmv.

CLAIMING YOUR VEHICLE AFTER THE IMPOUNDMENT

At the end of a 3 or 7 day impoundment the vehicle may be claimed directly from the impound lot. If the impoundment is for 30 or 60 days, you will need to attend a Driver Licensing Centre to request release of the vehicle. The Driver Licensing Centre will fax an order of release to the impound lot, and the owner, or someone authorized by the owner, will be able to claim the vehicle. The vehicle owner is responsible for paying all towing and storage fees to the impound lot operator. For the location of your nearest Driver Licensing Centre visit www.icbc.com.



1 DATE OF REPORT: _____

DRIVER	Report on driver	
	SURNAME, GIVEN NAME(S)	
2		
3	DRIVER'S LICENCE NUMBER	
4		
5	<input type="checkbox"/> The officer had grounds to believe that the Driver resides in British Columbia (explain in incident details and/or narrative)	
6	<input type="checkbox"/> Out-of-Province DL produced	
7	DRIVER'S LICENCE NUMBER	PROVINCE / STATE / COUNTRY
8		EXPIRY YEAR (YYYY)

LINKAGE	The officer determined the following: (relationship between the driver, owner, and the vehicle)	
	9	<input type="checkbox"/> The driver is a principal operator (PDN)
	10	<input type="checkbox"/> The owner was in the vehicle
	11	<input type="checkbox"/> The owner was aware the driver was in possession of the vehicle (explain in incident details and/or narrative)
	12	<input type="checkbox"/> Vehicle subject to a transfer notice (explain in incident details and/or narrative)
13	<input type="checkbox"/> Other (explain in incident details and/or narrative)	

This Report is related to:

CHECK ALL APPLICABLE REASONS	14	<input type="checkbox"/> IRP	This Vehicle Impoundment is a result of an Immediate Roadside Prohibition (explain in incident details and/or narrative)	
	15	<input type="checkbox"/> Excessive Speed	Speed Limit	Vehicle Speed
	16		KM/H	KM/H
	17	Vehicle speed estimated by: <input type="checkbox"/> Visual <input type="checkbox"/> Pacing		
	18	Vehicle speed confirmed by: <input type="checkbox"/> Laser <input type="checkbox"/> Radar		
	19	<input type="checkbox"/> Other (explain in incident details and/or narrative)		
	20	For Items 15 through 21 below – explain in incident details and/or narrative		
	21	<input type="checkbox"/> Prohibited Driver		
	22	<input type="checkbox"/> Suspended Driver		
	23	<input type="checkbox"/> Street Racing		
24	<input type="checkbox"/> Stunt Driving			
25	<input type="checkbox"/> Motorcycle – contrary to seating			
26	<input type="checkbox"/> Motorcycle – contrary to restrictions			
27	<input type="checkbox"/> Unlicensed Driver (UL) – VI Flag on Driving record			

28	Incident Details:
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23	PEACE OFFICER'S NAME (PRINT)	PEACE OFFICER'S SIGNATURE	PIN/BADGE NUMBER
24	ENFORCEMENT AGENCY NAME (PRINT)	AGENCY FILE NUMBER	



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-03-13 2:09 PM
To: Labelle, Michael J JAG:EX
Subject: J11799W.MV2721-22.Cover+Forms.pdf - Adobe Acrobat Professional
Attachments: J11799W.MV2721-22.Cover+Forms.pdf

Hey – are you able to send me the text for this in a word document right side-up?

**VEHICLE IMPOUNDMENT
(VI)**

**Notice of Impoundment
MV2721**

**Report to Superintendent
MV2722
(09/10)**

POLICE PROCEDURES

VEHICLE IMPOUNDMENT (VI)

Completing the Notice of Impoundment

1. Record the name and DL number of driver.
2. If the vehicle is registered to more than one person, or a lessee is listed, record both names.
3. Police must record the license plates attached to vehicle at the time of the traffic stop.
4. Ensure the VIN# is taken from the vehicle and compare to any registration documents produced by driver.
5. Registration number is located on the insurance papers and on CPIC query.
6. Record the date, time and location of impoundment.

Completing the Impoundment Reasons

Section A: Use only if an Immediate Roadside Prohibition (IRP) notice served. Impoundment is discretionary for 3 or 7 day IRPs, and mandatory for 30 or 90 day IRPs. **Check ONE box only if IRP issued.**

Section B: Use for any of the impoundment reasons listed in section B. Police **MUST** impound the vehicle for any of the actions/offences in section B. May be used in addition to Section A. Police **MAY** indicate multiple offences in section B (e.g. if a prohibited driver commits an offence under section 148 MVA). Police are not responsible for calculating the dates of vehicle release. For your information vehicle impoundment terms are calculated in full days. Partial days including the day the vehicle was impounded do not count.

Record the location where the vehicle was towed to and the phone number of Impound Lot Operator (ILO).

Completing the Report to Superintendent

Complete basic information at the top of the form. Complete other sections as described below:

1. Prohibited/Suspended Driver Details – How did you determine the driver was prohibited/suspended? (e.g. CPIC query- DL status; PRIME report where the driver had not made it to the DL CPIC system yet). Record the reason/section for the prohibition or suspension in the space provided. Provide incident details.
2. Unlicensed Driver Details – VI flag must be on CPIC. If YES, then issue MV2725 and impound vehicle for 7 days. Provide incident details.

NOTE: If the driver produces a valid Out of Province DL and meets the exemptions under Sec 34 MVA do not impound the vehicle. See the Sec 34 MVA exemptions on the unlicensed driver report (MV2725).
3. Details - All other Impoundments – Unless the impoundment is due to IRP, MVA requires that you charge driver with an offence. Indicate charge section(s). Use space provided to document evidence to support the charge and describe driver actions that led to impoundment. If impoundment due to an IRP, cross-reference IRP number.
4. Vehicle Owner Information – Was the owner in the vehicle? Investigate with driver to determine if the owners knew they were in possession of the vehicle. These questions are important because the owner can apply for a review on grounds that:
 - a. Reasonable care and diligence were exercised by the owner
 - b. The driver was in possession of the vehicle without the owner's knowledge or consent.

Any additional information that can be provided in this area will assist the Superintendent in assessing the vehicle owner's review application.

If you have any questions contact the OSMV Police Liaison @250-356-6502.

**Immediately fax copies of ALL reports
to the Office of the Superintendent (OSMV) @ 250-978-8079.**



BRITISH
COLUMBIA



VI No. 20-12345679

NOTICE OF IMPOUNDMENT
Section 215.46/251 (MVA)

D R I V E R	SURNAME		GIVEN NAMES		BIRTH DATE (YYYY/MM/DD)		GENDER	
	[]		[]		[]		[]	
O W N E R	DRIVER'S LICENCE NUMBER				PROV/ST	CLASS	EXPIRY YR	
	[]				[]	[]	[]	
V E H I C L E	OWNER 1 (SURNAME - GIVEN NAMES OR OTHER ENTITY NAME)				SURNAME - GIVEN NAMES (OWNER 2 OR LESSEE)		BIRTH DATE (YYYY/MM/DD)	
	[]				[]		[]	
	ADDRESS (STREET)				CITY/TOWN		PROVINCE/STATE	POSTAL CODE/ZIP
	[]				[]		[]	[]
	LICENCE PLATE NUMBER	PROV/ST	MAKE	MODEL	YEAR	COLOUR		
	[]	[]	[]	[]	[]	[]		
	REGISTRATION NUMBER	NSC	VEHICLE IDENTIFICATION (SERIAL) NUMBER					
	[]	<input type="checkbox"/>	[]					

The undersigned peace officer has reasonable grounds to believe that on

YYYY	MM	DD
[]	[]	[]

at _____ hours, on _____, at or near _____, British Columbia,
(STREET/HIGHWAY) (CITY/TOWN)

the driver was operating a motor vehicle and for one or more of the reason(s) specified below the vehicle is impounded for the period set out below:

CHECK ALL APPLICABLE IMPOUNDMENT REASONS

A. 3, 7 OR 30 DAY IMPOUNDMENT FOR THE FOLLOWING REASON - SECTION 215.46 OF THE MOTOR VEHICLE ACT:

- ☐ 3-DAY IMPOUNDMENT pursuant to a 3-day prohibition under section 215.43(1)(a) of the Motor Vehicle Act
- ☐ 7-DAY IMPOUNDMENT pursuant to a 7-day prohibition under section 215.43(1)(b) of the Motor Vehicle Act
- ☐ 30-DAY IMPOUNDMENT pursuant to a 30-day or 90-day prohibition under section 215.43(1)(c) or 215.43(2) of the Motor Vehicle Act

B. 7 DAY IMPOUNDMENT FOR THE FOLLOWING REASON(S) - SECTION 251 OF THE MOTOR VEHICLE ACT:

- ☐ Driving while prohibited or suspended under the Motor Vehicle Act, Criminal Code, Youth Justice Act or Youth Criminal Justice Act (Canada)
- ☐ Driving without a valid driver's licence and with a notice on the driving record indicating a previous conviction for driving while unlicensed
- ☐ Committing an offence under section 148 of the Motor Vehicle Act
- ☐ Driving or operating a motor vehicle in a race or in a stunt as defined in the Motor Vehicle Act and the officer intends to charge with an offence
- ☐ Committing an offence under section 194 (1) or (2) of the Motor Vehicle Act
- ☐ Committing an offence under section 25(15) of the Motor Vehicle Act relating to a restriction or condition of a motorcycle learner or novice driver's licence

PEACE OFFICER'S NAME (PRINT)	PEACE OFFICER'S SIGNATURE	PIN/BADGE NUMBER
ENFORCEMENT AGENCY NAME (PRINT)	AGENCY FILE NUMBER	

The motor vehicle was impounded on _____, and is stored at _____
YYYY MM DD

(STREET ADDRESS)

(CITY/TOWN)

British Columbia

(IMPOUND LOT)

(AREA CODE - TELEPHONE NUMBER)

REVIEW INSTRUCTIONS

No review is available when a vehicle is impounded for 3 or 7 days. Under section 256 of the Motor Vehicle Act, the owner of a motor vehicle impounded for 30 days or longer may, within 15 days of the impoundment, apply to the Superintendent of Motor Vehicles (the "Superintendent") for a review. The owner must: (1) file an application with the Superintendent at any Driver Licensing Centre, and (2) pay the prescribed hearing fee. Before filing the application for review, the owner may request a copy of all the evidence the superintendent will consider during the review. The owner may also attach any written statement or other evidence they wish the Superintendent to consider. To ensure all written evidence is considered, the Superintendent must receive it before the scheduled review date.

The owner may request an oral hearing at the time of application by paying the prescribed oral hearing fee. If the applicant requests an oral hearing and fails to appear on the date, and at the time and place arranged for the hearing without prior notice to the Superintendent, the applicant's right to an oral hearing is deemed to have been waived, and the review will be conducted based on any written evidence that is available. The filing of an application for review does not stay the impoundment of the motor vehicle.

PERIOD OF IMPOUNDMENT

If an eligible owner does not apply for a review under section 256, the vehicle will remain impounded until it is eligible for release. The vehicle will be impounded for 30 days or 60 days if the records of the Superintendent indicate that the owner has, within the two years before the date of this impoundment, owned one or more vehicles that have been subject to impoundment. The Superintendent will notify the owner and the impound lot operator when the impoundment term is 30 or 60 days.

DISPOSAL OF UNCLAIMED VEHICLES

If the owner of a motor vehicle does not pay the towing and storage charges associated with the impoundment, the vehicle may be disposed of after the expiry of the impoundment under the Warehouse Lien Act, or under section 255(7) of the Motor Vehicle Act. If an owner does not claim a vehicle, the Superintendent may direct the Insurance Corporation of British Columbia to refuse to issue the owner a driver's licence, a vehicle licence and corresponding number plates, or any permit until payment has been made to the impound lot operator (ILO) that stored the vehicle.

SEE REVERSE FOR MORE INFORMATION

DRIVER COPY



INFORMATION FOR DRIVERS

REASONS FOR IMPOUNDMENT

The notice of impoundment indicates the reason(s) the vehicle you were driving was impounded. Under the Motor Vehicle Act, these reasons are:

- Driving while prohibited or with a suspended driver's licence
- Driving without a valid licence having been previously convicted for the same offence
- Committing an excessive speeding offence (more than 40 km/h over the speed limit)
- Being involved in a street race (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Stunt driving, which includes activities such as lifting any or all of a vehicle's tires off the road surface, causing a vehicle to lose traction, causing the vehicle to spin, driving in an oncoming lane longer than necessary to pass, blocking other vehicles or driving too close to another vehicle, pedestrian or fixed object (see section 250 of the Motor Vehicle Act at www.bclaws.ca for a full definition)
- Failing to ride properly astride a motorcycle
- Failing to obey learner/novice motorcycle restrictions and conditions
- Being served with an immediate roadside prohibition for drinking and driving.

EARLY RELEASE

If the vehicle was impounded because you were "Driving without a valid driver's licence, and with a notice on the driving record indicating a previous conviction for driving while unlicensed" and for no other reason, the vehicle can be released immediately if you obtain a valid British Columbia driver's licence. Bring a copy of the notice of impoundment with you to a Driver Licensing Centre when you apply for a driver's licence. If you do not own the vehicle you were driving, the owner should attend with you or provide written authorization for you or another person to retrieve the vehicle from the impound lot. For the location of your nearest Driver Licensing Centre visit www.icbc.com.

DUTY OF DRIVER

Under section 251(8) of the Motor Vehicle Act, a driver who is not the owner of the vehicle must make all reasonable efforts to notify the owner of the impounded vehicle of the impoundment as soon as practicable.

INFORMATION FOR VEHICLE OWNERS

HOW ARE IMPOUNDMENT DAYS CALCULATED?

Vehicle impoundment terms are calculated in full days. Partial days, including the day the vehicle was impounded do not count.

EARLY DISPOSAL AGREEMENT

If you do not intend to claim your vehicle following an impoundment you may enter into an early disposal agreement with the impound lot operator (ILO). Under this agreement you transfer ownership of the vehicle to the ILO and in exchange do not accumulate the full costs and charges that normally apply to a full length impoundment. Any vehicle transferred under such an agreement cannot be registered again for use on a highway.

WHO CAN APPLY FOR A REVIEW AND ON WHAT GROUNDS?

A review is not available for a 3-day or 7-day impoundment

An owner who was not the driver may apply for a review on the following grounds:

- Reasonable care and diligence was taken in entrusting the vehicle to another driver
- The driver took the vehicle without the owner's knowledge or consent
- The person driving the vehicle was not prohibited or suspended
- The person driving the vehicle held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

An owner who was the driver may apply for a review on the following grounds:

- He or she was neither prohibited nor suspended, or had no reason to believe they were prohibited or suspended
- He or she held a valid driver's licence or was exempt from the requirement to hold a licence
- A notice to impound the vehicle of an unlicensed driver should not have been on his or her driving record

A cohabitant of a owner, who also holds a valid driver's licence and with no reasonable alternative form of transportation may apply for a review on the following grounds:

- He or she will suffer a loss or curtailment of employment or educational opportunities
- The impoundment will prevent the cohabitant, or a person under their care, from obtaining medical treatment

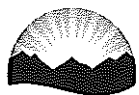
Business owners may apply for early release of a vehicle if they can demonstrate that:

- The vehicle is used in an active sole proprietorship, partnership or company (i.e. a business),
- There is a reasonable prospect of earning income that is dependent on the impounded vehicle, and
- That the continued impoundment would impose an economic hardship on the business

More information on the various review grounds, including review and applicable vehicle release fees is available at www.pssg.gov.bc.ca/osmv.

CLAIMING YOUR VEHICLE AFTER THE IMPOUNDMENT

At the end of a 3 or 7 day impoundment the vehicle may be claimed directly from the impound lot. If the impoundment is for 30 or 60 days, you will need to attend a Driver Licensing Centre to request release of the vehicle. The Driver Licensing Centre will fax an order of release to the impound lot, and the owner, or someone authorized by the owner, will be able to claim the vehicle. The vehicle owner is responsible for paying all towing and storage fees to the impound lot operator. For the location of your nearest Driver Licensing Centre visit www.icbc.com.



BRITISH
COLUMBIA



VI No. 20-12345679

REPORT TO SUPERINTENDENT
Vehicle Impoundment
Section 254 MVA

REPORT ON _____ AGENCY FILE NUMBER _____
(NAME OF DRIVER)

DRIVER'S LICENCE NUMBER _____ DATE OF REPORT _____

INVESTIGATING PEACE OFFICER _____ ☐ PRIME REPORT ATTACHED: _____ page(s)

1. Prohibited/Suspended Driver Details *(Complete only for prohibited or suspended drivers)*

Source of driver status: ☐ CPIC ☐ PRIME

Prohibition/Suspension Reason: ☐ MVA Section _____ ☐ CCC Section _____ ☐ Other: (YJA/YCJA) _____

Details of incident: _____

2. Unlicensed Driver Details *(Complete only for unlicensed drivers)*

☐ VI Flag on Driving Record ☐ Out of province DL produced *(if yes, explain why driver is not exempt under section 34)*

Details of incident: _____

3. Details – All other Impoundments *(Provide details of behaviour that led to impoundment)*

Charges ☐ MVA Section(s): _____ ☐ CCC Section(s) _____

4. Vehicle Owner Information *(Complete if owner was not the driver)*

Was the owner in the vehicle? ☐ Yes ☐ No

Did the owner know the driver is in possession of the vehicle? *(statements of driver or owner if contacted)*

SIGNATURE OF PEACE OFFICER _____ PIN/BADGE _____

OSMV / POLICE COPY



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: August-01-13 3:16 PM
To: Arason, Neil JAG:EX; Dobreci, Rozi JAG:EX
Cc: Vunder, Anna JAG:EX; Anness, Glenn JAG:EX
Subject: RE: refund process for ILO charges

The relevant legislation is:

- ss.266 & 267 *Motor Vehicle Act* (http://www.bclaws.ca/EPLibraries/bclaws_new/document/LOC/freeside/--%20M%20--/46_Motor%20Vehicle%20Act%20RSBC%201996%20c.%20318/00_Act/96318_12.xml#section266)
- s.21 *Financial Administration Act*,
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96138_01
- Lien on Impounded Motor Vehicle Regulations:
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/952568628

Let me know if you have any other questions!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/> ♻️ Please consider the environment before printing this e-mail

From: Arason, Neil JAG:EX
Sent: Thursday, August 1, 2013 2:19 PM
To: Bowness, Corey JAG:EX; Dobreci, Rozi JAG:EX
Cc: Vunder, Anna JAG:EX; Anness, Glenn JAG:EX
Subject: RE: refund process for ILO charges

Thanks Rozi. This is the same BN that I think Corey is about to send to Sam. Is that right Corey and can you send to Deidre also?

From: Dobreci, Rozi JAG:EX
Sent: Thursday, August 1, 2013 2:10 PM
To: Arason, Neil JAG:EX
Cc: Vunder, Anna JAG:EX; Anness, Glenn JAG:EX
Subject: FW: refund process for ILO charges

Hi Neil,

Please see below – for your attention/action on Glenn's behalf.

Thank you,
Rozi

From: Labelle, Suzy JAG:EX
Sent: Thursday, August 1, 2013 2:05 PM
To: Anness, Glenn JAG:EX
Cc: Dobreci, Rozi JAG:EX
Subject: refund process for ILO charges

Good afternoon, I'm told by Deidre that you folks can assist with the following request? We are looking for any existing regulations that specify the refund rates we will pay to ILO's and/or to drivers who's IRP's have been reviewed and then revoked.

It would be helpful to get any briefing notes that may have been written about this issue as well, and anything else which you feel may be helpful? Please and thanks bunches,

suzy


Suzy Labelle
Assurance Analyst
Ministry of Justice
Road Safety and Operational Support
Phone: (250) 387-2071
Fax: (250) 953-8637

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: June-18-13 9:17 AM
To: Harrison, Jackie P JAG:EX
Subject: RE: Van Horn Towing

Yeah he switched admin staff and the transition has caused him considerable grief. He just asked if we could do him the solid this time. I very much appreciate it!

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Harrison, Jackie P JAG:EX
Sent: Tuesday, June 18, 2013 8:41 AM
To: Bowness, Corey JAG:EX
Subject: RE: Van Horn Towing

Hi Corey,

I'll send Robert a copy of the agreement, although he should have an agreement with his records, as once the agreements are signed by both parties I send the ILO's their copy and we retain ours. I usually send police detachments a copy of the agreement and ILO update forms when an ILO participates in the program. Sometimes paperwork goes missing.

Jackie


From: Bowness, Corey JAG:EX
Sent: Monday, June 17, 2013 10:49 AM
To: Harrison, Jackie P JAG:EX
Subject: Van Horn Towing

Hi Jackie,

I had a call from Robert with this company and he is hoping to get a copy of his signed ILO agreement. I understand he needs to provide it to the police.

Would we be able to send him a copy?

Corey

Corey Bowness | Senior Policy Advisor | Administrative Justice and Remedial Programs Team | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: June-03-13 1:40 PM
To: Omelus, Stephen TRAN:EX; Coburn, David JAG:EX
Subject: RE: ILO Procedures - version 4

I think it was at the bottom of the email, but since I'm writing to tell you that, I might as well attach it!



3 ILO Procedures
Version 4.pdf...

Corey Bowness | Senior Policy Advisor | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice
| *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/> Please consider the environment before printing this e-mail

From: Omelus, Stephen TRAN:EX
Sent: Monday, June 3, 2013 1:05 PM
To: Coburn, David JAG:EX
Cc: Bowness, Corey JAG:EX
Subject: RE: ILO Procedures - version 4

Thanks David and Corey, the information is exactly what I was looking for.

David: the attachment you mentioned doesn't look like it made it through. Would you kindly resend?

Thanks again.
Steve

From: Coburn, David JAG:EX
Sent: Monday, June 3, 2013 12:38 PM
To: Omelus, Stephen TRAN:EX
Cc: Bowness, Corey JAG:EX
Subject: FW: ILO Procedures - version 4

Steve,

I apologize for the delay in getting back to you.

The Office of the Superintendent of Motor Vehicles (OSMV) operates the Vehicle Impoundment Program (VI) in which tow companies and Impound Lot Operators (ILO) apply to participate. Vehicles impounded under the VI Program are subject to Section 255 of the Motor Vehicle Act (MVA).

All authorized ILO's must comply with the VI program's fee schedule, storage rules and standards. OSMV provides approved ILO's with a manual that outlines the procedures for handling vehicles impounded under the VI program. For your convenience, I have attached the Procedures for Impound Lot Operators manual above.

From what I understand, you will be primarily interested in Section 8. Section 8 outlines the options available to ILO's for obtaining compensation for their losses associated with abandoned vehicles. An impounded vehicle that is not claimed by the owner may only be disposed of in one of the following two ways:

1. Authorization by the Superintendent under the Motor Vehicle Act; or
2. Transfer of ownership under the Warehouse Lien Act.

Generally, ILO's apply to dispose of vehicles under the MVA through an Early Disposal or Normal Disposal. Early Disposals apply when vehicle owners indicate they have no intention of claiming their vehicle from the ILO as the value of the vehicle is less than \$1,000. Vehicles approved for Early Disposal must be dismantled and sold for parts or crushed.

Normal Disposals apply after the expiration of the impoundment period. Vehicles that meet the criteria outlined in the procedures manual and approved for Normal Disposal may be either sold or disposed of by the ILO. It is important to note that should a security interest be registered against the vehicle, the ILO may not dispose of the vehicle under this Section. See Section 8.1 for more information regarding procedures related to Early and Normal Disposals.


Section 8.2 and 8.3 provide information on disposing of vehicles, with a security interest registered against them, under the Warehouse Lien Act.

Please feel free to give me a call if you have any questions or require further clarification on ILO fee recoveries.

Thank you

David Coburn

Policy Analyst (250) 356-8070

 OLE Object: Picture (Device Independent Bitmap) >> Policy Branch – Road User Safety

Policy and Research | The Office of the Superintendent of Motor Vehicles

British Columbia Ministry of Justice

PO Box 9254 STN Prov Govt | Victoria BC | V8W 9J2 |

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

From: Handgraaf, Harjeet JAG:EX

Sent: Thursday, May 30, 2013 10:24 AM

To: Coburn, David JAG:EX

Subject: ILO Procedures - version 4

<< File: 3 ILO Procedures Version 4.pdf >>

Here you go David as per our discussion this morning. Have a great day!

Regards

Arnie

Arnie Handgraaf

Team Lead, AJDFI Appeals Registry

Administrative Justice, Driver Fitness and Intervention Branch

The Office of the Superintendent of Motor Vehicles | Ministry of Justice

phone-250 356-0599 fax- 250 356-6544

e-mail: Harjeet.Handgraaf@gov.bc.ca

**PROCEDURES
FOR
IMPOUND LOT OPERATORS
(Version 4)**

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

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PROCEDURES FOR IMPOUND LOT OPERATORS

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1. GENERAL

Police are required to impound vehicles driven by unlicensed, under-licensed, prohibited and suspended drivers; street racers and stunt drivers; excessive speeders; many impaired drivers; certain motorcycle offenders; and other unsafe motor vehicle operators. The impound period depends on the nature of the infraction and may escalate for vehicle owners with prior impounds. Vehicle impoundment places responsibility on the registered owner to ensure that their vehicle is operated only by an individual who holds a valid driver's licence. The VI legislation mandates the following periods of impoundment:

VEHICLE IMPOUNDMENT LENGTHS (EFFECTIVE SEPTEMBER 20, 2010)

	1 st Offence	2 nd Offence	3 rd Offence
Driving while unlicensed	7 days	30 days	60 days
Driving while prohibited	7 days	30 days	60 days
Street racing	7 days	30 days	60 days
Stunt driving	7 days	30 days	60 days
Excessive speeding	7 days	30 days	60 days
Motorcycle infractions	7 days	30 days	60 days
Impaired	3 days	7 days	30 days

The Office of the Superintendent of Motor Vehicles (OSMV), located in Victoria maintains an approved list of qualified tow companies referred to as Impound Lot Operators (ILOs).

A registered owner who has had their vehicle impounded as a result of (1) unlicensed driving, prohibited driving, street racing, stunt driving, excessive speeding, or motorcycle infractions resulting in 30- or 60-day impoundments or (2) impaired driving resulting in a 30 day impoundment, may make application to OSMV for a review of the impoundment. If successful, the registered owner or person authorized by the registered owner will have the vehicle released early. In these cases OSMV will order the vehicle be released.

There are several grounds for review. If the review is successful, the towing and storage charges may, in some cases, be paid by OSMV. Unless the Order of Release (MV2713A) or (MV2713B) indicates otherwise, the registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

Vehicles that are reported to a peace officer as stolen may be released early by the peace officer or in some instances OSMV. In these cases the vehicle should not be released without the appropriate order from either a peace officer or OSMV. The registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

For some impounded vehicles there may be third parties with a security interest registered against the vehicle under the Personal Property Security Act (PPSA) who may want the vehicle released. OSMV/ICBC requires secured parties or bailiffs who work on their behalf to obtain authorization from the owner or a court order. Once the secured party or bailiff has obtained authorization from the owner or a court order the secured party or bailiff must attend an Insurance Corporation of British Columbia (ICBC) Driver Services Centre, Government Agent, or Appointed Agent to complete the Request for Vehicle Release (MV2711) and Order of Release (MV2713A) or (MV2713B).

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

1.1 Tow Company Participation in the VI Program

OSMV/ICBC will monitor ILO performance to ensure that ILOs meet and maintain standards under the VI program (see section 9).

1.2 ILO Workload

Peace officers and OSMV/ICBC cannot offer guaranteed workloads or volumes to ILOs in the assignment of vehicle impounds. Factors such as the impound lot location, availability of suitable trucks, and areas of operation by ILOs will affect the selection of an ILO for a given impound.

1.3 OSMV Contacts

General Mailing Address	Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, BC V8W 9J2 (250) 387-7747
Intake Services	(250) 387-7747
Invoice Payments	(250) 356-6573
Except as noted, all specified program forms will be faxed to OSMV	(250) 356-5919

1.4 Rates for Towing & Storage

Towing and storage rates under the VI program are set out in Division 43.05 of the *Motor Vehicle Act Regulations* whether payable by the registered owner/person authorized by the registered owner or by the Superintendent of Motor Vehicles (the Superintendent). The rates change from time to time and ILOs will be notified directly by OSMV when the rates change.

1.5 Changes to ILO Information

Each ILO is responsible for notifying OSMV of any changes to their information. Please contact OSMV for an "Impound Lot Operator Application and Information Update" form (see section 1.3).

Some changes may only result in OSMV updating the ILO's file whereas other changes may affect the ILO's ability to participate in the VI program. The following table provides examples of common changes and the corresponding result for the ILO:

Information Change	Result
Company/business name	OSMV will initiate an amendment to the agreement.
Impound lot location	New lot must be approved by OSMV
Company/business ownership	OSMV will initiate a new contractual agreement between the new owners and the Superintendent.
Mailing address, contact telephone, or fax number	OSMV updates ILO file
Status as an ICBC supplier	May result in disqualification from the VI program

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

2. VEHICLE IMPOUNDMENT

The steps below must be followed in the course of impounding a vehicle under the VI program:

Peace Officer:	<ul style="list-style-type: none">Issues Notice of Impoundment (MV2721) to the driver of a motor vehicle.
Peace Officer Dispatch:	<ul style="list-style-type: none">Contacts ILO and requests appropriate service at location.
ILO:	<ul style="list-style-type: none">Ensures a suitable tow truck is on the road within ten minutes of the request and proceeds directly to the vehicle location.
Peace Officer:	<ul style="list-style-type: none">Provides the tow truck driver with a copy of the Notice of Impoundment (MV2721).
Tow Truck Operator:	<ul style="list-style-type: none">Records the condition of the vehicle, including a description of any damage, and inventories all personal property and removable accessories using the Vehicle Impound Invoice (MV2714).Requests that the vehicle driver sign the completed Vehicle Impound Invoice (MV2714) and then also signs this same form. If the vehicle driver refuses or is unable to sign, the tow truck operator will note that fact on the form.Provides the pink copy of the Vehicle Impound Invoice (MV2714) to the driver and returns the remaining copies to the ILO office.Tows the vehicle to the impound lot via the most direct route.
ILO:	<ul style="list-style-type: none">Retains the copies of the Vehicle Impound Invoice (MV2714) and Notice of Impoundment (MV2721) on file.
Peace Officer:	<ul style="list-style-type: none">Faxes OSMV a copy of the Notice of Impoundment (MV2721) and supporting documentation

2.1. Impounded Vehicle is Not to be Moved

Neither the ILO nor the registered owner may move the vehicle to another impound lot during the impoundment period unless directed to do so by the peace officer who impounded the vehicle.

2.2. Peace Officer Seizure of Impounded Vehicle

A peace officer may, on occasion, be required to seize and remove an impounded vehicle from an ILO for investigative purposes. In this event, the following procedures will apply:

Peace Officer:	<ul style="list-style-type: none">Presents ILO with warrant or other written request to seize the vehicle
ILO:	<ul style="list-style-type: none">Records the peace officer's name and badge number on the Vehicle Impound Invoice (MV2714).Makes a copy of the warrant or other written request and attaches it to the Vehicle Impound Invoice (MV2714).
Peace Officer:	<ul style="list-style-type: none">Seizes vehicle and arranges removal from ILO storage
ILO:	<ul style="list-style-type: none">Records the VI number on the copy of the warrantFaxes a copy of the warrant or written request to OSMV at (250) 356-5919

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

2.2 Peace Officer Seizure of Impounded Vehicle (cont'd)

Upon return of the vehicle, the following procedures should be followed:

Peace Officer:	<ul style="list-style-type: none">• Returns vehicle to the ILO• Note: Any towing and storage costs incurred by the ILO or other towing company relating to the peace officer's seizure and return of vehicle will be paid by the peace officer's law enforcement unit. The ILO will not charge the registered owner or OSMV for any towing or storage costs during the period of police seizure.
ILO:	<ul style="list-style-type: none">• Notes on the copy of the warrant that the vehicle has been returned.• Faxes a copy of the warrant to OSMV at (250) 356-5919

3. LONGER IMPOUNDS

For registered owners with previous offences within two years, the impound period will be increased as per the chart in Section 1 – GENERAL of these Procedures.

OSMV:	<ul style="list-style-type: none">• Notifies the registered owner and faxes the ILO, indicating that the impoundment period is increased. All other conditions of the impoundment remain unchanged.
-------	---

4. ACCESS TO VEHICLE

The registered owner or person authorized by the registered owner will be given a reasonable opportunity to retrieve personal possessions that are not attached to or used in connection with the operation of the vehicle. The ILO may choose to collect a portion of the towing and storage monies owing from the registered owner before allowing access to the vehicle. This portion will be deducted from the final towing and storage amount owing.

Other access may be required by representatives of OSMV, ICBC or by peace officers for a continuing investigation.

Owner, Peace Officer or ICBC:	<ul style="list-style-type: none">• Requests access to the vehicle during normal business hours.
ILO:	<ul style="list-style-type: none">• Provides access to the vehicle during normal business hours.• Must supervise access by the registered owner or person authorized by the registered owner. No unsupervised access by the registered owner or person authorized by the registered owner is permitted.• Ensures the licence plates and other related equipment attached to the vehicle remain with the vehicle.• Must attach a written record to the Vehicle Impound Invoice (MV2714) documenting any personal possessions that have been removed from the vehicle. This record must include the names, dates and times of any person accessing the vehicle and must be dated and initialed by the registered owner or person authorized by the registered owner.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

5. NORMAL RELEASE OF VEHICLE

At the end of the impound period the vehicle can be claimed by the registered owner or person authorized by the registered owner as follows:

OSMV/ICBC:	<ul style="list-style-type: none">• 3 or 7 day impoundments: The registered owner does not need to make a Request for Vehicle Release (MV2711) or an Order for Release (MV2713A) or (MV2713B) for 3- or 7- day impoundments. However, if the registered owner wants to appoint another person to retrieve the vehicle on his/her behalf, he/she will need to attend a Driver's Service Centre, Government Agent or Agent to fill out the Owner's Authorization (MV2712).• 30 or 60 day impoundments: The registered owner makes a Request for Release application at a Driver Services Centre, Government Agent or Appointed Agent. The registered owner fills out the Owner's Authorization (MV2712) if he/she wants to appoint another person to retrieve the vehicle on his/her behalf. If approved, the Driver Services Centre, Government Agent, or Appointed Agent will fax the Order of Release (MV2713A) to the ILO and will fax a copy of the Request for Release and Owner's Authorization to OSMV.
Registered Owner or Person Authorized by the Registered Owner:	<ul style="list-style-type: none">• Is responsible for all towing and storage charges. Pays all towing and storage charges against the vehicle according to the prescribed program rates.• Signs the Order for Release (MV2713A) (for 30- or 60-day impounds only) and the Vehicle Impound Invoice (MV2714).• Order for Release (MV2713A) is not necessary for 3- or 7-day impoundments.• Where a person has been authorized by the registered owner to retrieve the vehicle, that person must present the Owner's Authorization (MV2712).• Provides a driver's license or other suitable identification to the ILO.
ILO:	<ul style="list-style-type: none">• Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) from OSMV/ICBC, unless it is a 3- or 7- day impoundment. Note: In the case of a 3- or 7-day impoundment, the ILO may release the vehicle to the registered owner or the person authorized by the registered owner at least 3 or 7 full 24-hour days after the time and date of the impoundment. The registered owner does not require an Order of Release (MV2713A).• Records on the Order of Release (MV2713A) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner.• Sends a copy of the completed Order of Release (MV2713A) by fax to OSMV at (250) 356-5919.• Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy.• If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), storage charges will continue to accrue at the prescribed rate.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

6. EARLY RELEASE OF VEHICLE

Under certain circumstances the Superintendent or a peace officer may authorize early release of the vehicle. Depending on the reason for release, either the registered owner/person authorized by the registered owner or the Superintendent will pay for the towing and storage charges. The following procedures should be followed:

OSMV:	<ul style="list-style-type: none">• Sends Order for Release (MV2713A) (registered owner pays towing and storage charges) or (MV2713B) (Superintendent pays towing and storage charges) by fax to the ILO.• Where the Superintendent is paying all or part of the towing and storage charges (as indicated on the (MV2713B)) refer to section 7.
Peace Officer	<ul style="list-style-type: none">• A peace officer may order a vehicle be released if they are satisfied that the impounded vehicle is stolen property. In the case of a stolen vehicle, the peace officer will complete an Order of Release (MV2715) and notify the ILO and the OSMV by fax. The registered owner will pay all towing and storage charges.
ILO:	<ul style="list-style-type: none">• Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) or (MV2713B) from the OSMV/ICBC or a Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715).• Records on the Order of Release (MV2713A), (MV2713B) or (MV2715) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner.• Sends a copy of the completed Order of Release (MV2713A), (MV2713B) or (MV2715) by fax to OSMV at (250) 356-5919.• Where the Superintendent is paying all or part of the towing and storage charges (indicated on the Order of Release (MV2713B)) refer to section 7.• Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy.• If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), (MV2713B) or (MV2715), storage charges will continue to accrue at the prescribed rate.
<i>NOTE: If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A) or (MV2713B) and that Order indicates OSMV will pay for the towing and storage charges, the vehicle owner will be responsible for additional storage charges as outlined in section 7.</i>	

7. INVOICING OSMV

Under certain circumstances the Superintendent must pay for all or part of the towing and storage charges during an impoundment. The ILO will be reimbursed as follows:

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

7. INVOICING OSMV (cont'd)

OSMV:	<ul style="list-style-type: none">• Sends Order of Release (MV2713B) by fax to ILO.• Order of Release (MV2713B) indicates the part of the towing and storage charges that the Superintendent will pay (located at the bottom of the Order of Release).• Where the Superintendent is paying all or part of the towing and storage charges, charges will be covered up to the end of the business day of the authorized date of release. If the registered owner or person authorized by the registered owner is unable to collect the vehicle on the day of release, the Superintendent will authorize payment of storage charges for one additional day. Beyond that date, the registered owner or person authorized by the registered owner is responsible for further storage charges.
ILO:	<ul style="list-style-type: none">• Completes the Vehicle Impound Invoice (MV2714) clearly showing VI number, towing, distance towed and storage charges.• Inserts the ICBC Supplier Number in the right side of the box labelled Impound Lot Information.• Mails the completed Vehicle Impound Invoice (MV2714) and completed Order of Release (MV2713B) to: Finance and Administration Branch Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, B.C. V8W 9J2
OSMV	<ul style="list-style-type: none">• Reviews the invoiced amount and, if confirmed, authorizes payment to ILO. Please allow 4 -6 weeks for refund.

8. DISPOSAL OF UNCLAIMED VEHICLE

An impounded vehicle that is not claimed by the owner shall only be disposed of in one of the following two ways: (1) authorization by the Superintendent under the *Motor Vehicle Act* or (2) transfer of ownership under the conditions of the *Warehouse Lien Act*. OSMV shall be notified, in writing, of all disposals of impounded vehicles. The detailed requirements and procedures are set out in the *Motor Vehicle Act* and are summarized below.

8.1 Motor Vehicle Act Disposal

8.1.1 Early Disposal

When a vehicle owner indicates that they have no intention of claiming his/her vehicle, the ILO and the vehicle owner can complete the Early Disposal Agreement form (MV2729). The vehicle owner will transfer ownership of the vehicle to the ILO. The vehicle must be designated as "Dismantle" on the Tax Transfer Form. The ILO must complete an Early Disposal Statutory Declaration (MV2728) and agrees to discharge the lien on the vehicle. This allows the ILO to remove an abandoned vehicle from the lot prior to the expiry date of the impound period.

PROCEDURES FOR IMPOUND LOT OPERATORS

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8.1 Motor Vehicle Act Disposal (cont'd)

8.1.1 Early Disposal (cont'd)

ILO:	<ul style="list-style-type: none">• Completes the Early Disposal Agreement form (MV2729) with the owner of the vehicle.• Completes a Statutory Declaration Early Vehicle Disposal (MV2728).• Presents the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2728) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2728) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2728) will be required to provide a current driver's licence as proof of identification.• Note: Early Disposal Agreement form (MV2729) and Statutory Declaration Early Vehicle Disposal (MV2728) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none">• Provides required forms.• Swears Statutory Declaration Vehicle Disposal (MV2728) (original returned to ILO).• Forwards the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to OSMV by fax to (250) 356-5919.
OSMV:	<ul style="list-style-type: none">• Reviews the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request.• If the Early Vehicle Disposal is denied, OSMV will notify the ILO in writing.• If the Early Disposal application is approved, OSMV directs the ILO to attend at an Autoplan broker office to transfer the vehicle ownership.
ILO:	<ul style="list-style-type: none">• If the Early Vehicle Disposal is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2728), a completed Transfer/Tax form (APV9T), vehicle registration, and the licence last issued under section 3 of the MVA for the vehicle to an Autoplan broker.
ICBC:	<ul style="list-style-type: none">• Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO.• Cancels any vehicle licence issued with respect to the vehicle• Forwards any refund from the cancellation of the vehicle licence to the previous registered owner• Destroys the surrendered plates

PROCEDURES FOR IMPOUND LOT OPERATORS

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8.1.2 Normal Disposal

After the expiration of the impoundment period, the ILO may apply to transfer the registration of the vehicle to themselves provided:

- there is no security interest registered against the motor vehicle under the Personal Property Security Act (PPSA), and
- the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle is \$1,000.00 or more.

ILO:	<ul style="list-style-type: none">• After the expiration of the impoundment period and at least 14 days prior to making an application for disposal, notifies the registered owner, by ordinary mail, of the intent to dispose of the vehicle if the outstanding charges are not paid. The letter must identify the vehicle impound number, vehicle identification number, vehicle licence plate number, registered owner name(s), address, date of impoundment and amount of the outstanding charges at the time of notification.• OSMV will conduct a review of the value of the vehicle using the wholesale price listed for British Columbia in the Gold Book. OSMV may request a written explanation if there is a dispute in the value of the vehicle.• At least 14 days after sending the notice of intention to dispose of the vehicle the ILO completes a Statutory Declaration Vehicle Disposal (MV2704) indicating the amount of the lien, details of the vehicle, and estimated value of the vehicle.• After the expiration of the impoundment period completes a Request for Vehicle Disposal (MV2709).• Presents the completed Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) and any number plates that were attached to the vehicle to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2704) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2704) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2704) will be required to provide a current driver's licence as proof of identification.• Note: Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none">• Provides required forms.• Swears Statutory Declaration Vehicle Disposal (MV2704) (original returned to ILO).• Forwards Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) to OSMV by fax to (250) 356-5919.• Forwards any numbered plates and a copy of the Request for Vehicle Disposal (MV2709) to ICBC Revenue Stock using the plate disposal envelopes (INV21 or INV22).

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

8.1.2 Normal Disposal (cont'd)

OSMV:	<ul style="list-style-type: none">• Does a PPSA search and obtains a certificate showing that no security interest is registered against the motor vehicle under that Act. If a security interest exists the ILO may not dispose of the vehicle under this procedure (see section 8.2).• Reviews the Request for Vehicle Disposal (MV2709) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request.• If the Request for Vehicle Disposal (MV2709) is denied, OSMV directs the ILO to return 5 business days from the date of the Vehicle Disposal Decision to the Driver Services Centre, the Government Agent, or the Appointed Agent to retrieve the surrendered plates.• If the Request for Vehicle Disposal (MV2709) is approved, OSMV directs the ILO to attend at an Autoplan broker to transfer the vehicle ownership.• Informs ICBC Revenue Stock via email of the Vehicle Disposal Decision.
ICBC:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, ICBC:• Cancels any vehicle licence issued with respect to the vehicle• Forwards any refund from the cancellation of the vehicle licence to the previous registered owner• Destroys the surrendered plates• Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO.• If the Request for Vehicle Disposal (MV2709) is denied, ICBC:• Returns the surrendered plates to the Driver Services Centre, Government Agent, or Appointed Agent for pick-up by the ILO after 5 business days from the date of the Vehicle Disposal Decision.
ILO:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2704), a completed Transfer/Tax form (APV9T), and vehicle registration, to an Autoplan broker.• If the Request for Vehicle Disposal (MV2709) is denied, the ILO must return to the Driver Services Centre, Government Agent, or Appointed Agent to retrieve the licence plates after five business days from the date on the Vehicle Disposal Decision

8.2 Warehouse Lien Act Disposal

Vehicles that have a security interest registered against them under the PPSA can only be disposed of under the *Warehouse Lien Act*. The Superintendent will not authorize disposal of a vehicle with an existing lien. Upon disposal under the terms of the *Warehouse Lien Act* the ILO will notify OSMV, by faxing or mailing to OSMV (refer to OSMV Contacts section 1.3) a completed and notarized Declaration of Seizure of a Vehicle under the Warehouse Lien Act MV1481 and a copy of the Vehicle Registration APV250, together with the VI number, vehicle identification number, and vehicle make and year, within 5 days of the disposal transaction.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

8.3 Release of Valued Abandoned Vehicles

Valued abandoned vehicles are vehicles that have been left at impound lots by the registered owners but the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle exceeds \$1,000.00 under section 255(2) of the *Motor Vehicle Act*. These vehicles may be owned outright by the registered owner, may have a security interest registered against them under the PPSA, or may be leased by the owner. OSMV will not authorize disposal of these vehicles. In these circumstances the ILO may dispose of the vehicle under the *Warehouse Lien Act*.

8.3.1 Release of Valued Abandoned Vehicles to Lien Holders

Bailiffs acting for third parties with a security interest registered against the vehicle under the PPSA have no jurisdiction to seize vehicles impounded and/or abandoned under the VI program unless they have authorization from the registered owner or a court order and they obtain a release from OSMV or ICBC. The party with the security interest is responsible for all towing and storage costs.

9. ILO QUALIFICATION STANDARDS

9.1 Qualifications

As necessary, OSMV will review existing ILO agreements and consider new entrants to the program.

9.2 Mandatory Requirements

Upon application to the VI program, OSMV/ICBC will qualify the company's ability to meet these standards. At all times while participating in the VI program, the ILO will be required to maintain these standards and may be subject to performance audits by OSMV representatives or ICBC representatives from time to time. An agreement, specific to this program, will be required to be entered into between each qualified ILO and the Superintendent.

The ILO must maintain the standards set out in this section 9.2 during the term of that agreement. Further, the Superintendent may assign that agreement to ICBC at any time during the term of the agreement. Upon such assignment all references in these procedures to OSMV or the Superintendent shall automatically become references to ICBC.

9.2.1 Business Qualifications

- Impound lots, records and tow vehicles must be maintained in accordance with program requirements contained in this document and will be available for inspection by OSMV/ICBC or law enforcement representatives.
- Minimum business hours are: office: 8am to 5pm, Monday to Friday; dispatch and towing: 24 hours, seven days per week.
- Maintain a valid ICBC Garage Policy with comprehensive coverage and a valid business licence issued by a municipality applicable to the business of towing and storing vehicles, or a valid Land Use contract.
- A valid ICBC Supplier number.
- A towing dispatch service must provide two-way communications with all tow trucks at all times.
- A fax machine which must be capable of unattended and continuous operation.

9.2.2 Tow truck requirements

- The tow company must have tow trucks available to the program that comply with the following standards:
- All tow trucks must be licensed and insured to operate in BC as a tow car, tow truck, wrecker, recovery vehicle or flat deck.
- ILOs will ensure that any lease operators have the ILO National Safety Code number recorded on vehicle registrations.
- Tow trucks will meet all Provincial and Federal vehicle mechanical, safety and licensing standards.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

9.2.3 Impound Lot

- The impound lots must meet the following minimum standards:
- Secure storage for all types of vehicles, including some space for vehicles up to a maximum of 45 ft in length.
- The lot shall consist of an asphalt surface or other well graded and drained surface condition.
- The impound lot must have a minimum six foot chain link fence, or equivalent, around the perimeter plus a 12" barbed wire overhang and a locking gate of matching height. The fence, overhang and gate shall be maintained in a good state of repair at all times.
- Impounded vehicles shall not be stored in the same area as vehicles under repair, being dismantled for parts or other similar activities.
- Access to impounded vehicles will be strictly controlled and at no time will unaccompanied vehicle owners or public access be permitted. Please refer to section 4, Access to Vehicle.

9.2.4 Service Levels

The ILO must dispatch a suitable tow truck and commence travel directly to the indicated location within 10 minutes of initial request from the police.

9.2.5 Administrative

All equipment and services specified in this program are the responsibility of the ILO. ILOs must adhere to all administrative requirements of the VI program including, without limitation,

- Maintain all records required by the Motor Vehicle Act or other legislation.
- Collect towing and storage charges from vehicle owners only in accordance with the prescribed rates as set out in the regulations.
- Maintain VI program forms described in section 10 below and program records at the normal ILO business office for a period of at least twelve months from the date of vehicle impoundment or until the vehicle is disposed of.

9.2.6 Disqualification or Withdrawal from the VI Program

At any time an ILO may be disqualified for failure to adhere to the program standards. Notice will be given in writing and the agreement may be terminated.

Either party may withdraw from the agreement by giving thirty days notice in writing. If either party withdraws, any impounded vehicles remaining in storage will remain impounded under all original program terms, conditions and rates until such time as the vehicles are released to the owners or are disposed of in the prescribed manner.

10. PROGRAM FORMS

The following forms may be used in the program. The Superintendent reserves the right to add to or delete from this list.

10.1 Notice Of Impoundment (MV2721)

Issued by the peace officer to the offending driver with a copy provided to the tow truck operator.

10.2 Vehicle Impound Invoice (MV2714)

The required program form is available at each ICBC Claims Centre. Completed by the tow operator with a copy provided to the driver of the impounded vehicle at the time of impound. The form describes the vehicle and equipment condition at the time of impoundment as well as the non-attached personal possessions remaining in the vehicle.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

10.3 Fax Cover Sheet to Increase Impoundment Periods

Issued by OSMV to the ILO as notification that the impound period has been increased to 3, 7, 30 or 60 days.

10.4 Order of Release (MV2713A)

Issued by the OSMV, by fax, to notify the ILO that a vehicle is to be released subject to payment of towing and storage charges by a registered owner, or person authorized by the registered owner.

10.5 Order of Release (MV2713B)

Issued by the OSMV by fax to notify the ILO that a vehicle is to be released, and who it should be released to. It will indicate whether the Superintendent or the authorized person retrieving the vehicle will pay towing and storage charges.

10.6 Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715)

Completed by a peace officer if satisfied the impounded vehicle is stolen property.

10.7 Request for Vehicle Disposal (MV2709)

Completed by the ILO to request authorization from the OSMV to dispose/transfer the vehicle.

10.8 Statutory Declaration for Vehicle Disposal (MV2704)

Declaration by the ILO that they have attempted to contact the registered owner, are accurately assessing the value of the vehicle, and that outstanding charges exceed the estimated value of the impounded vehicle.

10.9 Early Disposal Agreement – Section 255(8) – Motor Vehicle Act

Completed by the ILO and the vehicle owner where the owner indicates they have no intention of claiming his/her vehicle. (See Section 8.1.1 of these Procedures).

10.10 Statutory Declaration – Early Disposal (MV2728)

Declaration by the ILO that they have entered into an Early Disposal Agreement with the owner of the impounded vehicle.

10.11 Vehicle Disposal Decision Letter

Sent by the OSMV to the ILO indicating that the vehicle is or is not approved for transfer.

10.12 Owner's Authorization (MV2712)

Filled out by the registered owner to allow an alternative driver to drive a car off the lot.


10.13 Impound Lot Operator Application and Information Update Sheet

To be used when ILO information has changed. To be completed and faxed to OSMV at (250) 356-5919. A copy is included in these Procedures for use.

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: May-29-13 4:15 PM
To: Blewett, Tyann M JAG:EX
Subject: RE: Towing

Haha, yep! Thanks!

Corey Bowness | Senior Policy Advisor | Policy and Strategic Initiatives Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice
| *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please
consider the environment before printing this e-mail

From: Blewett, Tyann M JAG:EX
Sent: Wednesday, May 29, 2013 3:56 PM
To: Bowness, Corey JAG:EX
Subject: FW: Towing

It's amazing the things I still have in my files....
Is this it?

From: Gerhart, Bradley SG:EX
Sent: Tuesday, November 23, 2010 10:03 AM
To: Martin, Stephen C SG:EX; Louie, Toby I SG:EX
Cc: Blewett, Tyann M SG:EX; Melvin, Stephanie SG:EX
Subject: RE: Towing

s.12

s.13

Cheers,
Brad.

<< File: FIP Impound for towing - signed DL.pdf >>

From: Martin, Stephen C SG:EX
Sent: Tuesday, November 23, 2010 9:30 AM
To: Louie, Toby I SG:EX; Gerhart, Bradley SG:EX
Cc: Blewett, Tyann M SG:EX; Melvin, Stephanie SG:EX
Subject: RE: Towing

We should not be sharing FIPs as they are TB Docs, but we could share decision (just not the actual decision letter). Am surprised they were not aware of the decision to harmonize rates.

Steve

S.C. (Steve) MARTIN
Superintendent of Motor Vehicles
Ministry of Public Safety & Solicitor General
Bus: (250) 387-5692
Fax: (250) 356-5577
Stephen.Martin@gov.bc.ca

From: Louie, Toby I SG:EX
Sent: Tuesday, November 23, 2010 8:51 AM
To: Martin, Stephen C SG:EX; Gerhart, Bradley SG:EX
Subject: Towing

Steve / Brad

ICBC has concerns with the message in Lori's Nov 9 letter to Dale Finch regarding the VI impoundment program towing rates.

s.13

s.13

s.13

Toby

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: April-23-13 3:50 PM
To: Anness, Glenn JAG:EX; MacLeod, Sam JAG:EX
Cc: Arason, Neil JAG:EX
Subject: RE: WCABA - ILO Program
Attachments:


s.13

Please find attached an a chart that was compiled to compare the ICBC/ILO fees, as well as a PDF of the Lien on Impounded Motor Vehicle Regulation.

s.13

Please note these numbers may have changed, but

the general analysis is relevant background.

Corey Bowness | Senior Policy Advisor | Policy and Research Branch | Office of the Superintendent of Motor Vehicles | Ministry of Public Safety and Solicitor General | *NEW Ph: 250 387-1752; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

From: Anness, Glenn JAG:EX
Sent: Tuesday, April 23, 2013 7:47 AM
To: MacLeod, Sam JAG:EX; Arason, Neil JAG:EX
Cc: Bowness, Corey JAG:EX
Subject: Re: WCABA - ILO Program

Will do Sam

From: MacLeod, Sam JAG:EX
Sent: Tuesday, April 23, 2013 07:20 AM Pacific Standard Time
To: Anness, Glenn JAG:EX; Arason, Neil JAG:EX
Cc: Bowness, Corey JAG:EX
Subject: RE: WCABA - ILO Program

Glenn

I have a call with him on Wednesday so any additional info – the difference between ICBC and ARA fees – a copy of the order - would be helpful – no BN thanks.

Sam

Sam MacLeod
Superintendent of Motor Vehicles
BC Ministry of Justice
Ph 250-387-5692 or s.17 (cell)
<http://www.pssg.gov.bc.ca/osmv/>
<http://twitter.com/#!/RoadSafetyBC>

From: Anness, Glenn JAG:EX
Sent: Monday, April 22, 2013 9:04 PM
To: MacLeod, Sam JAG:EX; Arason, Neil JAG:EX

Cc: Bowness, Corey JAG:EX
Subject: RE: WCABA - ILO Program

Hi Sam,

Corey and I have met with the WCABA before. They are a splinter group of the Automotive Retailers Association (ARA). Both WCABA and ARA have impound lot operators (ILO) in their organizations. We contract with the ILOs to deliver part of the vehicle impoundment program.

There are 2 main issues with both the WCABA and ARA:

1 - the rates we set for impound fees. These are set under a Superintendent's Order (under the MVA/R) and cover the amounts that an ILO can use to set a lien for unpaid impound fees (e.g., maximum fee per day, km towed, etc.). Whereas the regulation applies only to the amount that can be set in a lien, the industry uses this as the amount that they can charge customers. This is also the amount that we reimburse ILOs for when we overturn a vehicle impound.

s.13, s.17

2 - Refuse to Issue for non payment of impound fees. This is authorized by the MVA, but we don't have it in place. The reason for this is that the Core Operating System was supposed to make changes that would allow ICBC to put an RTI on the driver's licence or insurance of a person who had not paid their impound fees. Without the COS changes, this is problematic and, due to other gov't priorities with ICBC (e.g., BC Service Card), we have not implemented this.

Both of these issues are more complex than this brief summary. Please let me know if you'd like a BN on these put together. Either way, Corey and I would be happy to brief you on these issues.

Glenn

From: MacLeod, Sam JAG:EX
Sent: Monday, April 22, 2013 2:58 PM
To: Anness, Glenn JAG:EX; Arason, Neil JAG:EX
Subject: Fwd: WCABA - ILO Program

Glenn/Neal

Could you review this and we can discuss before my call with him. Have we dealt with the Assoc before, this issue?

Sent from my iPhone

Begin forwarded message:

From: Sarah Di Stefano <sarahdistefano@wcaba.ca>
Date: 22 April, 2013 1:51:23 PM PDT
To: "MacLeod, Sam JAG:EX" <Sam.MacLeod@gov.bc.ca>
Cc: Dale Finch <dalefinch@wcaba.ca>
Subject: WCABA - ILO Program

Hi Sam,

Thank you for speaking with me today. I understand Dale has called and has arranged a call on Wednesday at 8:30am pacific time, he will be calling your from Toronto. Dale has asked me to forward the ILO Report to you. He understands you might not be able to cover it all on the Wednesday call. He did want to have an introductory conversation and discuss an upcoming Towing and Recovery industry conference.

Thank you,

Sarah Di Stefano

Western Canada Automotive Business Association
Executive Assistant

C: 604.727.4110

F: 604.942.3943

wcaba.ca

Comparison of Current vs.

s.13

Expense Category	Current: Lien on Impounded Motor Vehicles Regulation	s.13, s.17
Base towing rate up to 6 km: (depending on weight of vehicle)	\$78.89-153.64	
Towing per km after 6 km (depending on weight of vehicle, and distance towed.)	\$2.19 - \$4.31	
Use of Dollies per km (for tow exceeding 32 km)	Not set out	
Fuel Surcharge (to be added to total fees noted above)	Not set out	
Storage Daily (dependent on location of ILO)	\$16.10-\$19.55	

Example:

s.13

Expense Category	Vancouver		Fort Nelson	
	Current		Current	
Base towing rate (for first 6 km of 10 km)	\$78.89	s.13, s.17	\$78.89	s.13, s.17
Per km total (for final 4 km of 10 km)	\$11.96		\$11.96	
Towing subtotal	<u>\$90.85</u>		<u>\$90.85</u>	
Total fuel surcharge (adds 14.5% to towing fees only)	0		0	
Towing subtotal plus fuel surcharge.	<u>\$90.85</u>		<u>\$90.85</u>	
30 days impound	\$586.50		\$483.00	
GrandTotal	<u>\$677.35</u>		<u>\$573.85</u>	

Net change:

-
-

s.13, s.17

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B.C. Reg. 262/2010
Supt. of Motor Vehicles

IMPORTANT INFORMATION

Deposited September 15, 2010
effective September 20, 2010

Motor Vehicle Act

Lien on Impounded Motor Vehicle Regulation

Lien on impounded vehicle

1 The following fees, costs and charges are prescribed for the purposes of section 255 (2) (a) of the Act:

(a) for storage:

(i) \$19.55 per day for impound lots located within the Greater Vancouver Regional District, the District of Squamish, the District of Chilliwack, the District of Abbotsford, the District of Mission or the City of Victoria;

(ii) \$16.10 per day for impound lots located outside the areas described in subparagraph (i);

(b) for towing, as set out in the following table:

Item	Distance	Size and Weight of Vehicle		
		Column 2 Up to 3 628 kg GVW Automobiles, vans, pickups, motorcycles	Column 3 3 629 kg to 7 257 kg GVW Medium duty trucks and trailers	Column 4 7 258 kg GVW and over Heavy trucks and trailers
1	Up to 6.0 km	\$78.89	\$92.17	\$153.64
2	6.1 to 16.0 km, add per km	\$2.99	\$3.45	\$4.31
3	16.1 to 32.0 km, add per km	\$2.47	\$3.16	\$3.68
4	32.1 km and over, add per km	\$2.19	\$2.59	\$2.99

[Provisions relevant to the enactment of this regulation: *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, section 269]

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**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES**

BRIEFING NOTE

PREPARED FOR: David Morhart, Deputy Solicitor General **FOR INFORMATION**

SUBJECT: Vehicle Impoundment Program rate harmonization

ISSUE: The Automotive Retailers Association is lobbying government to not follow through with plans to harmonize Vehicle Impoundment Program towing and storage rates with those of the Insurance Corporation of British Columbia.

BACKGROUND

- The Superintendent of Motor Vehicles met with Impound Lot Operators (ILOs) on February 16th, 2009. ILOs expressed a number of concerns about the Vehicle Impoundment (VI) Program to the Superintendent, including high abandonment rates, rising property taxes and fuel costs, collapsing steel prices, and insufficient towing and storage rates.
- The most recent change to the VI Program towing and storage rates was a 15% increase in March, 2009.
- Approval was subsequently given to Office of the Superintendent of Motor Vehicles (OSMV) staff to draft legislative amendments to modernize the VI Program.

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s.12, s.13, s.17

- The authority was removed from the Lieutenant Governor in Council and given to the Superintendent to accommodate the fact that the ICBC rates regularly fluctuate, including the fuel surcharge, which is set quarterly. However, by policy,

s.13

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s.13

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s.13, s.17

DISCUSSION

s.17, s.13

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s.17, s.13

- The ARA is attempting to argue that harmonizing with ICBC rates will lead to lower revenues for the towing industry; however, staff analysis indicates that

s.13

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s.13

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s.14

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CONCLUSION/ RECOMMENDATION

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s.17

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Prepared by: Brad Gerhart, A/Assistant Director

Date: September 29, 2010

CLIFF: 388664

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: April-03-13 10:02 AM
To: Lacombe, Cecile JAG:EX
Subject: FW: Policies/Procedures
Attachments: 20120925093606.pdf; Adjudicators-Procedures-Manual-Part2-v1.pdf; Adjudicators-Procedures-Manual-Part1-v1.pdf

Just some info for you.

From: Piercy, Danielle JAG:EX
Sent: Friday, March 8, 2013 2:19 PM
To: Bowness, Corey JAG:EX
Subject: Policies/Procedures

Corey,

Attached are:

VI Policy Manual;
Adjudicator Procedures Manuals

Let me know if anything else is needed.

Danielle

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This message is confidential and may not be disclosed to anyone without the express written consent of the sender.

Vehicle Impoundment Program Manual

**Office of the Superintendent of
Motor Vehicles**

Final v1.0

September 20, 2010

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Introduction

This section introduces the Vehicle Impoundment Program and describes the legal authority for the program, the mandate of the Office of the Superintendent of Motor Vehicles (OSMV), and the purpose and contents of this manual.

About the Program

The Vehicle Impoundment Program promotes road safety by authorizing police to immediately remove from the road drivers who commit certain driving offences or drive while impaired by impounding the vehicle they are operating.

The two main purposes of the vehicle impoundment legislation are to:

- Deter from operating vehicles drivers who drive while impaired or commit certain driving offences, including driving while prohibited, suspended, or unlicensed, excessive speeding, street racing, stunt driving, and certain motorcycle-related driving offences
- Encourage owners of vehicles operated by other drivers to take measures to prevent this behaviour from occurring

Under the *Motor Vehicle Act*, vehicle owners have the right to apply for a review of the impoundment. The purpose of the review legislation is to ensure that vehicle owners (or those who reside with vehicle owners in the case of reviews on compassionate grounds) are provided with an avenue of appeal and receive the opportunity of having an early release of the vehicle.

The impoundment period ends when a vehicle owner successfully applies for early release or claims the vehicle after the impoundment period expires. If a vehicle owner does not claim the vehicle, it may be disposed of under the *Warehouse Lien Act* or *Motor Vehicle Act*.

The OSMV maintains a list of qualified tow companies referred to as impound lot operators. The OSMV approves their entrance into the program if they meet specific standards and monitors their performance to ensure that they maintain these standards.

Legal Authority

Sections 250–269 of the *Motor Vehicle Act* authorize police to impound the vehicle of any driver who commits certain non-impaired driving offences: driving while prohibited, suspended, or unlicensed, excessive speeding, street racing, stunt driving, and failing to ride properly astride a motorcycle or failing to obey learner/novice motorcycle restrictions and conditions.

Under sections 215.41 to 215.51 of the *Motor Vehicle Act*, police may impound a driver's vehicle at the time they issue a 3- or 7-day prohibition at roadside if they believe that impoundment is necessary to prevent the driver from driving the vehicle before the prohibition expires. Police must impound a driver's vehicle at the time they issue a 30- or 90-day prohibition at roadside.

Section 117 of the *Motor Vehicle Act* gives the Superintendent the authority to delegate. The Superintendent has delegated vehicle impoundment reviews to OSMV adjudicators.

OSMV Mandate

The Vehicle Impoundment Program falls under the mandate of the Superintendent of Motor Vehicles, whose office is responsible for regulating drivers to enhance public safety on the province's highways. Since possession of a driver's licence is a privilege, the OSMV can revoke a licence and impound a vehicle if the licence holder poses a risk to public safety.

About this Manual

The purposes of the *Vehicle Impoundment Program Manual* are to clarify vehicle impoundment policy for OSMV staff and aid in ensuring that vehicle impoundment reviews are fair, accessible, and transparent. For detailed adjudication policy and guidance, see the *Adjudicators Procedures Manual*.

This manual is divided into the following sections:

- **1 Starting the Impoundment:** covers driving offences for which vehicles are impounded, including non-impaired offences and immediate roadside prohibitions, as well as the corresponding impoundment periods, a summary of police responsibilities, and prohibitions for unlicensed drivers.
- **2 During the Impoundment Period:** covers early release of vehicles from impoundment, the grounds for administrative reviews, agreements between impound lot operators and owners to dispose of vehicles, and access to personal property in impounded vehicles.
- **3 Ending the Impoundment:** covers the processes for owners to apply for vehicle release and for impound lot operators to apply for vehicle disposal under the *Warehouse Lien Act* or *Motor Vehicle Act*.
- **4 Debt Enforcement:** covers the process for enforcing the debt owed to impound lot operators by owners who do not claim their vehicle after the impoundment period expires.
- **5 Impound Lot Operator Qualification / Approval:** covers the standards an impound lot operator must maintain to qualify for the program.

Revising the Manual

Staff are encouraged to keep this manual up to date and accurate by suggesting corrections and additions. Please email your Team Leader with your contributions.

Each section of the manual has its own page numbering and version number so that each section can be revised and replaced separately as required.

1 Starting the Impoundment

A vehicle is impounded (towed and stored in a secure facility) when an individual commits certain driving offences or is issued a prohibition for driving while impaired. The police issue the driver a *Notice of Impoundment* right at the roadside.

This section covers the start of the impoundment process, a summary of police responsibilities, and prohibitions for unlicensed drivers.

Driver Offence

*Motor Vehicle Act
Section 251*

A vehicle must be impounded when police have reasonable grounds to believe that a driver was committing any of the driving offences listed below. Reasons for vehicle impoundment are:

- Driving while prohibited or with a suspended driver's licence
- Driving without a valid licence having been previously convicted for the same offence
- Committing an excessive speeding offence (more than 40 km/h over the speed limit)
- Being involved in a street race
- Stunt driving, which includes activities such as lifting a vehicle's tires off the road surface, causing a vehicle to lose traction, causing the vehicle to spin, driving in an oncoming lane longer than necessary to pass, blocking other vehicles, or driving too close to another vehicle, pedestrian, or fixed object
- Failing to ride properly astride a motorcycle
- Failing to obey learner/novice motorcycle restrictions and conditions

*Impoundment
Period*

If a driver commits a non-impaired driving offence, the vehicle is impounded for the following periods:

- First impoundment: 7 days
- Second impoundment of any type within 2 years: 30 days
- Third or any subsequent impoundment of any type within 2 years: 60 days

If the owner had a previous impoundment in the last two years but it was successfully reviewed or otherwise revoked, it does not count toward the total number of impoundments.

For this type of impoundment, the number of past vehicle impoundments by the owner, not the number of past offences committed by the driver, count toward the total number of impoundments.

Impaired Roadside Prohibition

A vehicle may be impounded at the time police, while still at the roadside, issue a 3- or 7-day prohibition when a driver's blood alcohol content is between 50 and 80 mg%. Police may impound the vehicle if they believe that impoundment is necessary to prevent the driver from driving the vehicle before the prohibition expires.

A vehicle must be impounded at the time police, while still at the roadside, issue either of the following:

- 30-day prohibition when a driver's blood alcohol content is between 50 and 80 mg%
- 90-day prohibition when a driver's blood alcohol content is 80 mg% or higher, or the driver refuses to submit a breath sample into a roadside screening device

**Impoundment
Period**

If a driver's blood alcohol content is between 50 and 80 mg%, and the officer impounds the vehicle, it is impounded for the following periods:

- First offence: 3 days
- Second offence within 5 years: 7 days
- Third or any subsequent offence within 5 years: 30 days

If a driver's blood alcohol content is 80 mg% or higher, or the driver refuses to submit a breath sample, the vehicle is impounded for 30 days.

Police Responsibilities

*Motor Vehicle Act
Section 251, 254*

Police responsibilities relating to vehicle impoundment include the following:

- Completing a *Notice of Impoundment*
- Giving the notice to the driver and the Impound lot operator (ILO)
- Forwarding to the OSMV a report and a copy of the notice
- If impounding the vehicle would jeopardize the safety of the occupants or leave the occupants stranded, arranging for transportation for the occupants to the nearest safe area where they can find another form of transportation
- At the vehicle owner's request, providing access to personal property that is not attached to or used in connection with the operation of the vehicle (see *Access to Vehicle and Personal Property* in section 2, *During the Impoundment*)

Immobilization

Section 250 of the *Motor Vehicle Act* defines impoundments as including immobilization of a vehicle in a manner approved by the Superintendent.

Policy: At this time, no manner of immobilizing vehicles is approved under this program. Police may not order vehicles to be immobilized, and impoundment lot operators must not immobilize vehicles.

Immobilization of a vehicle with wheel locks or other disabling devices should only be implemented through policy in geographic regions where the OSMV is unable to reach service agreements with any local impound lot operators.

Prohibitions for Unlicensed Drivers

Legal Authority	Section 251 of the <i>Motor Vehicle Act</i> requires police to serve a <i>Notice of Driving Prohibition</i> on an unlicensed driver who has been convicted of an offence under section 24(1) of the <i>Motor Vehicle Act</i> since they last held a driver's licence under the Act.
Program Description and Rationale	<p>Unlicensed drivers are a chronic problem on BC roads. Since 1997, individuals who drive without a licence have been subject to vehicle impoundment after being flagged as impoundment candidates. While impoundment is effective in getting some drivers to become licensed, many drive low-value vehicles that they abandon in impound lots, and accumulate numerous fines for driving without a licence. When they crash, they are financially responsible for the damage they cause. Many unlicensed drivers have a history of non-compliance with the <i>Motor Vehicle Act</i> and repeatedly engage in high-risk driving.</p> <p>The first time drivers are caught driving without a valid BC driver's licence, police issue a "No Driver's Licence" violation ticket under section 24(1) of the <i>Motor Vehicle Act</i>, and place a notice on their record to impound the vehicle and serve a notice of prohibition. If they are caught a second time and have a notice to impound on their record, police impound the vehicle and serve them with a <i>Notice of Driving Prohibition</i> at roadside. Police are required to serve the prohibition at the time they impound the vehicle, and the prohibition takes effect immediately.</p> <p>The prohibition is indefinite, and continues until the driver gets a new BC driver's licence or the prohibition is revoked in a review. To be issued a new licence, drivers must meet all other licensing requirements.</p> <p>The prohibition from driving represents significant additional consequences—larger fines and the possibility of jail time—for individuals who continue to drive without a licence. Removing the prohibition upon issuance of a driver's licence provides incentive for drivers to pay existing fines and to drive legally.</p>
Police Responsibilities	<p>If the driver was driving without a valid BC driver's licence, police responsibilities include the following:</p> <ul style="list-style-type: none"> • Serving the driver with a <i>Notice of Driving Prohibition</i> • Forwarding to the OSMV a copy of the notice and a certificate of service (bottom part of the notice) showing that the notice was personally served on the person subject to the prohibition
Out-of-Province Drivers	Drivers with a notice to impound who are licensed elsewhere must produce a driver's licence at the time they are stopped. If they do not produce a licence, they are prohibited from driving on the spot. If they do produce a licence, they should be allowed to continue on their way unless police have evidence that suggests they are not exempt under section 34 of the <i>Motor Vehicle Act</i> from the requirement to hold a BC driver's licence.
Application for Review of Prohibition	Drivers who are issued an unlicensed driving prohibition have the right to apply for a written review of the prohibition by the OSMV. Applicants submit a completed <i>Application for Review of Driving Prohibition</i> form and pay the \$50 review fee. They must include the date and location where they were issued the driving prohibition by police and all relevant information to support their application for a review.

OSMV adjudicators conduct reviews on the basis of written submissions. No oral reviews are conducted.

***Grounds for
Review and
Evidence to be
Considered***

The two grounds for review of a driving prohibition are:

- The person driving the vehicle held a valid driver's licence or was exempt from the requirement to hold a licence.
- A notice to impound the vehicle of an unlicensed driver should not have been on their driving record.

The onus is on the driver to submit evidence that one of these grounds applies.

Exempt from Requirement – Individuals who hold an out-of-province driver's licence and do not ordinarily reside in BC are temporarily exempt from the requirement to hold a BC driver's licence. To claim this exemption, a driver must submit satisfactory evidence that they hold a valid licence in another jurisdiction.

Individuals may be exempt from the requirement to hold a BC driver's licence if they hold a valid driver's licence from their home jurisdiction and meet any of the following criteria:

- The driver is a new resident of BC. New residents have 90 days to obtain a BC driver's licence.
- The driver is a tourist in BC. Drivers who do not hold an international driving permit have 6 months to obtain a BC driver's licence if they have a valid licence from their home jurisdiction.
- The driver is a student registered at a specified educational institution. Students are exempt from holding a BC driver's licence if they hold a valid licence in their home jurisdiction.
- The driver is a temporary worker in the Seasonal Agricultural Worker Program with a valid licence from their home jurisdiction. These workers may drive in BC for up to 12 months without obtaining a BC driver's licence.

In determining if a driver meets the criteria for any of these exemptions, the following evidence is considered:

- The driver is able to produce a valid out-of-province licence.
- The driver's driving record suggests that they do not ordinarily reside in BC (have never held a BC driver's licence or do not have an extensive record of offences in BC).
- The police report does not indicate that the officer had reason to believe that driver actually resides in BC.
- The driver is able to submit documents to satisfy the OSMV of their exempt status.

Incorrect Notice to Impound – Drivers who claim that they should not have had a notice to impound the vehicle on their driving record must provide written statements about why they held this belief.

Review Decision An OSMV adjudicator analyzes the nature, quality, and sufficiency of the evidence in support of the applicant and the police to determine whether the prohibition should be confirmed or revoked. The written decision and reasons are sent to the applicant within 7 days of the review.

If the driver is proven exempt from the requirement to hold a BC driver's licence, the adjudicator informs the driver of the time-limited nature of the exemption, and if possible the limits of the exemption. The reinstatement fee may then be waived as long as the out-of-province licence was produced when the prohibition was served.

If the notice to impound should not have been on the driver's record, it is removed and the driver is not required to pay the reinstatement fee.

Application Fee The application fee is not refunded after a review has been conducted, regardless of the outcome.

Driving While Prohibited Individuals who drive while prohibited are subject to the same penalties as any prohibited driver—conviction under section 95 of the *Motor Vehicle Act* and a 12-month automatic prohibition under section 99.

2 During the Impoundment Period

This section describes circumstances under which a vehicle may be released early, the grounds under which applicants may apply for a review of an impoundment, and agreements that impound lot operators may sign with vehicle owners to dispose of vehicles. It also covers the owner's right to access personal property in the impounded vehicle.

Early Release

A vehicle may be released early (prior to the end of the impoundment period) if any of the following circumstances apply:

- The vehicle was stolen.
- The unlicensed driver of the impounded vehicle obtains a valid driver's licence.
- A business owner can demonstrate that the impoundment would create economic hardship.
- A person who resides with the vehicle owner can demonstrate that the vehicle is needed for work, education, or medical treatment and no other form of transportation is available.

These circumstances are described in more detail below.

To apply for early release on the grounds of economic hardship or on compassionate grounds, the applicant completes an *Application for Early Release* form available at any driver licensing office. They may apply in person or a lawyer may act on their behalf. The fee for an application for early release is \$100. No application is required if the vehicle was stolen.

Stolen Vehicles *Motor Vehicle Act* *Section 251(7)*

If a vehicle owner discovers that their vehicle has been stolen and then impounded, they complete a police report. If police are satisfied that the vehicle was stolen, they order the ILO to release the vehicle to the owner or a person authorized by the owner. The owner must pay the towing and storage fees for their vehicle to be released.

Police must notify the OSMV that the impounded vehicle has been released.

Unlicensed Driver **Obtains Licence**

If a driver's vehicle was impounded because they were driving without a valid driver's licence and their record was flagged for impoundment, and for no other reason, their vehicle can be released immediately if they obtain a valid BC driver's licence. The vehicle owner must pay the towing and storage fees for their vehicle to be released.

Economic **Hardship** *Motor Vehicle Act* *Section 262*

Business owners may apply for early release of a vehicle if they can demonstrate that all of the following apply:

- The vehicle is used in an active sole proprietorship, partnership, or company (that is, a business).
- There is a reasonable prospect of earning income that is dependent on the impounded vehicle, and
- The continued impoundment would impose an economic hardship on the business.

If the application is successful, the vehicle owner must pay a vehicle release fee of \$450.

For more information on reviews of impoundments on the grounds of economic hardship, see *Administrative Reviews* later in this section.

**Compassionate
Release**
*Motor Vehicle Act
Section 283*

A person with a valid driver's licence who resides with the vehicle owner may apply for compassionate early release of the vehicle if it can be shown that the vehicle is needed for work, education, or medical treatment and no other form of transportation is available. Both the owner and the applicant must apply together.

Compassionate release does not apply if the registered owner needs the vehicle for work or education, or if the registered owner or someone under their care needs medical treatment. It only applies to someone residing with the owner.

If the application is successful, the vehicle owner must pay a vehicle release fee of \$100.

For more information on reviews of impoundments on compassionate grounds, see *Administrative Reviews* later in this section.

**Wrongful
Impoundment**
*Motor Vehicle Act
Section 286*

An impoundment is wrongful when an error is made by police, ICBC, or the OSMV, and there were no reasonable or probable grounds for impounding the vehicle. For example, a clerical error was made and the driver's record should not have been flagged for impoundment, or the offence for which the vehicle was impounded was not an impoundable offence.

Policy: If the OSMV is notified by police that a vehicle was impounded in error, the OSMV may release the vehicle and the owner will not be subject to any towing and storage fees, as long as police have provided sufficient information. However, if information provided by police is insufficient, the OSMV may contact police to determine on what basis the vehicle was wrongfully impounded (e.g., police or system error). Police evidence and reasons should be provided in writing.

If the additional information does not satisfy the OSMV that the vehicle was wrongfully impounded, the OSMV does not have to release the vehicle. If the vehicle owner is not satisfied, they may pursue a regular review under any of the grounds set out in the application for review.

If the OSMV is satisfied that a motor vehicle has been wrongfully impounded, the OSMV may:

- Order release of the vehicle.
- Waive any fee, cost, or charge payable to the OSMV.
- Indemnify the vehicle owner for any direct cost incurred by the owner as a result of the vehicle being impounded.

Wrongful impoundments may be resolved right away following issuance of the notice of impoundment, during the review process, or as a result of a court decision.

If an impaired roadside prohibition for which a vehicle was impounded is overturned, the OSMV reviews the ADP/VI system to determine if the impoundment was due solely to this offence or if there was another reason for the impoundment. For example, if a driver's vehicle is impounded for excessive speeding and the offence is later reduced in traffic court, this does not make the corresponding impoundment wrongful and the vehicle would not be released. However, if an error was made in issuing an impaired roadside prohibition and the prohibition is revoked during the review process, the corresponding impoundment is also revoked and the vehicle would be released.

**Early Release
Decision**

An OSMV adjudicator sends the written decision to the registered owner of the vehicle within 7 days of the date the review was held. The decision indicates whether the vehicle should be released or the impoundment should continue for the full term outlined in the *Notice of Impoundment*. The decision is final, but subject to judicial review.

Administrative Reviews

**Motor Vehicle Act
Section 256**

Owners of vehicles impounded for 30 days or longer have the right to apply for a review of the impoundment. No review is available when a vehicle is impounded for 3 or 7 days.

Within 15 days after an impoundment begins, the vehicle owner may apply for a review. Applications for review must be made within 15 days of the date of the *Notice of Impoundment*. The owner completes an *Application for Review* at any driver licensing office and pays the prescribed review fee.

Before filing the application for review, the owner may request a copy of all the evidence the OSMV will consider during the review. The owner may also attach any written statement or other evidence to be considered. To ensure all written evidence is considered, the OSMV must receive it before the scheduled review date.

The owner may request an oral hearing at the time of application by paying the prescribed oral hearing fee. If the applicant requests an oral hearing and fails to appear at the hearing without prior notice to the OSMV, the applicant's right to an oral hearing is waived, and the review is conducted based on any written evidence that is available. The filing of an application for review does not stay the impoundment of the vehicle.

If an eligible owner does not apply for a review, the vehicle remains impounded until it is eligible for release.

**Considerations for
Review
Motor Vehicle Act
Section 257**

Adjudicators must consider the police officer's *Report to Superintendent* in a review. They may consider the following:

- Driver's driving record
- Information and records kept by the OSMV relating to any previous impoundments

Standard of Proof

The standard of proof in vehicle impoundment reviews is a civil standard. The civil standard is met when the applicant provides enough evidence to meet the tests. The standard that must be met is that the adjudicator should find it more probable than not that a contested fact exists, on a balance of probabilities.

Grounds for Review: Owner Was Driver Adjudicators may only review vehicle impoundments under the grounds provided for in the legislation, described below. The applicant selects one or more grounds on the *Application for Review*. All grounds for review are only available to the vehicle owner with the exception of compassionate release, which is only available to a cohabitant of the vehicle owner.

The onus is on the applicant to submit evidence that one of these grounds applies.

An owner who was the driver of the vehicle when it was impounded may apply for a review on the following grounds. For detailed review considerations, see the *Adjudicators Procedures Manual*.

Not Prohibited or Suspended The driver was neither prohibited nor suspended.

The driver's driving record is considered to determine if they were prohibited or suspended at the time of vehicle impoundment.

No Reason to Believe Prohibited or Suspended The driver had no reason to believe they were prohibited or suspended.

The driver must provide the reasons why they believed they were not prohibited or suspended from driving. For example, the applicant might show an error such as the court advising that they were not prohibited under section 99 of the *MVA*.

Held Valid Licence The driver held a valid driver's licence or was exempt from the requirement to hold a licence.

If the driver holds a valid out-of-province driver's licence and does not ordinarily reside in BC, they are exempt from holding a BC driver's licence. The vehicle should be released by OSMV if:

- The driver is able to produce a valid out-of-province licence.
- The driver's driving record suggests that they do not ordinarily reside in BC (have never held a BC driver's licence or do not have an extensive record of offences in BC).
- The police report does not indicate that the officer had reason to believe that the driver actually resides in BC.

The driver is exempt from holding a licence under the *MVA* if they have a valid driver's licence from their home jurisdiction and meet any of the following criteria:

- The driver is a new resident of BC. New residents have 90 days to obtain a BC driver's licence.
- The driver is a tourist in BC. Drivers who do not hold an international driving permit have 6 months to obtain a BC driver's licence if they have a valid licence from their home jurisdiction.
- The driver is a student registered at a specified educational institution. Students are exempt from holding a BC driver's licence if they hold a valid licence in their home jurisdiction.
- The driver is a temporary worker in the Seasonal Agricultural Worker Program with a valid licence from their home jurisdiction. These workers may drive in BC for up to 12 months without obtaining a BC driver's licence.

	<p>If a person holds an International driving permit, they must also hold a valid driver's licence from their home jurisdiction and must produce both for police if stopped. Applicants must provide both documents on review.</p>
<i>Reasonable Belief that Held Valid Licence</i>	<p>The driver had a reasonable belief that they held a valid driver's licence or were exempt from the requirement to hold a licence.</p> <p>The driver must provide the reasons why they believed they held a valid driver's licence.</p>
<i>Incorrect Notice to Impound</i>	<p>A notice to impound the vehicle of an unlicensed driver should not have been on their driving record.</p> <p>The applicant must demonstrate why a notice of impoundment should not have been on their driving record.</p>
<i>Grounds for Review: Owner Was Not Driver</i>	<p>An owner who was not the driver at the time the vehicle was impounded may apply for a review on the following grounds.</p>
<i>Not Prohibited or Suspended</i>	<p>The driver was neither prohibited nor suspended.</p> <p>See this ground under <i>Owner Was Driver</i> above.</p>
<i>Held Valid Licence</i>	<p>The driver held a valid driver's licence or was exempt from the requirement to hold a licence.</p> <p>See this ground under <i>Owner Was Driver</i> above.</p>
<i>Incorrect Notice to Impound</i>	<p>A notice to impound the vehicle of an unlicensed driver should not have been on their driving record.</p> <p>See this ground under <i>Owner Was Driver</i> above.</p>
<i>Reasonable Care and Diligence</i>	<p>Reasonable care and diligence was taken in entrusting the vehicle to another driver.</p> <p>The owner must provide the reasons why they believed that the person to whom they entrusted the vehicle is properly licensed. This requires the owner to have made some active observation of the prospective driver's licence or have taken some steps to determine its status. The observation made or steps taken will reflect the degree of care and diligence taken by the owner. An assumption that the driver held a valid licence is not enough.</p> <p>In cases where a licence was never observed, the owner must show evidence consistent with the belief that the prospective driver is properly licensed. When a valid licence was observed in the past, the evidence needed to support the reasonable belief that the prospective driver is licensed varies with the length of time since the licence was last observed.</p> <p>Adjudicators consider the owner's relationship with the driver (parent/child, partner, friend, employer/employee, renter/lessee) and the history that may have caused them to believe that the driver would not commit an offence. They also consider whether the owner took measures to mitigate the behaviour. In the case of coworkers or renters, the standard is higher and contracts or agreements need to be in place.</p>

The burden of proof is on the owner to submit evidence that they exercised reasonable care and diligence. A simple statement is not enough.

Rental Companies – Rental companies should be able to show that they recorded having seen the driver's licence. They should have checked the photo and expiry date and recorded the driver's licence number.

Company Vehicles – Under the National Safety Code, employers must obtain a driver's abstract prior to hiring an employee, and on the anniversary of hire every year. It is reasonable to expect an employer to have a copy of an employee's driver's abstract and to monitor the status of an employee's driving record.

*No Knowledge or
Consent*

The driver took the vehicle without the owner's knowledge or consent.

The owner must demonstrate that the driver took the vehicle without the owner's knowledge or consent. The adjudicator does not consider whether a reasonable person would be expected to know that under the circumstances the driver was likely to take the vehicle. The adjudicator only considers whether the owner actually knew that the vehicle was being taken.

The burden of proof is on the owner to submit evidence of the lack of knowledge or consent. A simple statement is not enough.

If the owner can demonstrate that they had no knowledge that the vehicle was being taken, the adjudicator considers whether or not there was consent. Consent refers to implicit as well as explicit consent and to a general pattern of consent as opposed to a particular instance. If evidence suggests that the owner explicitly consented to the use of the vehicle, the impoundment is confirmed. If explicit consent is not found, the adjudicator considers whether or not there was implied consent. Consent is implied when it is likely that if consent had been sought, it would have been granted as a matter of course.

In some cases the owner may have had knowledge that the vehicle was being taken, but have expressly denied consent—for example, if keys were taken forcefully. In this case, the owner must demonstrate that they took steps to ensure that the driver was aware that they were not allowed to take the vehicle, and steps to prevent the vehicle from being taken.

*Owner Disputes
Impoundment
Extension*

The owner is not the owner of any vehicle that was impounded within two years prior to this impoundment.

The vehicle impoundment database is checked to determine if the owner is the owner of a vehicle impounded within two years before the day of this impoundment.

If the adjudicator determines that the impoundment period is not supported by the facts of the case (the owner's prior record of impoundments), they vary the impoundment period. If it should have been shorter, the adjudicator substitutes the correct period. If it should have been longer, it is not increased.

***Economic
Hardship***
*Motor Vehicle Act
Section 262*

Consideration of release on the ground of economic hardship does not require consideration of whether the vehicle should have been impounded. Business owners may apply for early release of a vehicle if they can demonstrate that all of the following apply:

- The vehicle is used in an active sole proprietorship, partnership, or company (that is, a business).
- There is a reasonable prospect of earning income that is dependent on the impounded vehicle, and
- The continued impoundment would impose an economic hardship on the business.

The size of the business or the number of vehicles it owns does not require consideration.

***Compassionate
Release***
*Motor Vehicle Act
Section 263*

Consideration of release on compassionate grounds does not require consideration of whether the vehicle should have been impounded. A person may apply for compassionate release of a vehicle if they:

- Hold a valid driver's licence and are not prohibited from driving
- Are residing with the owner of the vehicle at the time it was impounded for 30 or 60 days
- Have the consent of the registered owner of the vehicle

The applicant must demonstrate that impoundment of the vehicle will either:

- Cause them to suffer a loss or curtailment of employment or educational opportunities, or
- Prevent them, or someone under their care, from obtaining medical treatment

The applicant must have no reasonable alternative form of transportation, including public transportation, that would either:

- Prevent the loss or curtailment of employment or educational opportunities, or
- Allow medical treatment to be obtained.

The applicant must demonstrate that any curtailment of employment or educational opportunities will cause hardship and the impact of the curtailment on future related activities will be significant.

Compassionate release does not apply if the registered owner needs the vehicle for work or education, or if the registered owner or someone under their care needs medical treatment. It only applies to someone residing with the owner.

***Grounds Not To Be
Considered***

Grounds that may not be considered in a review include the following:

- Identity of the driver (it is not the adjudicator's role to determine whether or not the individual was driving)
- Hardship for spouse or others (however, a cohabitant of the vehicle owner can apply for compassionate release)

Changing Grounds

If evidence supports returning a vehicle to an applicant on grounds other than those chosen by the applicant on the *Application for Review*, the adjudicator should change to the grounds that would allow for return of the applicant's vehicle.

If an adjudicator determines that it is appropriate to consider other grounds, they must advise the applicant, stating why the applicant would not be successful under the grounds applied for and why they will be successful on the grounds the adjudicator applies to their review.

Review Decision

An OSMV adjudicator reviews the driver's submission and confirms or revokes the impoundment. If the impoundment is revoked, a release order is sent to the ILO. The written decision and reasons are sent to the applicant within 7 days of the review.

The application fee is not refunded after a review has been conducted, regardless of the outcome.

Early Disposal Agreements***Motor Vehicle Act
Section 255(6)***

If an ILO determines prior to expiry of the impoundment period that a vehicle owner does not intend to claim the vehicle, the ILO may sign an early disposal agreement with the owner, which transfers ownership of the vehicle to the ILO and allows them to dispose of it even if the impoundment period has not expired. In exchange the owner does not accumulate the full costs and charges that normally apply to a full-length impoundment. The lien on the vehicle is discharged and the ILO must dispose of the vehicle as irreparable, which means it may not be resold and must either be taken to an auto wrecker or used for parts or scrap. Any vehicle transferred under an early disposal agreement cannot be registered again for use on a highway.

The ILO and vehicle owner complete and sign a *Transfer/Tax Form*, entering "dismantle" in the vehicle status box. The ILO delivers the form and pays the filing fee to ICBC within 10 days following the transfer.

Policy: An ILO that fails to deliver the *Transfer/Tax Form* commits an offence and is subject on conviction to a fine of not more than \$2,000 or to imprisonment for not more than 6 months, or both.

The ILO must also:

- File with the OSMV a copy of the agreement and a statutory declaration stating that the ILO has completed a lien search and no other party has an interest in the vehicle.
- Receive notification of OSMV approval.
- Surrender the vehicle licence plates to ICBC.

Policy: An ILO that enters into an early disposal agreement is ineligible to apply for the OSMV to direct ICBC to refuse to issue (RTI) a driver's licence or insurance to the person who owned the vehicle when it was impounded. For more information on RTI, see section 4, *Debt Enforcement*.

Date of Disposal Agreements

*Motor Vehicle Act
Section 255(8)-(10),
(12), (14)*

If the owner of a vehicle that has been impounded does not claim the vehicle, the day after the impoundment period expires, the ILO may dispose of the vehicle as long as the ILO has provided the owner with 14 days notice of their intent to dispose of the vehicle. For more information, see *Motor Vehicle Act Disposal* in section 3, *Ending the Impoundment*.

An owner may enter into a date of disposal agreement with the ILO specifying that the ILO will not dispose of the vehicle for an additional time period following expiry of the impoundment period. This time period is negotiable between the ILO and the registered owner. In addition, the ILO may, at their discretion, require the owner to pay a deposit as security against the agreement, to be applied to the lien on the vehicle.

An ILO that enters into a date of disposal agreement must notify OSMV of the agreement as soon as practicable.

Policy: An ILO that enters into a date of disposal agreement is ineligible to apply for the OSMV to direct ICBC to refuse to issue a driver's licence or insurance to the person who owned the vehicle when it was impounded. For more information on RTI, see section 4, *Debt Enforcement*.

Access to Vehicle and Personal Property

*Motor Vehicle Act
Section 251(6)*

Personal property in a vehicle that has been impounded, other than personal property attached to or used in connection with the operation of the vehicle, must be returned to the owner on request.

Policy: Access to personal property provisions apply from the moment police impound the vehicle. This includes the time when the vehicle is at the roadside prior to the arrival of a tow truck, and is at no cost to the owner.

An ILO that prevents an owner from accessing their personal property in an impounded vehicle does so at their own risk and assumes liability for the property. The OSMV does not resolve disputes between parties and will advise both parties of their option to resolve the dispute in civil court.

Attached to the Vehicle – Personal property attached only by a cigarette lighter adapter cable or an audio cable is not considered "attached" to the vehicle.

Examples of personal property attached to the vehicle include tires, car stereos, steering wheels, roof racks, and licence plates.

Connected with the Operation of the Vehicle – Personal property does not necessarily have to be attached to the vehicle to be considered connected with the operation of the vehicle.

Examples of personal property used in connection with the operation of the vehicle include radar detectors, GPS units, trailer brake controllers, and spare tires. iPods or portable media devices are not considered connected with the operation of the vehicle.

Access to Property by Parties Other Than Owner – Access to property may be required by representatives of the OSMV, ICBC, or by police officers for a continuing investigation.

3 Ending the Impoundment

The Impoundment ends when a vehicle owner successfully applies for early release or the impoundment is revoked following a review (see section 2, *During the Impoundment Period*), or the owner claims the vehicle after the impoundment period expires. If the owner does not claim the vehicle, it may be disposed of under the *Motor Vehicle Act* or *Warehouse Lien Act*. This section describes the process for releasing and disposing of vehicles.

Vehicle Release

<i>Motor Vehicle Act Section 264</i>	<p>An impounded vehicle may be released when:</p> <ul style="list-style-type: none"> A successful review revokes the impoundment and an <i>Order of Release</i> is sent to the impound lot operator stating who is authorized to retrieve the vehicle and responsible for paying towing and storage fees (for more information, see <i>Administrative Reviews</i> in section 2, <i>During the Impoundment Period</i>) The impoundment period ends and the vehicle owner or an authorized representative applies for release of the impounded vehicle
<i>Impoundment for 3 or 7 Days</i>	At the end of a 3- or 7-day impoundment, the vehicle may be retrieved directly from the impound lot without submitting a <i>Request for Vehicle Release</i> . The vehicle owner attends the impound lot with their <i>Notice of Vehicle Impoundment</i> to retrieve their vehicle and pay all towing and storage fees to the ILO. The ILO does not receive an <i>Order of Release</i> or report the release to the OSMV.
<i>Impoundment for 30 or 60 Days</i>	If the impoundment is for 30 or 60 days, the vehicle owner attends an ICBC point of service to complete a <i>Request for Vehicle Release</i> . If the agent has access to the ADP/VI system, they determine if the vehicle may be released and fax an <i>Order of Release</i> to the ILO. If they do not have access, they contact the OSMV, who determine if the vehicle may be released and fax the <i>Order of Release</i> to the ILO.
<i>Release on Non- Business Day</i>	If a vehicle release date falls on a non-business day, the <i>Request for Release</i> and <i>Order of Release</i> may be completed on the last business day before the release date. The <i>Order of Release</i> may be faxed to the ILO but must show the actual release date and not the date of application. The vehicle owner is responsible for contacting the ILO to find out if they are open on the release date.
<i>Release of Vehicle to Person Other Than Owner</i>	If the vehicle owner cannot attend the impound lot or ICBC point of service on the release date, the owner must complete an <i>Owner's Authorization</i> form authorizing another person to retrieve the vehicle on their behalf. The authorized person must submit the <i>Owner's Authorization</i> form and produce a valid driver's licence.
<i>Approving Request for Release</i>	<p>A <i>Request for Vehicle Release</i> is approved under the following circumstances:</p> <ul style="list-style-type: none"> The 30- or 60-day impoundment period has ended The driver was unlicensed and has now obtained a valid licence

If the request is approved, an *Order of Release* is faxed to the ILO. The owner or an authorized representative retrieves the vehicle and pays all towing and storage fees to the ILO, and the ILO completes the bottom half of the *Order of Release* and sends it to the OSMV.

Motor Vehicle Act Disposal

Motor Vehicle Act Section 265 (7)

If an impounded vehicle remains unclaimed after the impoundment period expires, the ILO may apply to the OSMV to dispose of the vehicle under the *Motor Vehicle Act* provided that:

- There is no security interest registered against the vehicle under the *Personal Property Security Act*.
- The amount of the ILO's lien on the vehicle exceeds the amount calculated by subtracting \$1,000 from the ILO's estimate of the value of the vehicle.

Notification to Owner

At least 14 days before requesting disposal, the ILO must mail to the registered owner a notice of their intent to dispose of the vehicle if the outstanding charges are not paid.

Policy: As a result, ILOs may not dispose of vehicles impounded for 3 or 7 days until at least 14 days have passed since the start of the impoundment.

Value of Vehicle

The value of the vehicle is estimated by the ILO and must be at least \$1,000 more than the amount of the lien. For example, if the ILO estimates the value of the vehicle at \$5,000, the amount of the lien has to be \$4,000 or more.

Impound Lot Operator Application for Disposal

If the owner does not respond to the notification from the ILO, the ILO may attend an ICBC point of service to submit a *Request for Disposal and Statutory Declaration* stating the following:

- The ILO has completed a lien search and no other party has an interest in the vehicle.
- At least 14 days before making the request for disposal, the ILO notified the registered owner of the vehicle of their intent to dispose of the vehicle if the lien was not paid.
- The amount of the ILO's lien on the vehicle exceeds the amount calculated by subtracting \$1,000 from the ILO's estimate of the value of the vehicle.

Copies of the disposal request and supporting documents are faxed to the OSMV, who reviews the request and determines whether to approve disposal of the vehicle. The value of the vehicle is reviewed using the wholesale price listed for BC in the *Gold Book*. The OSMV may request a written explanation if the vehicle value is in dispute.

Motor Vehicle Act Section 265 (11)

The OSMV sends a decision letter to the ILO. If disposal is approved, they direct ICBC to:

- Cancel the vehicle licence.
- Transfer registration of the vehicle to the ILO.
- Forward any refund from cancellation of the vehicle licence to the previous registered owner of the vehicle.

- If the ILO surrendered the vehicle licence plates, destroy them if disposal is approved, or if disposal is not approved, return them to the point of service to be picked up by the ILO.

Warehouse Lien Act Disposal

*Motor Vehicle Act
Section 265 (3) and (4)*

Vehicles that have a security interest registered against them under the *Personal Property Security Act* may only be disposed of under the *Warehouse Lien Act*. The OSMV does not authorize disposal of a vehicle with an existing lien.

An ILO does not need to obtain OSMV approval to dispose of a vehicle under the *Warehouse Lien Act*, but must notify the OSMV within 5 days of the disposal. They must send a completed and notarized *Declaration of Seizure of a Vehicle under the Warehouse Lien Act* and a copy of the vehicle registration, along with the VI number, vehicle identification number, and vehicle make and year. For more information, see the *Warehouse Lien Act*.

Release of Valued Abandoned Vehicles

A *valued abandoned vehicle* is a vehicle that has been left at an impound lot by the registered owner but is worth at least \$1,000 more than the amount of the lien. These vehicles may be owned outright by the registered owner, may have a security interest registered against them under the *Personal Property Security Act*, or may be leased by the owner. The OSMV does not authorize disposal of a vehicle where the value of the vehicle, less \$1,000, exceeds the lien. In these circumstances the ILO may dispose of the vehicle under the *Warehouse Lien Act*.

Balliffs acting for third parties with a security interest registered against the vehicle under the *Personal Property Security Act* have no jurisdiction to seize vehicles impounded or abandoned under the Vehicle Impoundment Program unless they have authorization from the registered owner or a court order and they obtain a release from the OSMV or ICBC. The party with the security interest must pay all towing and storage costs.

4 Debt Enforcement

This section describes the process for enforcing the debt owed to Impound lot operators by owners who do not claim their vehicle.

Impound Lot Operator Application

If an impounded vehicle remains unclaimed after the impoundment period expires, the ILO may apply to the OSMV to dispose of the vehicle by sale or otherwise (for more information, see section 3, *Ending the Impoundment*). Once the OSMV approves disposal and the ILO disposes of the vehicle, the ILO may apply to the OSMV to direct ICBC to refuse to issue (RTI) a driver's licence, licence plates, or any permit to the person who owned the vehicle when it was impounded, until payment has been made to the ILO that stored the vehicle. The intent is to support ILOs in collecting debt (towing, storage charges) from owners who abandon their vehicle.

Criteria for Approval

Policy: For an application for RTI to be approved by the OSMV, the following criteria must be met:

- The ILO applied for vehicle disposal within 14 days of the end of the impoundment period.
- The ILO has not entered into an early disposal agreement with the owner.
- The ILO has not entered into a date of disposal agreement with the owner.
- The vehicle was not disposed of under the *Warehouse Lien Act*.
- The towing, storage, and disposal costs exceed the compensation the ILO has received for the disposed vehicle.

For more information on vehicle disposal, see section 3, *Ending the Impoundment*. For more information on early disposal agreements and date of disposal agreements, see section 2, *During the Impoundment*.

Refuse to Issue

*Motor Vehicle Act
Section 255 (11)*

Once an application for RTI is approved, there is a 30 day waiting period from the date that the vehicle disposal was approved. Then, the Superintendent will direct ICBC to refuse to issue a driver's licence, vehicle insurance, or both, to the person who was the owner of the vehicle at the time it was impounded. The RTI direction will remain in place until rescinded by the Superintendent (see *Rescinding Direction to Refuse to Issue* below).

Rescinding Direction to Refuse to Issue

*Motor Vehicle Act
Section 255 (13)*

The ILO discharges the lien on the vehicle when they dispose of the vehicle or when the lien is paid by the person who owned the vehicle when it was impounded, or both. The ILO must notify the OSMV that the lien has been discharged, and the OSMV must direct ICBC to rescind the RTI. The person may then obtain a driver's licence and insurance.

The direction to ICBC to RTI may be rescinded at any time at the OSMV's discretion.

Policy: Examples of when the OSMV may issue this direction include the following:

- The ILO is no longer in business.
- The ILO refuses to accept payment of the lien from the person who owned the vehicle when it was impounded.
- The ILO accepted payment on the lien but failed to notify the OSMV.
- The person believed to own the vehicle was not the owner of the vehicle at the time it was impounded.
- Other reasons why the lien cannot be discharged through no fault of the person who owned the vehicle when it was impounded. The person who owned the vehicle when it was impounded must provide evidence why the lien cannot be discharged.

5 Impound Lot Operator Qualification / Approval

The OSMV maintains an approved list of qualified tow companies referred to as impound lot operators. As necessary, the OSMV reviews existing impound lot operator (ILO) agreements and considers new entrants to the program. This section describes the standards an ILO must maintain to qualify as an approved ILO in the program.

Impound Lot Operator Application

When an ILO applies to the Vehicle Impoundment Program, the OSMV qualifies the company's ability to meet the standards listed below. The ILO is required to meet these standards at all times while participating in the program, and may be subject to performance audits. An agreement specific to this program must be entered into between qualified ILOs and the OSMV.

Standards for Approval

To qualify as an approved ILO in the VI Program, the ILO must meet the following standards:

- Impound lots, records, and tow vehicles must be maintained according to program requirements in the *Procedures for Impound Lot Operators* and must be available for inspection by OSMV/ICBC or law enforcement representatives.
- The ILO must have a valid ICBC supplier number.
- Impound lots must meet the following standards:
 - Must provide secure storage for all types of vehicles, including some space for vehicles up to a maximum of 45 ft in length.
 - Must consist of an asphalt surface or other well-graded and drained surface condition.
 - Must have a minimum 6-ft chain link fence or equivalent around the perimeter plus a 12-in. barbed wire overhang and a locking gate of matching height. The fence, overhang, and gate must be maintained in good repair at all times.
 - Impounded vehicles must not be stored in the same area as vehicles under repair, being dismantled for parts, or other similar activities.
 - Access to impounded vehicles must be strictly controlled. Unaccompanied vehicle owners or public access is not permitted at any time.

Disqualification or Withdrawal

ILOs must maintain these standards during the term of the agreement with the OSMV. If they fail to adhere to the standards, they may be disqualified at any time.

Either party may withdraw from the agreement by providing 30 days' notice in writing. If either party withdraws, any impounded vehicles in storage remain impounded under all original program terms, conditions, and rates until the vehicles are released to the owners or disposed of in the prescribed manner.

Annual Re-Qualification

Each year, ILOs must confirm that the information on file at the OSMV is accurate and that they continue to meet the standards listed above by completing and submitting a form in the month they originally entered into the agreement with the OSMV. If they fail to confirm, their status as an approved ILO may be rescinded and the OSMV will notify police to stop impounding vehicles there.

Chapter 4, Reviews for Vehicle Impoundments

- 4.1 Grounds for Review for Vehicle Impoundments**
- 4.2 Conducting Reviews for Vehicle Impoundments**
- 4.3 Writing Review Decisions for Vehicle Impoundments**
- 4.4 Completing Review Files for Vehicle Impoundments**

Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles



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4.1, Grounds for Review for Vehicle Impoundments

This procedure describes the grounds for review for vehicle impoundments and the criteria to test each ground. It covers:

- Grounds for police impoundment
- Reviewing the grounds / changing the grounds
- Disallowed grounds for review
- Wrongful impoundment
- Where owner is driver
- Where owner is not driver
- Owner disputes period of impoundment
- Compassionate grounds for cohabitants
- Economic hardship grounds for business owners
- Grounds for non-impaired driving offences

The considerations, questions, and examples given in this section are intended as guidelines for adjudicators and are not binding. You must make a determination of the validity of the grounds by reviewing only the evidence before you, including the applicant's written submissions and oral arguments. If any relevant evidence is missing, you cannot request it from the applicant/lawyer, even if the lack of it may compromise their case.

Keep in mind that although cases may appear to be similar, each case is unique based on its facts. All facts must be carefully considered before reaching a decision. Depending on the circumstances, certain factors may be given more weight than others.

Grounds for Police Impoundment

Impaired driving prohibitions

Police may issue a *Notice of Impoundment* to the driver at the same time they issue an immediate roadside prohibition (IRP) for impaired driving under the *MVA* s.215.43(1) or (2):

- 3, 7, or 30-day impoundment for a BAC between 50 and 80 mg%, to match the driving prohibition term (the escalation depends on the number of previous impaired driving prohibitions the driver has had in the last five years).
- 30-day impoundment for a BAC of 80 mg% or higher, or for failing or refusing to submit a breath/blood sample for an ASD.

Note: 3 and 7-day impoundments for impaired driving are at the discretion of the officer, while 30-day impoundments are mandatory.

There is no review process available for a 3 or 7-day impoundment. An owner or driver who wishes to dispute a 30-day vehicle impoundment on the grounds that they disagree with the associated impaired driving prohibition must apply for a review of the IRP. The outcome of that review will resolve whether a vehicle should be released, provided there are no other outstanding offences associated with the impoundment (such as excessive speeding and race and stunt offences).

Under the *MVA* (Sections 256 to 258) there is a right to apply for early release of a vehicle under certain grounds that are independent of the driving prohibition. Those who reside with a vehicle owner and hold a valid driver's licence may apply for a release on compassionate grounds. Business owners may apply for early release of their vehicle on economic hardship grounds. They must apply within 15 days of the *Notice of Impoundment*.

Non-impaired offences

Police must impound vehicles for 7 days (*MVA* s.251) when they have reasonable and probable grounds to believe that a driver:

- Was driving while prohibited under the *Motor Vehicle Act* or the *Young Offenders Act*
- Was driving while suspended under the *MVA*
- Was driving while unlicensed and was not otherwise exempt from the requirement to hold a licence
- Was driving in excess of 40km/h over the speed limit in violation of *MVA* s.148
- Was engaged in a race where the officer intends to charge the driver with a serious offence related to the race
- Was engaged in a dangerous driving activity (stunt)
- Was not sitting properly astride a motorcycle
- Was driving a motorcycle while unlicensed or underlicensed

If the owner or driver had one or more previous impoundments in the last two years, an OSMV Intake Agent will escalate the 7-day impoundment to 30 days for a second impoundment, or 60 days for a third or subsequent impoundment.

The owner or driver may only apply to the OSMV for a review of an impoundment that has been escalated to 30 or 60 days by the OSMV.

Reviewing the Grounds / Changing the Grounds

Reviewing the grounds

When the driver applies for a review, the Appeal Registry determines if the grounds for review are valid. However, you should always check to be sure when you are assigned the file. For example, check the Drivers system to determine if the driver was unlicensed or prohibited at the time of the impoundment, and whether the prohibition (if any) led to the vehicle impoundment.

If you determine that the grounds selected are not applicable, you can proceed with alternate grounds with the applicant's consent.

Changing the grounds

If evidence supports returning a vehicle to an applicant on grounds other than that chosen by the applicant on the *Application for Review*, you should change to another ground on the application that would allow for the return of the applicant's vehicle.

An Economic Hardship or Compassionate Grounds claim requires an applicant to file a different *Application for Review* form.

Disallowed Grounds for Review

Regardless of the ground that the owner or driver applies under, it is not your role to determine whether or not the individual was actually driving.

You can only review vehicle impoundments under the grounds provided for in the legislation (*MVA s.258*). Grounds that cannot be considered include (this list is not exhaustive):

- Identity of the driver (this has already been established by the police)
- Hardship for spouse or others (except for a cohabitant of the vehicle owner)

The Economic Hardship ground is only available to a business owner, while the Compassionate Ground is only available to a cohabitant of an owner. All other grounds for review are available only to the vehicle owner.

Wrongful Impoundment

Sometimes the police will notify the OSMV that an impoundment was in error. If the police provide sufficient information to demonstrate that the impoundment was wrongful, you may release the vehicle and the owner will not be subject to any towing and storage fees. However, if the police do not provide sufficient information, contact the police to determine why the vehicle was wrongfully impounded (e.g., police or system error). Police evidence should be provided in writing and with reasons.

Another reason for wrongful impoundment is if the police issued an impoundment notice using the old form. After September 2010, only the new *Notice of Impoundment* (MV 2721, 09/10) is considered valid. If the wrong Notice was issued, the impoundment must be annulled without a review.

Once you are satisfied that a motor vehicle has been wrongfully impounded, you may, under *MVA s.266*:

- Order the release of the vehicle from impoundment.
- Waive any fee, cost, or charge payable to the OSMV.
- Indemnify the owner of the motor vehicle for any direct cost incurred for the impoundment.

If you are not satisfied that the police information demonstrates that the vehicle was wrongfully impounded, do not release the vehicle. The vehicle owner then has the option of applying for a review under any of the grounds set out in the *Application for Review*.

Where Owner Is Driver

When a vehicle is impounded for 30 days or 60 days, the owner of a motor vehicle (who was also the driver) may apply for a review on at least one of these grounds. Each is described in more detail below.

- The driver was not prohibited or suspended from driving under any provision in the *MVA s.251(1)*.
- The driver had no reason to believe they were prohibited or suspended.
- The driver held a valid driver's licence or was otherwise exempt from the requirement to hold a licence.
- The driver had a reasonable belief that they held a valid driver's licence or were otherwise exempt from the requirement to hold a licence.
- A notice to impound the vehicle should not have been on the driver's record under *s.252(1)*.

Driver not prohibited or suspended

A prohibited driver is one that has been prohibited under the:

- *Motor Vehicle Act*
- *Youth Justice Act (BC)*
- *Youth Criminal Justice Act (Canada)*
- *Criminal Code*

A suspended driver is one that has been suspended under the *MVA* Sections.89(1)(b) or (c), 232, or 233. A suspended driver cannot apply for or obtain a driver's licence.

The test under this ground is one of fact. If there is evidence to convince an adjudicator, on a balance of probabilities, that the driver of the motor vehicle was prohibited or suspended at the time of the impoundment, then the motor vehicle must remain impounded.

Grounds	Take into consideration
Driver not prohibited or suspended under any provision in the <i>MVA</i> s.251(1).	<ul style="list-style-type: none"> • Does the driving record show that the driver was prohibited or suspended at the time of vehicle impoundment?

Driver had no reason to believe they were prohibited or suspended

The test under this ground is also one of fact, but in addition includes examining whether or not the person had a reasonable belief that they were not prohibited or suspended from driving a motor vehicle under any provision in the *MVA*.

Grounds	Take into consideration
Driver had no reason to believe they were prohibited or suspended under any provision in the <i>MVA</i> (Sections 251(1)(a) or (b), 89(1)(b) or (c), 232, or s.233).	<ul style="list-style-type: none"> • Why does the applicant believe they were not prohibited or suspended? • Did they have (or could have had) a driver's licence in their possession? • Did they receive a notice telling them they were prohibited or suspended? • Did they attend court under any of the <i>MVA</i> provisions? • If they did attend court, what did the judge tell them? • If they attended court and had legal counsel, what did legal counsel tell them?

A person who has been prohibited from driving under the *MVA* s.99 (automatic prohibition against driving on conviction) is deemed to know that they were prohibited from driving.

If the applicant can satisfy you that they did not know they were convicted under Section 95,102, 224 or 226(1) of the *MVA*, or a motor vehicle-related *Criminal Code* offence, then they would satisfy the requirement of having "no reason to believe" they were prohibited.

Likewise, if an applicant could show an officially induced error, such as the court advising that they were not prohibited under the *MVA* s.99, they might be able to show they had no reason to believe they were prohibited. The error would have to be specific to s.99 and must be based on a statement from an appropriate official.

Driver held a valid driver's licence or was exempt

The test under this ground is one of fact. If a person holds an out-of-province driver's licence and does not ordinarily reside in British Columbia, they are exempt from holding a BC driver's licence. In this case, the vehicle should be released if all of these conditions are met:

- The driver is able to produce a valid out-of-province driver's licence.
- The driver's record suggests they do not ordinarily reside in BC (i.e., have never held a BC driver's licence, or have no record of offences in BC).
- The police officer's report does not indicate that the officer had reason to believe that the driver actually resides in BC.

Grounds	Take into consideration
Driver held a valid licence issued under the MVA, or was otherwise exempt from holding a licence under the MVA.	<ul style="list-style-type: none"> • Does the applicant hold a valid, out-of-province driver's licence? • Is there any reason to believe the applicant resides in BC (e.g., driving record, police report)? • Is the applicant a new resident of British Columbia (less than 90 days)? • Is the applicant a non-resident of BC with a valid licence from their home jurisdiction, but no International Driving Permit, and are within the 6-month limitation for obtaining a BC driver's licence? • Is the applicant a student registered at a specified educational institution with a valid licence from their home jurisdiction?

If a person holds an International Driving Permit, they must also hold a valid driver's licence from their home country and must produce both for a police officer if stopped. Applicants must provide both documents on review.

Driver had reasonable belief they held a valid driver's licence or was exempt

In this case, the driver should provide some reason for why they believed they held a valid driver's licence.

Grounds	Take into consideration
Driver had a reasonable belief that they held a valid driver's licence or were exempt from holding a driver's licence under the MVA.	<ul style="list-style-type: none"> • Why does the driver believe they held a valid driver's licence or were exempt from holding a driver's licence?

Notice to impound vehicle should not have been on driving record

The test for this ground is one of fact. The applicant should be able to demonstrate why a *Notice of Impoundment* should not have been placed on their driving record.

Grounds	Take into consideration
<i>Notice of Impoundment</i> (under MVA s.254(1)) should not have been placed on the driving record (under s.252(1)).	<ul style="list-style-type: none"> Was the driver ever convicted under the MVA s.24(1)? (Check the system for a flag: conviction of previous offence as unlicensed). Did the driver successfully appeal or dispute the s.24(1) conviction? Does the driver have an active appeal or dispute of the s.24(1) conviction? Has the driver been issued a licence since their last conviction?

Where Owner Is Not Driver

When a vehicle is impounded for 30 days or longer, the owner of a motor vehicle (who was not the driver) may apply for a review on at least one of these grounds:

- The driver was neither prohibited nor suspended under any provision in the MVA (Sections 251(1)(a) or (b), 89(1)(b) or (c), 232, or 233).
- The driver held a valid driver's licence or was otherwise exempt from the requirement to hold a licence.
- A notice to impound the vehicle should not have been on the driver's record.
- The owner exercised reasonable care and diligence in entrusting the vehicle to the driver.
- The driver took the vehicle without the owner's knowledge or consent.

Note: Considerations for the first three grounds are the same as described above, under *Where Owner is Driver*.

Owner exercised reasonable care and diligence in entrusting vehicle to driver

Under the MVA s.258(1)(b), an owner can apply for a vehicle impoundment review if they believe that they acted with reasonable care and diligence in entrusting the motor vehicle to the person who was in possession of the motor vehicle at the time of impoundment.

Note: Detailed information on the reasonable care and diligence ground, including criteria (tests), specific procedures for hearings, legal opinions and case law, and system updates, see the *Reasonable Care and Diligence Training Manual* (part of the *Vehicle Impoundment Manual*).

Acting with reasonable care and diligence means that, at the time the owner entrusted their vehicle with the driver:

- The owner actively considered whether or not the person was licensed and had reason to believe they were.
- The owner observed the driver's licence or took steps to determine the status of the licence.

The observations and steps taken will reflect the degree of care and diligence taken by the owner. It is not enough for the owner to have assumed that the driver held a valid driver's licence without having a satisfactory basis for that assumption.

Each situation will be unique and you must assess the totality of the evidence when determining what the owner did, and whether or not that evidence would

lead someone to reasonably conclude that the person to whom the vehicle was entrusted was licensed.

In cases where the owner did not actually observe a licence at the time they entrusted the vehicle, there must be other evidence consistent with the owner's belief that the driver was properly licensed. If a valid licence was observed in the past for example, the degree of evidence needed to support the reasonable belief that the driver was licensed will depend on how long ago the owner observed the licence.

The question of what is reasonable must take into account the circumstances. For example, the standard of reasonable care and diligence may not be applicable in an emergency situation where a person's health or life was at stake.

Grounds	Take into consideration
Vehicle owner had a firm basis for believing that the prospective driver possessed a valid driver's licence and was eligible to drive.	<ul style="list-style-type: none"> • When did the owner give the vehicle to the driver? • What steps or measures did the owner take to make sure the driver had a driver's licence? • What made the owner believe the driver had a driver's licence before the impoundment? • Has the owner ever seen the driver's licence? • What is the relationship between the owner and driver? • How long has the owner known the driver? • Under what circumstances did the owner lend their vehicle to the driver? • Has the owner ever lent the vehicle to the driver in the past? • Is the owner aware of any traffic violations, prohibitions, or suspensions that the driver had?

The question of what is reasonable will also vary depending on whether the owner is a rental company or a business.

Rental companies:

In cases where the driver has rented from a rental car company, the company should have evidence that they reviewed the driver's licence. They should have checked the photo and expiry date and recorded the driver's licence number.

Grounds	Take into consideration
Car rental company (vehicle owner) had a firm basis for believing that the prospective driver possessed a valid driver's licence and was eligible to drive.	<ul style="list-style-type: none"> • Does the company have an agreement in writing with the renter? • What steps did the company take to ensure the driver held a valid driver's licence before renting the vehicle to them? • Do they have a photocopy of the driver's licence?

Businesses using company vehicles:

For some types of vehicles, employers must obtain a driver's abstract prior to hiring an employee, and on the anniversary of hire every year, as per the *National Safety Code*. Vehicles covered by the *Code* include:

- Commercial vehicles licensed with a gross vehicle weight of more than 5,000 kg

- Vehicles operating under the *Passenger Transportation Act*
- Vehicles with a seating capacity of 10 or more passengers plus the driver

Except in extenuating circumstances, it is reasonable to expect that an employer would have a copy of a driver's abstract and that they monitor the status of an employee's driving record. It may be helpful for the company to provide you with the most recent driver's abstract, although it's not essential.

Grounds	Take into consideration
The business (vehicle owner) had a firm basis for believing that the prospective driver possessed a valid driver's licence and was eligible to drive.	<ul style="list-style-type: none"> • What types of licence checks are in place? • What is company policy? • Do they request to see the employees' driver's licence before they drive the vehicle? • How often do they check the employees' driving status? • What type of work is involved? • How long has the driver been employed with the company? • Have they ever given this individual a vehicle to drive before?

***Driver took vehicle
without owner's
knowledge or
consent***

Under the MVA s.258(1)(a), the owner of a vehicle can apply for release if they can demonstrate that the driver took the vehicle without the owner's knowledge or consent. Knowledge is a factual question: Did the owner actually know that the driver took the vehicle? The test is not whether a reasonable person should have been expected to know that in the circumstances the person was likely to take the vehicle – only whether the owner actually knew that the vehicle had been taken.

Lack of knowledge by itself is not enough to demonstrate a lack of "knowledge or consent." In this context, the word "or" creates multiple obligations rather than one alternative obligation. Therefore, if you can establish that the owner had no knowledge that the vehicle was being taken, you must establish whether or not there was consent. Consent refers to implicit as well as explicit consent, and to a general pattern of consent as opposed to a particular instance.

- The test for explicit consent is a factual determination: If evidence suggests that the applicant explicitly consented to the use of the vehicle, you can establish consent and confirm the impoundment.
- If you cannot establish explicit consent, you must consider whether or not there was implied consent. Consent can be implied where it is likely that, if the driver had sought consent, the owner would have granted it as a matter of course.

Grounds	Take into consideration
Driver was in possession of the motor vehicle without owner's knowledge or consent.	<p>Evidence going to knowledge:</p> <ul style="list-style-type: none"> • Where was the owner when the vehicle was taken? • Where was the vehicle when it was taken? • How did the driver take the vehicle without the owner's knowledge? • Where were the keys kept? <p>Evidence going to consent:</p> <ul style="list-style-type: none"> • Is the driver allowed to drive the vehicle? If no, why not? If yes, ask owner why they applied on this ground, as it may be a case of reasonable care and diligence instead. • Who has the keys to the vehicle? • Where were the keys placed? • How did the driver know where the keys were? • What did the owner do when they noticed the vehicle was gone? Did they report it stolen? • How did the driver take the vehicle without the owner's consent? <p>Evidence going to implied consent:</p> <ul style="list-style-type: none"> • Has the driver ever driven the vehicle in the past? If yes, what led to the withdrawal of consent? • How did the owner advise the driver that they had removed their consent? • If the driver had asked to use the vehicle, how would the owner have responded?

Sometimes the owner may have knowledge that the vehicle was being taken but consent was expressly denied, such as if the keys were taken by force. In such a case, interpretation of the word "or" should not preclude the release of the vehicle, because the grounds for review under knowledge or consent intersect with the grounds of review under reasonable care and diligence. The owner must demonstrate that they took steps to prevent the driver from taking the vehicle, and took steps to ensure that the driver knew they did not have consent.

Note: In cases where the vehicle was stolen according to the police report, the OSMV does not get involved because the police will simply release the impounded vehicle to the owner. However, if the police do not believe the vehicle was stolen, the applicant can apply for a review and try to convince the adjudicator that the vehicle was taken without their knowledge or consent.

Owner Disputes Period of Impoundment

This ground applies if the owner does not own a motor vehicle that was impounded within the last two years. The test under this ground is one of fact. You need only make a factual determination on whether or not the owner is the owner of a vehicle impounded within a two-year period prior to this impoundment, under the same section of the MVA. You can confirm the impoundment period under **Vehicle Tab** in ADP/VI by clicking on **Prior VI's** and doing a search.

Note: Upgrading or downgrading of an impoundment is done by the Appeals Registry and is noted on the file cover sheet.

Grounds	Take into consideration
Owner is not the owner of any motor vehicle impounded within two years before the date of this impoundment, under the same section of the <i>MVA</i> .	<ul style="list-style-type: none"> Does the ADP/VI system show that the owner had an impoundment within two years of the date of this impoundment, under the same section of the <i>MVA</i>?

An owner or driver requesting a review (of an IRP or non-impaired offence) might dispute an impoundment term by claiming they did not commit an offence when the prior (shorter) impoundment was issued. You are not obligated to investigate the circumstances of the previous impoundment. However, you should downgrade the term if the owner provides evidence to support their claim.

Compassionate Release Grounds for Cohabitants

A person who lives with the driver ("cohabitant") may apply for compassionate release of the vehicle under the *MVA* s.263, if they hold a valid driver's licence and have no reasonable alternative form of transportation.

This ground does **not** apply to the driver or registered owner of a vehicle, only to a cohabitant. Therefore, you do not need to consider whether the vehicle should have been impounded.

A person may apply for compassionate release of a vehicle if they meet all of the following conditions:

- They hold a valid licence or permit to operate a motor vehicle, issued under the *MVA* or in another jurisdiction.
- They are not prohibited or suspended from driving a motor vehicle.
- They are cohabitating with the owner of a motor vehicle at the time the vehicle was impounded under Section 251(1)(a), (b), or (c).
- They have the consent of the registered owner.
- They can demonstrate that the impoundment of the motor vehicle will:
 - Cause them to suffer a loss or curtailment of employment or educational opportunities, or
 - Prevent them, or someone under their care, from obtaining medical treatment.
- They have no reasonable alternative form of transportation, including public transportation that would:
 - Prevent the loss or curtailment of employment or educational opportunities; or
 - Allow the medical treatment to be obtained.

The applicant must demonstrate that any curtailment of employment or educational opportunities will cause hardship, and that the impact of the curtailment on future related activities will be significant. You can use discretion to determine whether or not any given curtailment constitutes a hardship.

Grounds	Take into consideration
Compassionate release of a vehicle to a cohabitant under the MVA s.263.	<ul style="list-style-type: none"> What is the applicant's relationship with the driver of the impounded vehicle? Does the applicant hold a valid driver's licence? Was the applicant cohabitating with the owner at the time of impoundment? Why aren't other means of transportation available or reasonable to the applicant?

Economic Hardship Grounds for Business Owners

Business owners may apply for the early release of a vehicle on economic hardship grounds under the MVA s.262. The ground was designed as a way to recover an impounded vehicle used in an active business; therefore, you do not need to consider whether the vehicle should have been impounded.

You must establish two facts:

- The vehicle is used in an active sole proprietorship, partnership, or company.
- The business has a reasonable prospect of earning income that depends on the impounded vehicle, and the continued impoundment would impose an economic hardship on the company.

Once those two facts are established, other factors to consider include:

- Whether the income generated by the impounded vehicle is a substantial amount of the anticipated income of the business, or
- Whether the impoundment otherwise imposes an economic hardship on the business.

Relevant evidence would include financial documents or other information that establishes the anticipated income of the impounded vehicle, and evidence speaking to the reliance of the business on the particular vehicle in question during the period of impoundment.

Grounds	Take into consideration
Economic hardship grounds for business owners under the MVA s.262.	<ul style="list-style-type: none"> How many vehicles does the owner's company have? Is the vehicle in question specialized? What is the vehicle used for? Is there any special equipment attached to the vehicle? What makes the vehicle so important?

Grounds for Non-Impaired Driving Offences

Unlicensed driving prohibitions

Note: Detailed information on unlicensed driving prohibitions, including UL reviews, decisions, system updates, and sample letters, can be found in the *Unlicensed Driving Prohibition Training Manual*.

For the UL prohibition and associated impoundment to be terminated, an unlicensed driver must provide proof to you that they:

- Are exempt from the requirement to hold a BC licence

- Hold a valid licence from another province at the time of the impoundment
- Were normally resident of that province within the three months prior to the prohibition being served

If the driver claims that the VI flag should not have been placed on their driver record, their submission must tell you why they hold that belief.

Other non-impaired offences

Possible grounds for a review of an impoundment for prohibited or suspended driving prohibitions, excessive speed, race or stunt offences, and motorcycle offences are contained in the *MVA* s.258, and include:

- The driver was not prohibited or suspended from driving at the time the vehicle was impounded.
- The driver had no reason to believe they were prohibited from driving.
- The driver held a valid driver's licence or was exempt from holding a driver's licence.
- The driver had a reasonable belief that they held a valid driver's licence or were exempt from holding a driver's licence.
- The motor vehicle was not operated in a manner defined as a race or stunt under the *MVA* s.250. (See considerations for the race offence ground in the following table.)

Grounds for race offence	Take into consideration
Motor vehicle was not operated in a race as defined under the <i>MVA</i> s.250.	<p>Driving behaviour:</p> <ul style="list-style-type: none"> • Eye or verbal contact between drivers • Revving of engine before accelerating • Quick acceleration from a stationary position • Skid (tire burn) marks • Straddling lines on road in order to pass/keep up with other vehicles • Two or more vehicles travelling close together and/or side-by-side at excessive speeds • Driver(s) ignoring traffic signs/signals • One driver trying to overtake another driver, outdistance another driver, or prevent another driver from passing. <p>Speed</p> <ul style="list-style-type: none"> • What was the speed of the vehicle? • What was the posted speed limit? • How quickly did the driver(s) accelerate? <p>Other:</p> <ul style="list-style-type: none"> • Were there racing modifications to the vehicle? • Was there any evidence of an organized race? • If the incident involved more than one vehicle, did the drivers of the vehicles know each other? • What time of day did the incident occur? (Generally, races take place at night and early morning.)

4.2, Conducting Reviews for Vehicle Impoundments

This procedure contains specific information relevant to conducting reviews for vehicle impoundments, including:

- Types of review
- Owner or driver *Application for Review*
- Information to consider in a review
- Reviewing the file
- Stayed prohibitions

When conducting a VI review, you should apply the same rules, skill sets, and guidelines as you do for driving prohibition reviews. See Section 2.2, *Legal and Policy Issues for Reviews*.

For information on the grounds for review of an impoundment, and what you should consider as criteria for meeting those grounds, see Section 4.1, *Grounds for Review for Vehicle Impoundments*. That section also explains criteria for Compassionate grounds and Economic Hardship grounds.

Note: Detailed information on vehicle impoundment reviews, as well as unlicensed driving prohibition reviews, can be found in the *Vehicle Impoundment Manual*.

Owner or Driver Application for Review

An owner or driver who wishes to dispute a 30-day vehicle impoundment on the grounds that they disagree with the associated impaired driving prohibition must apply for a review of the IRP. These reviews, including how to conduct an oral hearing, are covered in Section 3.2, *Conducting Reviews for Impaired Driving Prohibitions*.

An owner or driver can also dispute a 30 or 60-day escalated impoundment by applying for a review of an unlicensed driving prohibition.

The outcome of these reviews will resolve whether a vehicle should be released, provided there are no other outstanding offences associated with the impoundment (such as excessive speed and race and stunt offences). When drivers have a review of their driving prohibition, you must consider all applicable offenses as part of making a decision on whether to release the vehicle.

Under the *MVA* (Sections 256 to 258) there is a right to apply for early release of a vehicle under certain grounds that are independent of the driving prohibition. Those who reside with a vehicle owner and hold a valid driver's licence may apply for a release on compassionate grounds. Business owners may apply for early release of their vehicle on economic hardship grounds. They must apply within 15 days of the *Notice of Impoundment*.

For some non-impaired driving offences, the driver's vehicle is impounded but there is no accompanying driving prohibition. Impoundment-only offences include excessive speed, race and stunt offences, and motorcycle offences. In these

cases, the owner or driver may request a separate review of a 30 or 60-day impoundment that was escalated by the OSMV.

Types of Review

The driver or owner has a right to apply for a review of a 30 or 60-day impoundment under the *MVA s. 256(1)*. There is no review process available for a 3 or 7-day impoundment.

Prohibition / Offence Type	Vehicle Impoundment	Oral Review	Written Review
IRP	30-day mandatory vehicle impoundment	Yes*	Yes
Unlicensed driving prohibition	30 or 60-day escalated vehicle impoundment	No	Yes
Non-impaired offences, including prohibited or suspended driver, excessive speed, race or stunt offence, and motorcycle offences	30 or 60-day escalated vehicle impoundment	No	Yes

* For procedures on oral reviews, See Section 3.2, *Conducting Reviews for Impaired Driving Prohibitions*.

Applicant submissions for a written review range from a single handwritten statement to multipage submissions including sworn affidavit evidence from experts and witnesses, and even photographs. The lawyer's written arguments may include copies of supporting legal cases or transcripts of criminal proceedings. The applicant (owner or driver) is responsible for supplying all relevant evidence to support their case.

Information to Consider in a Review

It is your duty to review all evidence before you, no matter how extensive, and to not exclude any relevant evidence from consideration when making a decision. To conduct vehicle impoundment reviews, you must consider the incident report from the police, as well as the *Report to Superintendent (VI)*. You can also access and use the following:

- The information you have before you in the file, including:
 - Any relevant statements or information provided by the police officer, whether sworn or unsworn
 - Any relevant evidence or representations submitted by the applicant/lawyer for the review
- Relevant case law and the legal opinion folder on the common drive.
- The ADP/VI and Drivers databases to look at past reviews, driver history, and previous impoundments. (For example, if the owner says someone took their car without their knowledge or consent, you can look up relevant information such as whether the same person was driving in a previous impoundment incident).

For impoundments associated with an IRP, you may be able to consider the IRP *Report to Superintendent* in addition to the RTS for the vehicle impoundment, according to an OSMV legal opinion. Check with the Team Leader first.

Note: To ensure you have all the evidence submitted, check the ADP/VI system for faxes from the police and the applicant/lawyer, and contact an Intake Agent to see if they received anything. Do not contact the applicant to ask for a submission.

The applicant must provide enough evidence to satisfy you that they meet one of the grounds for release as set out in the *MVA s.258*.

The incident report from the police may be called the *PRIME Report*, or *PRIME Occurrence Report*, or *Report to Crown Counsel*. It outlines the details and circumstances of the event in question, and identifies the "serious offence" with which the officer intends to charge the driver. The incident report may or may not have been completed at the roadside by the police officer. For this reason, you must balance the incident report with the details found in other submissions from the officer when trying to assess whether the owner of an impounded vehicle was involved in a race.

The *Report to Superintendent* includes information similar to that contained in the incident report. Where it is unsafe or impractical to complete an incident report at the side of the road, the police officer may use the *Report to Superintendent* as the incident report.

You **cannot** look at or consider the following:

- Evidence of hardship, transportation needs, personal circumstances, prior criminal convictions, and similar irrelevant evidence (except from co-habitants applying under Compassionate grounds or business owners applying under Economic Hardship grounds).
- Any other arguments and evidence that you determine are not relevant to the issue at hand, or outside your jurisdictional limits. (See later in this section for information on the jurisdictional limits of adjudicators.)

Reviewing the File

Each adjudicator can develop their own method of reviewing a file, but the important thing is to read all the evidence and address the issues that will determine the outcome. You may want to organize the evidence so you can find the information easily if the applicant/lawyer refers to specific sections.

When reviewing the file, keep the file contents in the same order they were in when you received the file. This will enable you and anyone looking at the file to quickly determine which documents were faxed to the lawyer. You may use a highlighter to review a file, but do not write on the evidence itself. You may also make case notes, but do not include them in the file.

Note: If issues come up around the grounds for review while you're reviewing the file, refer to Section 2.2, *Grounds for Review for Vehicle Impoundments*.

The following is a recommended way to review an impoundment file (see the *Foundations of Administrative Justice* manual for more suggestions).

1. Check the Drivers database to ensure the appropriate escalation was applied by the officer for impaired driving prohibitions, or by the OSMV for non-impaired prohibitions and offences.

2. Check that the *Report to Superintendent* from police is completed fully and is signed by the investigating officer.

Note: For further existing legal advice on the RTS, ask your Team Leader or check the Case Law files.

3. Check ADP/VI to verify the date of impoundment, the review date, and the phone number to call if it is an oral review.
4. Check the number of pages of disclosure faxed to the applicant/lawyer against the documents or evidence you will be considering. Also look on the *Application for Review* form to see what documents have been requested by the applicant.
5. Check that the disclosed evidence was sent to the correct fax number by checking the number on the fax transmittal report against the number for the lawyer listed on the cover sheet.
6. Read the file for any administrative and jurisdictional errors, because you may need to inform the applicant of the error before they make submissions.
7. Read the evidence to form a picture in your mind of what happened.
8. Assess the credibility and weight of the evidence by considering sworn vs. unsworn evidence, hearsay evidence, expert opinion evidence, and so on.

Note: If you discover errors or missing information in the file (for example, evidence has not been disclosed to the applicant), return the file to the Appeal Registry.

Conducting a Written Review

Written reviews are scheduled for a certain time of day on the *Review Schedule Report*. Wherever possible, you should conduct written reviews at the scheduled time or on the same day as written submissions were received from the applicant/lawyer.

Do not contact the applicant to ask for a written submission. A written review can proceed without any submissions from the applicant. In other words, if there is a lack of evidence to support the application, there is nothing you can do about it. You must make a decision based only on the evidence in front of you.

Releasing Vehicles for Stayed Prohibitions

If a prohibition is stayed for any reason (e.g., suspended while an appeal is in progress), the impounded vehicle must be released, unless the vehicle was impounded for 30 or 60 days for an additional reason. Costs and charges should be reimbursed to the owner if the prohibition is later overturned on review.

4.3, Writing Review Decisions for Vehicle Impoundments

This procedure outlines policies and guidelines for writing review decisions for disputed vehicle impoundments. It covers the following topics:

- Revoking an impoundment
- Confirming an impoundment
- Substituting a prohibition (race offence)
- Upgrading or downgrading an impoundment
- Revoking an unlicensed driving prohibition
- Justifying a decision
- Decision standards
- Legal issues / legal advice
- Using the letter templates
- Using the checklists
- Peer review of decision

Vehicle impoundment decisions must be made and sent within 7 days of an oral or written hearing. Decision letters for unlicensed reviews, Section 118 appeals, and race and stunt reviews, must be sent within 7 days of the review date.

After analyzing the nature, quality, and sufficiency of the evidence from both the applicant and the police, you will decide whether or not to revoke the impoundment or prohibition.

Under the *MVA* (s. 215.5), your decisions are limited to the following:

- Confirming an impoundment or a prohibition
- Revoking an impoundment or a prohibition
- Substituting (reducing) a prohibition term for a race review

For detailed information on vehicle impoundment decisions, see the *Vehicle Impoundment Manual*.

Note: Once you have finished your written review, you are under no obligation to accept late applicant/lawyer submissions. At your discretion however, you may accept late submissions if you have not yet sent the decision. (Late submissions **cannot** be accepted after an oral hearing.)

Revoking an Impoundment

Under the *MVA* s.258, you must revoke an impoundment if you confirm any of the following:

- The driver was in possession of the vehicle without the knowledge or consent of the owner.
- The owner exercised reasonable care and diligence in entrusting the motor vehicle to the driver.

- For impoundments done under s.251(1)(a), the driver was not prohibited from driving under any s.251(1)(a) provision at the time the vehicle was impounded.
- For impoundments done under s.251(1)(b), the driver's licence and the driver's right to obtain a driver's licence were not suspended under Sections 89(1)(b) or (c), 232, or 233 at the time the vehicle was impounded.
- For impoundments done under s.251(1)(c), the driver held a valid driver's licence, or was exempt under s.34 from holding a driver's licence, or a notice should not have been placed on their record under s.252(1).

However, if there are additional outstanding offences related to the impoundment, do not revoke the impoundment. (You may still consider whether a substitution is warranted.)

If you revoke the impoundment, arrange for release of the vehicle from the impound lot:

- Contact the owner to inform them their vehicle is being released.
- Fax an *Order of Release* to the impound lot.

Note: Because 3 and 7-day impoundments for impaired driving will already be completed by the time an IRP review takes place, a revoked impoundment means that vehicles are released earlier only for 30 and 60-day impoundments. However, all revoked impoundments are removed from the driver's record, with the driver entitled to refunds for towing and storage costs.

Confirming an Impoundment

If you cannot confirm any of the circumstances listed above under *Revoking an Impoundment*, you must confirm the impoundment and not release the vehicle if it is still impounded.

Substituting a Prohibition (Race Offence)

Once the prohibition for a race offence has been confirmed, you must look at whether the appropriate prohibition term was applied.

A prohibition can be issued for a maximum of 24 months. Consider the following as a guideline (it is not absolute policy):

0 to 3 months:

- There was minimal risk to road users other than the driver.
- Vehicular traffic was light or lighter than normal.
- Speed did not exceed 40km/h of the posted speed limit.
- Driver has a clean record or only minor violations.

4 to 6 months:

- Vehicular or pedestrian traffic was moderate to heavy.
- Speed exceeded 40km/h over the posted speed limit.
- The driver has past excessive speed offences, past prohibitions, or other MVA moving offences.

7 to 12 months:

- There was significant risk to road users other than the driver.
- Vehicular and pedestrian traffic was moderate to heavy.
- Speed was between 40km/h and 80km/h over the posted speed limit.
- The driver has received a combination of two or more of the following:
 - Past prohibitions (>3 months) under *MVA 93(1)*
 - Excessive speed offences
 - Other MVA offences

18 to 24 months:

- There was extreme risk to road users other than driver.
- Speed exceeded 80km/h over the posted speed limit.
- The driver has a history of multiple prohibitions and/or driving offences.

Note: Evidence of an organized race can include spectators, information on a website, Facebook posts, or similar evidence.

Upgrading or Downgrading an Impoundment

For an owner or driver to be subject to a 30 or 60-day vehicle impoundment, they must have had one or more prior impoundments within 2 years of this impoundment.

If the driving prohibition period is downgraded to a shorter term, you must also vary the impoundment period to the same term (if there are no other offences associated with the impoundment). Where there is a separate review for an impoundment, you may vary the period of the impoundment if you find that the impoundment period imposed is not supported by the facts of the case.

Note: Impoundment periods can be reduced or increased, while prohibition periods can only be reduced.

Revoking an Unlicensed Driving Prohibition

You must revoke an unlicensed driving prohibition when the driver has provided proof of one of the following circumstances:

- The driver was exempt from holding a BC driver's licence under the *MVA s.34*.
- The driver became exempt after being served the *Notice of Prohibition*.
- The *Notice of Prohibition* under the *MVA s.252* should not have been placed on the driver's record.

Note: Detailed information on unlicensed driving prohibitions, including UL reviews, decisions, system updates, and sample letters, can be found in the *Unlicensed Driving Prohibition Training Manual*.

Justifying a Decision

Reasons for the decision must be given in the decision letter, as required by the Supreme Court of Canada in *Baker*. The reasons must be clear and logical, and

drawn from your findings of fact. Properly justifying a decision fulfills the criteria of administrative justice, and allows the client to consider whether to exercise their right to a judicial review to the Supreme Court of British Columbia.

If you determine that any evidence or arguments presented by the applicant/lawyer are irrelevant or non-credible, you must include written reasons for rejecting them in both successful and unsuccessful decision letters.

Decision Standards

You must follow these standards when writing the decision:

- Write clearly and concisely, in plain English.
- Express yourself in neutral terms and do not show any bias.
- Include a section explaining preliminary matters including biases, limitations, and jurisdiction.
- If you have no jurisdiction to answer a question or offer a remedy, acknowledge this. (*Charter* arguments and personal hardship arguments are examples.)
- Clearly identify the issues at the outset.
- State your decision and the reasons for it.
- Enumerate the information and evidence you reviewed to make the decision.
- Identify a clear set of relevant findings of fact, fairly drawn from the evidence. Respond to all the relevant submissions and arguments.
- Where there is conflicting evidence, explicitly identify the findings of fact on which the conclusions are based and the reasons for them.
- If irrelevant or non-credible evidence was presented, explain why you have not considered it.
- Ensure your reasoning is clear and understandable, and leads to a logical conclusion.
- Do not venture beyond what needs to be decided – avoid editorial comments, such as observations about lack of evidence, or what the result “might have been” with different evidence. Also avoid criticizing any person and disclosing unnecessary personal information.

Note: Anything relevant in your hearing notes must be included in the decision. However, your notes are private and non-disclosable, even if the applicant/lawyer later alleges a perceived bias. (They must be kept separate from the file and will be destroyed later.)

Legal Issues / Legal Advice

You are not allowed to do your own legal research, since that would put you in the role of investigator. You have access only to the relevant case law provided to you during training, and the legal opinion folder on the common W drive. Your role is to listen to what’s presented to you, and then apply the relevant case law and legal opinion, which you should be familiar with.

You are permitted to contact OSMV legal counsel through your Team Leader. The Team Leader will attempt to resolve the issue directly, obtain legal advice, or talk to a senior member of OSMV.

In cases where the applicant/lawyer is aware that you need to ask for legal advice (for example, on an interpretation of the evidence), you must disclose the information you receive to the applicant/lawyer. This is not necessary for simple clarifying questions.

Using the Letter Templates

Several Microsoft Word templates allow adjudicators to more easily prepare decision letters. A template saves having to retype the basic structure and elements of a decision letter and helps standardize its appearance. The templates can be modified and are not mandatory to use, but keep in mind that the OSMV has formatting policies for all correspondence leaving the office. For example, no underlining or the use of bold for emphasis is permitted.

Sample templates for VI decision letters are included in Appendix 3, *Forms and Templates*, including for:

- IRP
- Compassionate
- Economic hardship
- Unlicensed
- Section 118 appeal

While writing your decisions, save drafts to the **In-progress** folder on the W drive.

Peer Review of the Decision

Once you've written the decision, it must be edited by a peer reviewer (who may be another adjudicator).

1. Do not record your decision yet in ADP/VI.
2. Complete the *Adjudicator Decision Checklist* (see Appendix 3) and place it in the file.
3. Place a hard copy of the decision letter in the file and put it in the peer review basket (based on the date you require it back). If the review was successful, place a red RUSH flag on the folder.
4. Fill in the Peer Review log.

Note: Record which files you have sent for peer review, and when they need to be sent to the applicant. It is your responsibility to ensure that you do not miss any deadlines.

5. After receiving the edited decision (see below), review the corrections and make the necessary revisions to your decision. You may discuss any of the requested corrections with the peer reviewer.
6. Finalize the decision and record it in ADP/VI (see Section 4.4, *Completing Review Files for Vehicle Impoundments*).

The peer reviewer will conduct a comprehensive review of the decision letter, including:

- Correcting punctuation, spelling, and grammar
- Verifying the impoundment release date
- Ensuring the decision is clearly written
- Ensuring the reasons for your decision are understandable
- Verifying correct name and address of applicant, dates, file numbers, etc.
- Substantively reviewing the decision to ensure that all arguments and evidence have been properly evaluated and addressed
- Signing off on items checked off on the checklist once satisfied that they have been appropriately addressed

Note: If a peer reviewer notes any significant misapprehensions by the adjudicator on the evidence or arguments, the peer reviewer will discuss the issue with the adjudicator in a respectful and constructive manner. If they cannot agree and the peer reviewer feels the matter is crucial, the peer reviewer should bring the file to a Team Leader.

4.4, Completing Review Files for Vehicle Impoundments

This procedure outlines how to complete review files for vehicle impoundments. It covers procedures for finalizing the paperwork, updating databases, sending the decision to the applicant/lawyer, and filing the file, for each of these circumstances:

- Successful or downgraded impoundment review
- Unsuccessful or upgraded impoundment review

Note: Detailed information on completing vehicle impoundment files, as well as those for unlicensed driving prohibitions, can be found in the *Vehicle Impoundment Manual*.

If an applicant/lawyer cancels a review before it takes place, simply update the ADP/VI system accordingly, explaining in the **Comments** tab why the review was cancelled. Then file the review file. There is no refund for a cancelled review.

Successful or Downgraded Impoundment Review

Towing and storage fees

If the applicant succeeds in having their impoundment revoked (not just downgraded), the OSMV pays towing and storage except in the following circumstances:

- **Economic hardship:** The review fee is non-refundable and OSMV does not release the vehicle. Instead, the applicant must be sent to ICBC for release. Enter a comment in ADP/VI that the vehicle can be released on a successful economic hardship review. In addition to towing, storage, and related fees, the applicant must pay an economic hardship fee at a Driver Services Centre.
- **Compassionate release:** The review fee is non-refundable and the applicant must pay a release fee at a Driver Services Centre before OSMV will release the vehicle. The applicant is responsible for all towing, storage, and related costs.

Note: Use this procedure only where the applicant applied for a separate review of the impoundment itself (i.e., not solely because of an associated driving prohibition).

Procedure Follow this procedure for a successful impoundment review:

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision.
3. Save the decision on the W drive (W:\Correspondence Unit\adp_v\VI Decisions – Current Month).
4. If the applicant has a lawyer, send them a fax:

- Open a fax cover sheet by selecting from MS Word: **File, New, General Templates, More** (tab), **Faxes, FAX-General.dot**.
 - Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for vehicle impoundment # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet and fax cover sheet in the review file.
5. If the applicant does not have a lawyer, notify the applicant by telephone of the decision, and tell them their vehicle is being released.

Note: If you get an answering machine, leave only your name and number (250-356-6573), or call back in 10 minutes. Do not leave a message, as the applicant may not be the only one to hear the message.

6. If the vehicle needs to be released, complete an *Order of Release* by hand:
- Ensure the **Vehicle Impoundment Number** includes the prefix "20-".
 - For the **Impound Lot Address**, enter their fax number.
 - If the review was successful on any of the VI grounds, check the box: "Collect towing and storage costs from the owner or authorized person."
 - Fax the *Order of Release* to the ILO (impound lot operator).

Note: The vehicle may already be released if the impoundment period has expired, or if the owner was unlicensed and has now obtained a valid licence, or if the vehicle was stolen.

If an impoundment is downgraded but the impoundment period has not expired yet, notify the ILO of the new impoundment term length, and process the *Order of Release* on the release date. The owner will be responsible for towing and storage costs.

7. For *Notices of Impoundment* prior to September 2010 that resulted in a revocation, complete a *Refund Request*:
- Open the *Refund Request* form template from: W:\Staff\co-op\ADP\Refund form 2005.dot.
 - Check the Drivers system for the **Applicant No** (use command **qcn**).
 - Check the bottom right of the *Application for Review* for the **Original Receipt No/Ticket No**.
 - Check off **\$100** for an oral review, or **\$50** for a written review.
 - Print two copies of the refund request. Do not save it in MS Word.
 - Leave one copy in the Team Leader's basket. (The Team Leader will review it and fax it to ICBC.)

Note: As of September 2010, refunds of the impoundment review application fee are no longer provided when the review is successful.

8. Update the ADP/VI system:

- In the **Review** tab, click **Decision**.
- Indicate the decision (**Successful** or **Downgraded**), review date, date mailed, grounds for review, date phoned, and your name (first initial and last name only).
- Add the following in the **Comments** tab:
 - Successful: "Review successful, letter sent on [date], applicant called, Order of Release faxed to ILO on [date]."
 - Downgrade: "Impoundment downgraded to [period], letter sent, called applicant."
- If more than one review was conducted or multiple grounds were considered, note the details in the **Comments**.
- Open the VI file.
- In the **Misc** tab, select the **Release Reason** and indicate the authorized release date under **MVB Auth. Release Dt.**
- Press **Save** and **OK**. (ICBC's Vehicles and ADC systems will be automatically updated with the authorized release date.)

9. Remove the prohibition and change the date of the VI candidate flag in Drivers to reflect the same date as the MVA s.24(1) offence (no driver's licence).

10. Mail one copy of decision to the applicant.

- Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
- Place it in a window envelope with the Ministry name and logo.
- Ensure that only the applicant's name and address is visible in the window.
- Place the sealed envelope in the outgoing mail basket.

11. File the completed folder in the file room:

- Remove from the file any notes, including your hearing notes.
- Remove the *Adjudicator Worksheet* stapled to the front and the file tracking sheet from the front of the file.
- Mark or stamp as "File Copy" the second copy of the decision and the *Refund Request*.
- Place the file in the appropriate place in the file room. Files are stored in numerical order by month served (the date on the file's tab).
- Shred your notes.
- Place the *Checklist of Facts* in your Team Leader's inbox.

12. Complete the *Prohibition Log* (see later in this section for more information).

Unsuccessful or Upgraded Impoundment Review

Follow this procedure for an unsuccessful review that confirmed a vehicle impoundment or upgraded it to a longer term:

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision.

3. Save the decision on the W drive (W:\Correspondence Unit\adp_vi\VI Decisions – Current Month).
4. If the applicant has a lawyer, send them a fax:
 - Open a fax cover sheet by selecting from MS Word: **File, New, General Templates, More** (tab), **Faxes, FAX-General.dot**.
 - Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for vehicle impoundment # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet and fax cover sheet in the review file.

Note: If the applicant does not have a lawyer, do **not** notify the applicant of the confirmed or upgraded impoundment by telephone. Impoundments are confidential. Do not leave messages or discuss with anyone.

5. Update the ADP/VI system:
 - In the **Review** tab, click **Decision**.
 - Indicate the decision (**Unsuccessful** or **Upgraded**), review date, date mailed, grounds for review, and your name (first initial and last name only).
 - Add the following in the **Comments** tab:
 - Unsuccessful: "Review successful, letter sent on [date], applicant called, Order of Release faxed to ILO on [date]."
 - Upgrade: "Impoundment upgraded to [period], letter sent, called applicant."
 - If more than one review was conducted or multiple grounds were considered, note the details in the **Comments**.
 - Press **Save** and **OK**.
6. Mail one copy of decision to the applicant.
 - Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
 - Place it in a window envelope with the Ministry name and logo.
 - Ensure that only the applicant's name and address is visible in the window.
 - Place the sealed envelope in the outgoing mail basket.
7. File the completed folder in the file room:
 - Remove from the file any notes, including your hearing notes and the *Adjudicator Worksheet*.
 - Remove the file tracking sheet from the front of the file and add it to the file along with any final notes you wish to enter.
 - Mark or stamp as "File Copy" the second copy of the decision, *Refund Request*, and *Application for Review*.
 - Place the file in the appropriate VI file in numerical order by month served (the date on the file's tab).

- Shred your notes.
8. Complete the *Prohibition Log* (see below).

Prohibition Log

For statistical purposes, you must keep a record of the results of every review you complete.

Note: In the future, the ADP/VI system will be able to produce these statistics, but in the meantime adjudicators should continue to use the *Prohibition Log*.

The *Prohibition Log* can be found at: W:\Correspondence Unit\adp_v\Prohibition Stats. It is an Excel spreadsheet.

To complete the log:

1. Enter the required data under each column in the table.
2. Enter statistics in the format requested. For example, the required date format is **dd-mmm-yyyy**.

Note: Do not cut and paste data from a Word document or email program, as this will interfere with the functionality of the Excel sheet.

3. As you enter the data in each cell, press **Enter** to save it.
4. After entering all the data, double-check the accuracy, especially your numbers, the prohibition file number, and applicant name.
5. Save the Prohibition Log.
6. **Important:** Close the log, as it can only be accessed by one person at a time.

Chapter 5, Other Reviews and Inquiries

- 5.1 Judicial Reviews**
- 5.2 Adjudicating Section 118 Reviews**
- 5.3 Post-reviews, Re-hearings, and Inquiries**

Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles



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5.1, Judicial Reviews

This procedure describes judicial reviews. It covers the following topics:

- What is a judicial review?
- Jurisdictional error
- Process and roles
- Ombudsman complaints

What is a Judicial Review?

A judicial review is a court review of an adjudicator's decision initiated by an applicant/lawyer who feels aggrieved by the decision. The applicant/lawyer has the right to apply for a judicial review at the Supreme Court of British Columbia if they believe there are grounds to demonstrate that the adjudicator made a jurisdictional error in reaching the decision.

The court has jurisdiction to ensure that the prohibition and the review was fair and effective. If the court finds there are grounds, it quashes the decision and sends the case back to the OSMV for a new review. The court cannot substitute its own decision.

For more information on judicial reviews, see Section 2 of the manual *Foundations of Administrative Justice*.

Jurisdictional Error

The grounds for a judicial review are alleged jurisdictional errors. A jurisdictional error occurs when the adjudicator does one of the following:

- Misinterprets the *Motor Vehicle Act*
- Fails to follow the rules for procedural fairness regarding the evidence
- Makes an "unreasonable" decision

Judicial reviews occur infrequently, and very rarely for the third reason.

To misinterpret the *Motor Vehicle Act* means either that the adjudicator exceeded the jurisdiction provided for them in the Act, or failed to exercise some of the jurisdiction they were given. You are limited to determining only whether to confirm or revoke a prohibition/impoundment or vary its duration, according to whether the evidence corresponds to the fact pattern set out in the legislation. Further, you must consider and make findings on certain issues, such as whether or not the person was operating or in care or control of a motor vehicle. See the *Checklists of Facts* in Appendix 3, *Forms and Templates*, for information that must be considered.

You are required to act fairly and follow the principles of administrative justice, also called "natural justice." See Section 2.2, *Legal and Policy Issues for Reviews*, as well as Section 3 of the manual *Foundations of Administrative Justice*.

The following excerpt from the British Columbia Court of Appeal decision in *Nagra v. British Columbia (Superintendent of Motor Vehicles)* outlines the

approach courts take in considering the reasonableness of an adjudicator's decision:

[17] In *Gordon v. British Columbia*, 2002 BCCA 224, 100 B.C.L.R. (3d) 35, the court held that an adjudicator's decision should only be overturned if it is "patently unreasonable" (para. 28). That case has been overtaken by more recent pronouncements of the Supreme Court of Canada dealing with common-law standards of judicial review, namely, *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190, and *Canada (Citizenship and Immigration) v. Khosa*, 2009 SCC 12, [2009] 1 S.C.R. 339. The parties agree that, in light of those decisions, an adjudicator's decision can now only be overturned if it is "unreasonable", i.e., the standard of review is "reasonableness."

In *Khosa*, Justice Binnie said this about the "reasonableness" standard:

[59] "Reasonableness is a single standard that takes its colour from the context. One of the objectives of *Dunsmuir* was to liberate judicial review courts from what came to be seen as undue complexity and formalism. Where the reasonableness standard applies, it requires deference. Reviewing courts cannot substitute their own appreciation of the appropriate solution, but must rather determine if the outcome falls within "a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir*, at para. 47). There might be more than one reasonable outcome. However, as long as the process and the outcome fit comfortably with the principles of justification, transparency and intelligibility, it is not open to a reviewing court to substitute its own view of a preferable outcome."

Process and Roles

When an applicant/lawyer applies for a judicial review, the Legal Services Branch receives a filed or an unfiled petition. The lawyer at LSB contacts the Appeal Registry team who forwards a copy of the file. The lawyer evaluates the grounds for the review.

If it appears that the adjudicator may have made a jurisdictional error in the decision, the lawyer discusses the matter with a Team Leader and/or Manager to decide on strategy.

- **Unfiled petition:** If they agree there was a probable jurisdictional error, it does not go to a judicial review. Instead, the OSMV retracts the decision and schedules a new review for the applicant/lawyer.
- **Filed petition:** An offer of a re-hearing is made to the applicant's lawyer. If accepted, OSMV retracts the decision and schedules a new review. If not accepted, the matter goes ahead to a Judicial Review. In either case, the OSMV requires an entered Consent Order before going ahead with a re-hearing.

If it appears that the adjudicator did not make a jurisdictional error in the decision, the Team Leader signs an affidavit for the court attesting to the documents that were before the adjudicator in the review. The decision and documents are attached to the affidavit and submitted to the court, and OSMV legal counsel defends the adjudicator's decision in court.

Adjudicators have no role in the judicial review process. After the court has made a decision, all adjudicators will be advised of the decision in terms of how it impacts their future decision-making, such as a new restriction on what evidence they can look at. If warranted, additional training will be given to adjudicators, and OSMV policy or procedures will be changed accordingly.

When the court orders a new review, it will be scheduled and assigned in the normal way, including potentially to the adjudicator who did the original review.

Ombudsman Complaints

The applicant can also contact the Office of the Ombudsman if they feel they were treated unfairly. The Ombudsman investigates complaints about administrative unfairness, settles complaints through consultation, and makes recommendations to public agencies to resolve unfairness.

5.2, Adjudicating Section 118 Appeals

This procedure describes OSMV adjudication of Section 118 appeals by drivers who are disputing an ICBC decision to restrict their driving privileges. It covers the following topics:

- What is a Section 118 appeal?
- Types of appeals by drivers
- Driver appeal procedure
- Decision criteria and considerations
- Writing and submitting the decision

What is a Section 118 Appeal?

Part 2.1 of the *MVA* (Sections 118.1 to 118.92, *Appeals and Show Cause Hearings*) allows a driver to file an appeal with the OSMV for certain ICBC decisions that restrict a driver's privileges.

ICBC can restrict a driver's privileges under the *Motor Vehicle Act*, such as cancelling a licence or refusing to issue one because of unpaid ICBC debts. Because ICBC's decision is discretionary and done without a hearing, the *MVA* provides an independent avenue of appeal for drivers who have been restricted.

Section 118.3 delegates authority to the Superintendent of Motor Vehicles to consider and decide these appeals. It also allows the Superintendent to set procedures for appeals and states that the OSMV is not bound by legal or technical rules of evidence.

Section 118.2 authorizes the Superintendent to refer appeals to adjudicators.

Note: *MVA* Sections 118.4 to 118.6 cover "show cause hearings," which are not heard by OSMV adjudicators.

Types of Appeals by Drivers

Section 118.7 lists every type of ICBC decision that adjudicators may review on appeal. They include:

- Imposition of a restriction or condition on a driver's licence (under *MVA* s.25(14))
- Refusal to issue a driver's licence (under *MVA* s.26(1))
- Cancellation of a driver's licence (under *MVA* s.26.1)
- Issuance of a short-term driver's licence (under *MVA* s.27)
- Prohibition of the person from driving a motor vehicle (under *MVA* s.27)
- Refusal to issue a driving school licence or a driving trainer's instructor's licence
- Refusal to issue certification for an AirCare repair centre or as an AirCare repair centre technician
- Refusal to accept proof of a person's financial responsibility (under *MVA* s.106(2)(3))

- Refusal to issue a financial responsibility card, decal, or sticker (under MVA s.111)
- Cancellation of a person's financial responsibility card

The two most common types of ICBC decisions that are appealed are:

- Refusal to issue a driver's licence because of debt
- Cancellation of a driver's licence because of debt

Most debts are violation ticket fines, *Criminal Code* motor vehicle-related fines, and ICBC debts, including insurance debt, driver point premiums, and insurance claims.

Note: The OSMV is responsible for cancelling driver's licences when a driver with a prohibition penalty debt obtains a 60-day interim driver's licence, but does not pay the prohibition penalty within 30 days. See Section 2.5 of this manual, *Cancelling Interim Driver's Licences*.

Licence refusal A person can be refused a driver's licence in two ways:

- They can apply for a licence at a Driver Licensing Centre and be refused. They will be given a *Notice of Decision* that advises them of their appeal rights. The Notice has a date stamp indicating the date that the decision was made.
- They can be refused a licence over the telephone while discussing their debt with the ICBC Collections Department. They do not receive a *Notice of Decision*, but the Collections Department will have computer notes of their conversation with the person.

Licence cancellation Under the MVA s.26.1, ICBC must send a written demand for debt payment to the driver by registered mail advising them of ICBC's intention to cancel the licence and providing information on their appeal rights. If the driver fails to pay after 30 days, ICBC may cancel the driver's licence.

Driver Appeal Procedure

Appellants who are unable to make a satisfactory repayment arrangement with ICBC have the right to appeal the ICBC decision within 30 days. Here is a summary of the appeal procedure:

1. Driver completes a *Notice of Appeal* form at a DSC, GA, or AA (or at the OSMV) and pays a fee of \$50. Drivers on social assistance may complete an *Application to Waive the Appeal Fee*. (See Appendix 3, *Forms and Templates*, for copies of these forms.)
2. An Intake Agent at the Appeal Registry forwards the *Notice of Appeal* to ICBC and requests ICBC to submit written reasons within two weeks for restricting the driver's privilege.
3. The Intake Agent forwards a copy of ICBC's submission to the driver and invites their written response.*
4. When the driver's response is received, the Intake Agent sends a copy of it to ICBC and invites their written response.*

5. An OSMV adjudicator considers all submissions and issues a written decision.

*** Note:** The appellant and ICBC may choose not to send in a second submission (the rebuttal). In that case, the adjudicator makes a decision based on the documentation that has been received from both parties to date.

Decision Criteria and Considerations

When ICBC makes a decision to refuse to issue or cancel a licence, it must consider all relevant factors, not just the fact that a debt exists. Therefore, you must evaluate whether or not ICBC used its discretion in a reasonable manner to refuse to issue or to cancel a driver's licence.

Consider the following:

- Did ICBC consider the driver's financial hardship relating to medical treatment, education, and employment?
- Did ICBC balance these considerations against:
 - The amount of the debt
 - The type of debt (safety-related debts such as violation tickets are more serious)
 - How long the debt has been outstanding
 - Whether the driver has made any effort to repay the debt, and if so, whether they kept past payment commitments
 - Whether withholding a licence will increase the likelihood of collecting the debt

The case law summary contains three previous appeal decisions with copies of the evidence that was considered.

Writing and Submitting the Decision

Note: Section 118 appeals are always written, never oral.

Section 118.91 authorizes OSMV adjudicators to:

- Confirm, vary, or rescind ICBC's decision
- Make the decision that ICBC could have made in the first place
- Refer the matter back to ICBC with or without directions

You do not have the authority to remove or reduce the amount of a debt. However, you may decide to issue a licence contingent on a reasonable payment plan for the debt.

Submit your written decision to both ICBC and the applicant via the Fax Server.

5.3, Post-reviews, Re-hearings, and Inquiries

This procedure outlines how to manage post-reviews and re-hearings. It also describes how to respond to mailbox inquiries from the public that relate to adjudication and reviews, and police inquiries about decisions made by adjudicators.

Post-reviews

Post-reviews are done in response to complaints or inquiries about an adjudicator's decision. They usually come from the applicant or lawyer, but sometimes from the Ombudsman, an MLA, or other third party.

Complaints received by the OSMV (by phone, email, or letter) are first assigned to an adjudicator (a different adjudicator than the one who made the decision). The adjudicator will review the file to determine if there is any merit to the complaint (e.g., the adjudicator made a jurisdictional error or failed to consider all the evidence). If so, the adjudicator will advise the Team Leader who will consider how best to deal with the issue.

In most cases, there is no basis for the complaint as they often relate to an irrelevant matter. In those situations, adjudicators will be responsible for drafting a letter to be sent under the Team Leader's signature. However, OSMV legal counsel may recommend a re-hearing if there was a jurisdictional error (see below).

Re-hearings

After the adjudicator sends the decision to the applicant/lawyer, the applicant/lawyer may request a re-hearing if they feel there was an error in the decision. OSMV legal counsel will review the decision to evaluate the grounds for a re-hearing. The Team Leader or Manager/Superintendent will decide whether to reschedule a re-hearing or inform the applicant of their right to a judicial review. If the former, it goes back to the Appeal Registry for scheduling in the normal way.

Note: It is OSMV policy to have the matter heard by a different adjudicator, unless a Court specifies that the original adjudicator must re-hear the matter.

The hearing must be repeated from the beginning in the same way as the first one, using the same police evidence and witnesses. However, the documents from the first review are sealed inside an envelope and cannot be used or viewed. All documents and submissions must be re-printed and re-submitted by the applicant/lawyer. New or revised information can also be submitted.

When updating ADP/VI with the decision, indicate that it is for a re-hearing.

Mailbox Inquiries

Mailbox inquiries are emails sent by the public or applicants via the email address on the OSMV website. On a rotating basis, Team Leaders will assign to

adjudicators the task of responding to these by email, which generally entails providing general information on the program and legislation. All inquiries should be dealt with in a timely manner. Inquiries and responses should be kept confidential.

Mailbox procedures To read and respond to mailbox inquiries when you are the assigned adjudicator:

1. In our Outlook program, open the Mailbox **ADP-VI** folder when it is highlighted. (This means that one or more messages requiring a response have been placed there by the person handling Mailbox Triage).
2. Open the first highlighted email.
3. Read the email carefully and write a reply to the issues raised. (If the person is sending or requesting confidential information, see below for other procedures.)
4. Add the following disclaimers to all email replies:

Please be advised that the email method to contact the Office of the Superintendent of Motor Vehicles is not a secure connection. Therefore, it is possible that your email could be intercepted by unintended parties. If you have any concerns about submitting personal information by email, you should choose a more secure method of submitting that information.

This email is confidential and is not intended for use by anyone other than the recipient(s). If you have received this email in error, please inform the sender of the error and delete it. B715

5. Replace the B715 with your surname initial and the last three digits of your phone number.
6. Send the email. (Make sure you reply from **SG: OSMV Mailbox SG:EX** rather than your own email address.)
7. Move your sent email to the Mailbox replies folder for the current year.
8. Delete the email you responded to (from the OSMV ADP-VI mailbox folder).
9. Open the next incoming email and repeat the above steps.

Be aware that some e-mails in the ADP-VI folder may have been placed there by mistake and belong in other folders – usually the **In Progress-Intake-DIP-ILS** folder. If you can tell this is the case, send the email back to the person handling Mailbox Triage with instructions on where it should go and why.

Confidential issues Check the OSMV Mailbox throughout the day so that potentially confidential messages are not sitting in the Mailbox for long.

Be aware that you are replying over an unsecured connection. Do not include in your reply any confidential information that was not part of the submitted e-mail.

If the email is a submission for a review, print it off and make sure it gets to the correct file, either by giving it to the assigned adjudicator directly or to the Appeals Registry. Do not reply through the Mailbox other than to confirm receipt if requested.



Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles

January 2011

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Approval of Manual

The Office of the Superintendent of Motor Vehicles regulates drivers to help ensure the safe and responsible operation of motor vehicles in British Columbia. To meet this mandate, policies are required in a variety of program areas.

The goal of the *Adjudicators Procedures Manual* is to provide policy and guidance to adjudicators on how to manage review files, conduct reviews and hearings, and write decisions related to driving prohibitions and vehicle impoundments that are being contested by drivers and vehicle owners. The manual is a central repository for policy information regarding adjudication of prohibitions and impoundments. The manual is also a tool to train OSMV employees, including intake and support staff who require familiarity with how files are adjudicated.

Approved by:

Steve Martin
Superintendent of Motor Vehicles

Date

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Glossary

This glossary defines key words and terms for adjudicators, and provides a list of common acronyms used in the OSMV.

<i>Administrative justice / Natural justice</i>	The duty to act fairly and apply the principles of procedural fairness. Two basic elements of administrative justice include: the right to be heard and to know the case against you, and an impartial, unbiased decision maker.
<i>Administrative law principles</i>	The legal principles relating to government's powers and organization, and the legal control of the government's actions and decisions. It ensures that there is a legal basis for any action by a government representative such as an adjudicator, and sets standards that government officials must meet in making decisions about individuals.
<i>Approved instrument</i>	An instrument designed to receive and analyze a sample of a person's breath in order to measure the concentration of alcohol in the blood. It is an approved instrument for the purposes of Section 258 of the <i>Criminal Code</i> .
<i>Approved screening device</i>	A breath-test device designed to measure the presence of alcohol in the blood, as approved under Section 254(1) of the <i>Criminal Code</i> . For the purposes of this manual, an ASD is the primary tool used for immediate roadside prohibitions (IRP) – an instrument called the Alco-Sensor. Only one breath test is required to issue a <i>Notice of Driving Prohibition</i> (unless the driver requests a second one using a different ASD).
<i>Breath test apparatus</i>	The approved instrument used for Administrative Driving Prohibitions (ADP). The BTA used is called the BAC Datamaster C, with the test administered at the detachment. Also see "Approved instrument."
<i>Burden of proof</i>	The obligation of a party to satisfy the decision-maker of the existence of a fact in issue. Adjudicators use the civil law standard of "proof on the balance of probabilities" instead of the criminal law standard of "proof beyond a reasonable doubt."
<i>Care or control</i>	To prove that a person was the driver with "care or control" of the vehicle, it must be proved that the driver occupied the seat or position ordinarily use to operate a motor vehicle, unless the person can establish that they did not occupy that seat or position for the purpose of setting the vehicle in motion, and that there was no risk of unintentionally setting the vehicle in motion (see Supreme Court of Canada, <i>R.v. Toews</i>).
<i>Disclosure</i>	The obligation of parties to reveal materials and documents that are relevant to the case. The applicant must know the case against them in order to make a full answer, so the OSMV must provide disclosure to the applicant, who must in turn disclose information the adjudicator needs in order to correct any wrong information and prove the applicant's position.
<i>Driver</i>	A person with care or control of a motor vehicle on a highway or industrial road whether or not the motor vehicle is in motion (Section 215.41, <i>Motor Vehicle Act</i>).
<i>Drivers</i>	The Driver Licensing System, an ICBC database with driver details.
<i>Extension</i>	A specific term that refers to an adjudicator's authority under the <i>Motor Vehicle Act</i> s.94.6(4) or s.215.5(7) to extend the 21-day legislated timeframe during

	which the adjudicator must make and send the decision. (The hearing date can be changed to any time within the 21-day period without using an extension.)
Fail	An indication on an ASD that the concentration of alcohol in a person's blood is 80 milligrams or more of alcohol in 100 millilitres of blood. A "fail" reading results in a 90-day IRP.
Fairness	The principle that applicants for a review should be treated in a similar manner. This does not mean identical treatment, but an objective approach to each situation. The role of the adjudicator is to review the evidence before them and make an objective decision based solely on the evidence.
Hearsay evidence	Information gathered by one person from another concerning some event, condition, or thing of which the first person had no direct experience (according to Wikipedia).
Impartiality	The absence of bias, either actual or perceived.
Institutional independence	The principle that adjudicators make independent decisions according to their own conscience and opinions, without pressure or undue influence from the government or other parties.
Judicial review	An appeal by an owner or driver of an adjudicator's decision that is heard by the BC Supreme Court. A decision with jurisdictional errors or an apprehension of bias may be quashed by the court.
Judicial temperament	The objective and professional demeanour that adjudicators must exhibit during their oral reviews. Adjudicators must always listen attentively, patiently, and courteously to all participants to avoid any reasonable perception or apprehension of bias.
Jurisdiction	The power and scope of an administrative body to hear a matter. An administrative body can only exercise the powers delegated to it by its enabling statute, which in the case of the OSMV is the <i>Motor Vehicle Act</i> .
Operation	For the purposes of this program, the operation of the vehicle means the act of driving the vehicle.
Owner	The person who owns a motor vehicle, including someone in possession of a motor vehicle under a contract by which they may become its owner on full compliance with the contract.
Race (racing)	Unsafe driving behaviours that include outdistancing another vehicle, preventing a vehicle from passing, attempting to outdistance or pass a vehicle, or driving at excessive speeds with the goal of arriving at a destination ahead of another vehicle.
Reasonable and probable grounds	The police officer must make a reasonable determination that the driver is impaired by applying various criteria for determining probable impairment.
Relevance	To be relevant, the evidence must logically assist in proving or disproving a fact in issue in the case.
Reliability	To be reliable, evidence must be trustworthy and likely to be true, which involves considerations of the source and form of the evidence, and how much weight to give it.

Stunt An unsafe driving behaviour that can include causing the motor vehicle's tires to partly lift from the road surface, losing traction while turning, causing the vehicle to spin, driving in the oncoming lane for longer than necessary to pass another vehicle, slowing or stopping in a way that blocks or impedes other vehicles, and driving very close to another vehicle, pedestrian, or fixed object without justification.

Warn An indication on an ASD that the concentration of alcohol in a person's blood is 50 to 80 milligrams of alcohol in 100 millilitres of blood. An ASD Warn can result in a 3, 7, or 30-day IRP.

Vehicles An ICBC database with vehicle details.

Acronym List

Acronym	Description
50 mg% 80 mg%	The concentration of alcohol in a person's blood (BAC), measured in milligrams of alcohol in 100 millilitres of blood. (Note: 50 or 80 milligrams are the same as 0.05 or 0.08 grams.)
AA	Appointed Agent
ADP	Administrative Driving Prohibition
ADP/VI	Administrative Driving Prohibition / Vehicle Impoundment system
AG	Attorney General
AA	Appointed agent
ASD	Approved screening device to measure alcohol in the blood; administered at roadside (Alco-Sensor for IRP)
BAC	Blood alcohol concentration
BCDL	BC driver's licence
BTA	Breath test apparatus to measure alcohol in the blood – the BAC Datamaster C – used for 90-day ADPs
CC	Colour code files (from ICBC)
CCC	<i>Criminal Code of Canada / Criminal Code conviction</i>
COA	Certificate of Analysis (Certificate of qualified technician who took BTA samples)
COR	<i>Canadian Charter of Rights and Freedoms</i>
DF	Driver Fitness
DFCMS	Driver Fitness Case Management System
DIP	Driver Improvement Program
DL	Driver's License
DLC	Driver Licensing Centre
DOB	Date of birth
DSP	Driver's licence display
DWP	Driving while prohibited
FOI	Freedom of information
FOIPPA	<i>Freedom of Information and Protection of Privacy Act</i>
GA	Government agent

Acronym	Description
GLP	Graduated Licensing Program
ICBC	Insurance Corporation of BC
IIP	Ignition Interlock Program
ILO	Impound Lot Operator
ILS	Indefinite Licence Suspension
IRP	Immediate Roadside Prohibition
JUSTIN	A courts case management system
MVA	<i>Motor Vehicle Act</i>
MVB	Motor Vehicle Branch
NoDP	Notice of Driving Prohibition
NoI	Notice of Impoundment
OSMV	Office of Superintendent of Motor Vehicles
PoS	Point of Service
RCMP	Royal Canadian Mounted Police
RDP	Responsible Driver Program
RO	Registered Owner
RTCC	Report to Crown Counsel
RTS	Report to Superintendent (from police)
SFST	Standard Field Sobriety Test
SG	Solicitor General
SUS	Prohibition / suspension update screen (Drivers)
UL	Unlicensed Driving Prohibition
VI	Vehicle Impoundment
VT	Violation ticket
WAR	Police warning, caution
XS	Expanded Status screen (Drivers)

Chapter 1, Introduction

- 1.1 Overview
- 1.2 The Adjudicator's Role

Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles



1.1, Overview

This section describes the purpose and use of this manual, and provides an overview of the driving prohibition and vehicle impoundment programs managed by the OSMV.

The following topics are covered in this section:

- About the manual
- OSMV mandate
- Driver's statutory right of appeal
- New impaired driving prohibitions
- Non-impaired driving prohibitions and offences
- Previous impaired driving prohibitions (24-hour and ADP)
- Vehicle Impoundment program
- *Types of Prohibitions and Impoundments* (chart)

About the Manual

Purpose The purpose of the *Adjudicators Procedures Manual* is to provide policy and guidance to adjudicators on how to manage review files, conduct reviews and hearings, and write decisions. It covers most types of prohibitions and impoundments, including:

- Immediate Roadside Prohibitions (IRPs) and associated vehicle impoundments, as prescribed by the 2010 amendments to the *Motor Vehicle Act*
- Non-impaired driving prohibitions and associated vehicle impoundments, including for unlicensed driving, driving while prohibited or suspended, excessive speed, and race and stunt offences
- Previously existing 24-hour prohibitions and 90-day ADPs (Administrative Driving Prohibitions)

Refer to the chart at the end of this section: *Types of Prohibitions and Impoundments*.

Note: The new IRPs generally replace the previous 24-hour prohibition and the 90-day ADP, but these remain available for circumstances where the new prohibitions cannot be used.

Adjudicators must follow the relevant legislation and not exceed their jurisdictional limits. The policies and procedures in this manual are intended as guidance except where they are prescribed by legislation or case law. When applying these policies and procedures to help make decisions, adjudicators should remember that every case must be decided on its merits. While guidelines are useful, they cannot be rigidly applied or allowed to replace the adjudicator's own judgment. Adjudicators are independent and are not bound by their own prior decisions or those of other adjudicators.

What this manual covers

This manual covers policies and procedures on:

- Administrative processes, including documents, scheduling of reviews, extending the 21-day review period, cancelling driver's licences, etc.

- Grounds for review of impaired driving prohibitions and vehicle impoundments, including considerations for adjudicators
- Conducting reviews, including hearing guidelines, jurisdictional and bias issues, etc.
- Writing decisions, including types of decisions that can be made and decision standards
- Completing review files, including submitting the decision, system updates, and filing
- Other reviews and inquiries, including judicial reviews, Section 118 appeals, post-reviews, re-hearings, and mailbox inquiries

The Appendices contain supplementary information, such as a summary of administrative law principles, links to relevant legislation, and copies of forms and templates.

Note: Since the manual is written for adjudicators, instructions to adjudicators are rendered in the second person – e.g., “You may use your discretion.” “You must follow the *MVA*.”

What this manual replaces

This manual replaces the following manuals and documents, which should be archived or destroyed:

- *ADP Review Adjudicator Training Manual* (Sept 2005)
- *ADP Interpretation Manual*
- *Vehicle Impoundment Adjudication Policy Manual* (June 2007)
- *24-hour Prohibition Review Policy*

This manual does not contain orientation information for new OSMV adjudicators. Please refer to the *Employee Orientation Manual*.

Other sources

In addition to this manual, you should refer to the following documents and resources to aid you in your work:

- *Motor Vehicle Act* and other relevant legislation (see links in Appendix 2 of this manual)
- Case law summary and legal opinions (on the common W drive)
- *BC Council of Administrative Tribunals Adjudicators’ Manual* (2008) and Appendix A
- *Foundations of Administrative Justice: A New Course for Administrative Tribunal Members* (BC Council of Administrative Tribunals, 1997)

Revising the manual

Adjudicators are encouraged to keep this manual up-to-date and accurate by suggesting corrections and additions. Please email your Team Leader with your contributions.

Each section of the manual has its own page numbering and issue date, so that each section can be revised and replaced separately as required.

OSMV Mandate

Driving prohibition and vehicle impoundment programs fall under the mandate of the Superintendent of Motor Vehicles, whose office (the OSMV) is responsible for regulating drivers to enhance public safety on the province’s highways. Since

possession of a driver's licence is a privilege, the OSMV can revoke a licence and impound a vehicle if the licence holder poses a risk to public safety.

Note: The overall OSMV mission is to lead the development and implementation of road safety policies, and to work in collaboration with our partners to maximize safe and responsible operation of motor vehicles in BC.

Driver's Statutory Right of Review

The owner or driver of a motor vehicle has the right to apply for a review of a driving prohibition or vehicle impoundment to the Superintendent of Motor Vehicles, who delegates authority under Section 117 of the *MVA* to review the case to an adjudicator. If the owner or driver is not satisfied with the adjudicator's decision, they can apply for a judicial review at the BC Supreme Court.

Where the owner and driver are not the same, the owner cannot apply for a review of the prohibition and the driver cannot apply for a review of the impoundment.

New Impaired Driving Prohibitions

In the fall of 2010, the province amended the *Motor Vehicle Act* (Sections 194 and 215.41 to 215.51) to introduce a new scheme of driver prohibitions called Immediate Roadside Prohibitions (IRPs). This program allows police to issue prohibitions at roadside that take effect immediately. The duration of prohibitions and associated vehicle impoundments are increased (escalated) by the police officer if the driver has had a previous IRP in the last five years.

The table at the end of this section describes the driving prohibition model (effective fall 2010), which includes:

- Escalating IRPs (3, 7, and 30 days) for impaired driving (a "warn" reading on an ASD) including:
 - Escalating vehicle impoundment period (to match the prohibition – 3 and 7-day at officer's discretion, 30-day is mandatory)
 - Escalating financial penalties (3-day = \$200, 7-day = \$300, 30-day = \$400)
 - \$250 licence reinstatement fee
- 90-day non-escalating IRP for impaired driving (a "fail" reading on an ASD), including:
 - Mandatory 30-day impoundment (Appeal Registry can increase to 60 days if there was another impoundment within the previous two years)
 - \$250 licence reinstatement fee
 - \$500 penalty
- Existing 24-hour prohibition for driving while impaired by alcohol or drugs (with vehicle impoundment at officer's discretion)
- Existing 90-day ADP for impaired driving (driver's BAC exceeds 80 mg% within three hours of driving as a result of alcohol consumed before or while driving), which takes effect 21 days after the ADP is issued and includes a \$250 licence reinstatement fee

Note: A “warn” result is a reading on an approved screening device (ASD) of 50 to 80 milligrams of alcohol in 100 millilitres of blood (mg%), while a “fail” result is over 80 mg%.

In the case of an IRP, police must have reasonable grounds to believe that, as a result of an ASD analysis registering a warn or fail (s. 215.41(3)(b)), a driver’s ability is affected by alcohol based on various indications of impairment, or that the driver failed to comply with or refused to comply with an ASD demand (s. 215.41(4)). The officer then:

- Serves a *Notice of Driving Prohibition* (NoDP) on the driver (s.215.41(3)(d))
- Seizes the driver’s licence, including from out-of-province drivers (s.215.41(3)(c))
- Issues a *Notice of Impoundment* (NoI) for the vehicle (s. 215.46) where warranted

A driver who registers a “warn” or “fail” on the ASD is entitled to a second breath test (s. 215.42) – but only **if they request it** after the NoDP is served. The result of the second test governs. For example, if the result of the first test is a fail and the result of the second test is a warn, the prohibition length would be based on the warn result.

Pursuant to s. 215.41(5), the driver must surrender their licence to ICBC if it is not in their possession when the NoDP is served. The NoDP also sets out the monetary penalty, which the driver must pay within 30 days after being served. The driver has 7 days from the date of the NoDP to apply for a review of the prohibition, and 15 days from the date of the NoI to apply for a review of the vehicle impoundment.

Non-impaired Driving Prohibitions and Offences

Prohibitions and impoundments have also been added or revised in the *MVA* for the following offences:

- Driving while unlicensed (s.251(b), replaces previous 104)
- Driving while prohibited or suspended (s.251(a)(c), replaces previous 105)
- Excessive speed (s.251(d))
- Race (s.251(1)(e))
- Stunt (s.251(1)(e))
- Not sitting properly astride a motorcycle (s.194(1))
- Driving a motorcycle while unlicensed or underlicensed (s.251(1)(f)(ii))

Unlicensed driving prohibitions

When police issue the *Notice of Prohibition from Driving for Unlicensed Drivers* at roadside (*MVA* s.251(1)(h)), they also issue a “No Driver’s Licence” violation ticket under s.24(2).

Unlicensed driving prohibitions are indefinite and remain in effect until the person is issued a new driver’s licence or the prohibition is revoked in a review.

Prohibited or suspended driving prohibitions

Persons who drive while prohibited or suspended are subject to the same penalties as any prohibited driver (conviction under s.95 of the *MVA* and a 12-month automatic prohibition under s.99).

Other non-impaired offences For excessive speed, race and stunt offences, and motorcycle offences, the driver's vehicle is impounded, but there is no accompanying driving prohibition.

Previous Impaired Driving Prohibitions

Selective use of previous prohibitions IRPs generally replace the 24-hour prohibitions and ADPs. However, these prohibitions remain in place for circumstances where the IRPs cannot be used, including:

- When an officer believes someone's ability to drive is affected by alcohol but no ASD is used (24-hour prohibition).
- When an officer believes someone's ability to drive is affected by drugs other than alcohol (24-hour prohibition).
- Where the driver refuses a BTA demand, or the BAC from a BTA exceeds 80 mg% (ADP).
- Where the driver refuses or fails to give a BTA sample, or where blood analysis shows the BAC exceeded 80 mg% (ADP).

Note: Under s.215.41(7), an IRP Notice must not be served on a person if an ADP Notice is served on them under s.94.1. In other words, a person cannot be issued an ADP and an IRP for the same event.

24-hour prohibitions Since the 1970s, police have had the ability to issue an immediate 24-hour driving prohibition at roadside if they believe the driver's ability to drive is affected by alcohol or drugs (s. 215 of the *MVA*). The officer is not required to administer an ASD **unless** the driver requests one. Vehicles may be impounded for 24 hours at the discretion of the officer.

The *Notice of 24-Hour Prohibition* also serves as a *Report to ICBC*. The officer provides details of the prohibition and any associated impoundment, including the grounds and the breath test results if an ASD was used.

Since 2005, drivers have had the right to apply for a review of alcohol-related 24-hour prohibitions. There is no review mechanism under the *MVA* for a drug-related 24-hour prohibition.

90-day ADPs The Province of BC implemented the Administrative Driving Prohibition (ADP) program in 1997, governed by an amendment to the *Motor Vehicle Act* (s.94.1 to 94.6).

The ADP program allows police officers to seize a driver's licence and issue a 90-day driving prohibition if the driver is found to have a blood alcohol concentration (BAC) over 80 mg% within three hours of operating or being in the care or control of a motor vehicle.

- Police test the breath of drivers using an approved instrument (breath test apparatus, BTA) at the detachment.
- If, based on the result of the BTA test, the officer forms grounds to believe that the driver's BAC exceeded 80 mg% within three hours of operating or having care or control of a motor vehicle the officer must issue a *Notice of Driving Prohibition*. Further, the driver must surrender their driver's licence.
- Police also issue an ADP if the driver fails or refuses to comply with a demand for breath or blood samples made pursuant to s.254 of the *Criminal Code*.

- ADPs can be served long after the date of the incident, such as when police have to wait for blood test results.
- The ADP does not take effect until 21 days after the *Notice of Driving Prohibition* has been issued, with the Notice itself serving as a temporary driver's licence (for BC residents only).

Note: A sample of analyzed blood taken by a health professional also fulfills the legal requirements for measuring BAC. For example, if a driver is unable to take a breath test for physical reasons or because they are injured, the police can make a blood sample demand at a hospital, provided a doctor confirms the patient would not be in danger.

Vehicle Impoundment Program

The Vehicle Impoundment Program (VI) is a road safety program that requires police to immediately remove prohibited, unlicensed, or dangerous drivers from the road by impounding the vehicle they are operating.

The legislation governing VI is found in the *Motor Vehicle Act*:

- Owner is not the driver – s.258(1)(a)(b)
- Owner is the driver – s.258(2)(a)(b)(c)
- Race and stunt offences – s.250 and 251(1)(e)
- Motorcycle offences – s.194 and 251(1)(f)(ii)
- IRP impoundments – s.215.46, 250 to 258, and 262 to 267

Note: This manual provides basic information on vehicle impoundment reviews, but VI adjudicators should refer to the *Vehicle Impoundment Manual* for detailed procedures, such as how to update systems.

Depending on the type of driving prohibition, vehicle impoundment is either mandatory or at the discretion of the officer (see below). When police issue a *Notice of Driving Prohibition*, the officer also issues a *Notice of Impoundment* for the vehicle at the same time, if applicable (see chart at the end of this section).

Vehicle owners have the right to apply for a review of a 30 or 60-day impoundment (not 3 or 7-day). A person who cohabitates with the owner can apply for a review on compassionate grounds (under *MVA* s.263) if they need the vehicle for legitimate reasons, such as for medical purposes. Business owners may apply for the early release of their impounded vehicle on economic hardship grounds under *MVA* s.262, including for a 7-day impoundment.

Vehicle owners or their cohabitants have 15 days from the start date of the impoundment to apply for a review.

- **Immediate Roadside Prohibition:** Police impound the vehicle for a term that matches the driving prohibition term, including any escalation in the IRP for impaired driving. Vehicle impoundment is at the officer's discretion for 3 and 7-day prohibitions. A 30-day impoundment is mandatory for 30 and 90-day prohibitions.
- **ADP:** Police do not impound vehicles as a result of ADPs.
- **24-hour prohibition:** Vehicles may be impounded for 24 hours at the discretion of the officer.

- **Unlicensed/prohibited/suspended driving prohibitions:** Vehicle impoundment by the officer is mandatory, but the appropriate escalation is applied by the OSMV. The prohibition includes escalating vehicle impoundment periods of 7, 30, and 60 days, which apply if there are previous impoundments on the driver's record.
- **Other non-impaired offences:** For excessive speed, race and stunt offences, and motorcycle offences, the owner's or driver's vehicle is impounded for 7 days by the officer, but there is no accompanying driving prohibition. The appropriate escalation to 30 or 60 days is applied by the OSMV.

Types of Prohibitions and Impoundments

Prohibition Type	Prohibition Grounds	Penalties and Fees	Impoundment	Prohibition Review
3-Day Impaired Driving Prohibition	Cumulative (escalating) prohibition for impaired driving: <ul style="list-style-type: none"> Blood alcohol level between 50 and 80 mg% Escalation determined by police officer based on past prohibition history: <ul style="list-style-type: none"> 3 days for 1st offence 7 days for 2nd offence within last 5 years* 30 days for 3rd or subsequent offence within last 5 years* 	\$200 Admin Penalty \$250 Reinstatement	3 Days (discretionary)	Yes (written only)
7-Day Impaired Driving Prohibition		\$300 Admin Penalty \$250 Reinstatement	7 Days (discretionary)	Yes (written only)
30-Day Impaired Driving Prohibition		\$400 Admin Penalty \$250 Reinstatement	30 Days (mandatory)	Yes (written and oral)
90-Day Impaired Driving Prohibition at Roadside	Non-cumulative prohibition for impaired driving detected via roadside screening device: <ul style="list-style-type: none"> Blood alcohol level above 80 mg% measured at roadside Driver fails to take or refuses breath/blood alcohol test 	\$500 Admin Penalty \$250 Reinstatement	30 Days (mandatory)	Yes (written and oral)
Non-impaired Driving Offences: <ul style="list-style-type: none"> Driving while unlicensed, prohibited, or suspended Excessive speed Race or stunt Motorcycles: not sitting properly astride / driving while unlicensed or under-licensed 	Driver does not have a valid Driver's Licence and has a <i>Notice of Impoundment</i> on their driving record. Escalation is applied by the OSMV.	\$276 Fine (No DL) \$250 Reinstatement	Mandatory: <ul style="list-style-type: none"> 7 days for 1st offence 30 days for 2nd offence within last 2-years* 60 days for 3rd or subsequent offence within last 2-years* 	Yes (written only)
24-hour Prohibition (previous)	Reasonable and probable grounds to believe that driving ability affected by: <ul style="list-style-type: none"> Alcohol Drugs 	N/A	24 hours, at officer's discretion	Yes (written only; alcohol-related only)
90-day Administrative Driving Prohibition (ADP) (previous)	Non-cumulative prohibition for impaired driving (no roadside screening device): <ul style="list-style-type: none"> Blood alcohol level over 80 mg% measured at detachment Fails to take or refuses breath/blood alcohol test 	No Admin Penalty \$250 Reinstatement	No	Yes (written and oral)

* Previous prohibitions and impoundments under the old ADP/24-hour scheme count towards the escalation of new prohibitions and impoundments.

1.2, The Adjudicator's Role

This procedure outlines the roles of adjudicators, and their key duties and tasks.

Adjudicator's Roles and Duties

The roles of the OSMV adjudicator are to:

- Conduct oral and written reviews of driver prohibitions and vehicle impoundments.
- Make independent and impartial decisions based on:
 - Purpose and requirements of the legislation
 - Facts of the case and evidence presented
 - The four pillars of OSMV: safety, service, fairness, and mobility

The adjudicator's duties are to:

- Ensure a fair process for review applicants.
- Be an impartial finder of fact and an unbiased decision maker.
- Refrain from activities that might lead to an apprehension of personal bias.
- Guard against the apprehension of institutional bias.
- Know how to deal with conflict, threats, and intimidation.
- Know how to distinguish between evidence and arguments.
- Maintain confidentiality of review files.
- Maintain a good understanding of:
 - The IRP, VI, ADP, 24-hour, Race, Stunt, Unlicensed, and Section 118 programs and processes
 - Legislation and case law
 - Principles of administrative justice
 - Jurisdictional limits and errors

Orienting New Adjudicators

Experienced adjudicators may be asked to mentor and train new adjudicators.

Follow these steps:

1. Welcome the new adjudicator to the Office of the Superintendent of Motor Vehicles.
2. Give your background as an adjudicator and a bit about yourself.
3. Ask them to describe their background and a bit about themselves.
4. Introduce them to other adjudicators and show them around the office.
5. Explain what they will be doing for their training, including:
 - Attending an administrative law session
 - Taking an oath
 - Conducting oral hearings and written reviews for driving prohibition and vehicle impoundment programs

- Writing decisions for driving prohibition and vehicle impoundment programs
 - Other related duties
6. Explain what will be expected of them:
 - Complete all reviews assigned to you within the legislated deadlines.
 - Attend all meetings.
 - Ask questions if you do not know.
 - Involve yourself in discussions regarding the programs.
 - Be able to express your views and opinions in a professional manner.
 - Take constructive criticism.
 - Write sound decisions in keeping with current case law.
 - Follow your trainer's advice.
 - Be prompt and on time.
 - Keep statistics and hand them in on time.
 7. Ask them what they know about drinking drivers and BC law.
 8. Show them the PowerPoint presentations relating to their program areas (in the shared W drive).
 9. Provide them with a copy of this manual and ask them to read it.

Overview of Tasks

Task	Details
Administrative / General	<ul style="list-style-type: none"> • Understand and follow the principles of administrative justice, including fairness, confidentiality, and jurisdictional issues. • Follow administrative processes related to reviews. • Extend 21-day review period if required. • Cancel driver's licences. • Attend team meetings. • Orient and mentor new adjudicators, as required.
Accept responsibility for assigned review files	<ul style="list-style-type: none"> • Take responsibility for the review file upon the date of the review. • After that point, make all decisions relating to the file. • Maintain security of review files removed from the OSMV-secured area.
Review for jurisdictional errors	<ul style="list-style-type: none"> • Check that the legal requirements giving you jurisdiction to decide the case have been fulfilled.
Review for administrative errors	<ul style="list-style-type: none"> • Determine whether the applicant/lawyer has been notified of the review date. • Ensure that all the evidence has been properly disclosed to the applicant. • Confirm that the applicant has had sufficient time to prepare their case.
Conduct oral reviews	<ul style="list-style-type: none"> • Call the applicant/lawyer at the scheduled review time. • Confirm disclosure. • Conduct the review and hear oral submissions from the applicant/lawyer. • Assess the credibility and weight that should be given to the testimony of witnesses and other evidence presented. • Extend / re-open / re-hear / adjourn hearings as necessary.

Task	Details
Conduct written reviews	<ul style="list-style-type: none"> • Read all evidence submitted by the parties. • Assess the credibility and weight that should be given to all the evidence presented.
Write decision letters	<ul style="list-style-type: none"> • Make a decision whether to confirm, revoke, or vary a prohibition and/or an impoundment. • Write a decision letter to the applicant/lawyer setting out in clear language the decision and reasons. • Follow administrative processes while writing the decision (templates, checklists, peer review, etc.) • In the case of an IRP or ADP, send the decision letter within 21 days of the date of service (or issue an extension). • In the case of a VI or UL decision, send the decision letter within 7 days of the hearing
Complete review files	<ul style="list-style-type: none"> • Update the APD/VI and Drivers databases with the review decision. • Complete refund forms for successful reviews in which the prohibition and/or impoundment was revoked • Send an <i>Order of Release</i> to the ILO for a successful impoundment review.
Participate in other reviews / inquiries	<ul style="list-style-type: none"> • Understand grounds for judicial reviews. • Adjudicate reviews for Section 118 appeals. • Conduct post-reviews and re-hearings. • Respond to mailbox inquiries.

Chapter 2, General Guidelines and Procedures

- 2.1 Administrative Processes**
- 2.2 Legal and Policy Issues for Reviews**
- 2.3 Cancelling Interim Driver's Licences**

Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles



2.1, Administrative Processes

This procedure covers the general administrative processes that adjudicators will need to complete in the course of their duties, and describes the key forms used in the prohibition and review process. It covers the following topics:

- Police documents – IRP/ADP
- Applicant submissions – IRP/ADP
- Vehicle impoundment documents and submissions
- OSMV responsibilities
- Scheduling of reviews
- Incoming review files
- Cancelling reviews
- Refunding fees and penalties
- Systems and databases
- Mailing and faxing deadlines
- Team meetings
- Privacy breaches

Note: The forms and letters that you will need as an adjudicator are available on the W drive. Some are shown in Appendix 3. You can also place shortcut icons on your desktop for easy future access to common forms and templates.

Police Documents – IRP/ADP

Police officers who serve a driving prohibition on a driver are required under s.215.47 of the *MVA* to send the following documents to the OSMV:

- *Notice of Driving Prohibition* (NoDP)
- *Certificate of Service* (part of the NoDP)
- The seized driver's licence
- *Report to Superintendent* (does not need to be sworn)
- *Certificate of Qualified Technician*

Notice of Driving Prohibition

A police officer issues a *Notice of Driving Prohibition* (NoDP) to the driver at the roadside. (For ADPs, it can also be issued at the detachment or sometime after the date of the incident.) The NoDP is a form prescribed by the *MVA* (s.94.1 or s.215.41).

The *Motor Vehicle Act Regulations*, Section 43.01 states:

Notice of driving prohibition

- (1) *The prescribed notice of driving prohibition for the purpose of section 94.1 (3) of the Act is set out in Form 1.*
- (2) *The prescribed notice of driving prohibition for the purpose of section 215.41 (6) of the Act is set out in Form 7.*

The officer sends the NoDP to the OSMV via the Fax Server, along with the *Report to Superintendent*.

The decision of adjudicators must be sent within 21 days of the NoDP date (unless a *Notice of Extension* is issued for the decision). The days are counted in

full days, so the 21-day count starts on the day after the date the prohibition was issued. Adjudicators should use the IRP calculator to verify the date of the 21st day, and ensure their decision is mailed by the end of the 21st day.

The NoDP is considered in both the IRP and ADP review. However, before proceeding with the review, ensure that the following information appears on the NoDP:

- Signature of investigating officer
- Charge box ticked (to indicate the driving offence)

If the NoDP is not signed, the prohibition should be cancelled.

IRPs: If the officer failed to tick one of the boxes indicating an offence, the prohibition must be revoked.

ADPs: If the officer failed to tick one of the boxes indicating an offence, the ADP is deemed to be a nullity (see the BCSC *Lang* decision). The Appeal Registry should remove the prohibition from the driver's record and send the driver a letter. If the wrong box is ticked or more than one box, the situation must be resolved in a review. (See Section 3.1, *Grounds for Review for Impaired Driving Prohibitions*).

Certificate of Service

The *Certificate of Service* is located on the bottom of the NoDP. The *Certificate of Service* certifies the date that the NoDP was personally served on the :

- The effective date of an IRP is the same date as the NoDP *and* the offence, since these are immediate roadside prohibitions.
- The effective date of an ADP is 21 days from the date of service – not 21 days from the date of the offence. (In some cases, the offence may have occurred months before, such as in cases where the police send blood samples to the lab and need to wait for the results prior to serving the NoDP.)

The proof of service is not relevant in the context of review hearings for IRPs, but becomes important if the person drives during the prohibition. The certificate is included in the *Certificate of Superintendent* that is admitted to Court at trial to prove that the person was prohibited from driving at the time of the alleged offence.

Note: If the *Certificate of Service* is incorrect, it does not invalidate the NoDP and has no bearing on the adjudicator's task (*Lemoal* case law).

Seized driver's licence

IRPs: Police will seize the driver's licence – whether it is a BC or out-of-province licence – and send it to ICBC (*MVA* s.215.41(3)(c)). If the licence is not seized at the time of the IRP, the driver must surrender it promptly to ICBC (*MVA* s.215.41(5)).

ADPs: Police can only seize BC licences, not out-of-province DLs. The seized licence is sent to ICBC (*MVA* s.94.1(d)). If the licence is not seized at the time of the IRP, the driver must surrender it promptly to ICBC (*MVA* s.94.1(2)).

Report to Superintendent

The *Report to Superintendent* (RTS) describes the incident circumstances and contains the officer's evidence supporting their decision to issue a prohibition. The officer forwards it to the OSMV along with the driver's licence and a copy of the NoDP with the *Certificate of Service*, (*MVA* s.215.47(a)). For ADPs only, the

officer will also submit any *Certificate of Analysis* issued under Section 258 of the *Criminal Code* (MVA s.94.3(a)).

Two different RTS forms are used for driving prohibitions: one for IRPs and one for ADPs. (The Notice for 24-hour prohibitions includes the officer's *Report to ICBC*). The RTS must be sworn or solemnly affirmed **only** for ADPs. (However, adjudicators can consider it even if it is not sworn. See the MVA s.94.1(2.1) and 94.1(2.2).) The RTS may incorporate by reference another report or reports, such as a *Report to Crown Counsel* (RCC).

***Certificate of
Qualified
Technician (ADPs
only)***

The full name of this certificate is the *Certificate of a Qualified Technician Who Took Samples of Breath*. (The operator of the BTA must be a qualified technician, who may be the officer conducting the investigation.) A Certificate is usually submitted by police in cases where two breath samples are taken for an ADP. The form certifies the identity of the BTA instrument, the lot number of the alcohol solution used in the test, and that the sample readings are true.

If the lot number for the alcohol solution is not provided on the Certificate, the Appeal Registry will not assign the file to an adjudicator (stemming from the *Streeter v. Superintendent of Motor Vehicles* decision, which held that an adjudicator cannot consider a Certificate with a missing lot number). If you receive a Certificate with a missing lot number, return it to the Appeal Registry. If there is any other information missing from the Certificate, see your Team Leader.

Breath test tickets

These are the results produced by the BTA for ADPs, which police may or may not send along with the other documentation. If the police do not send these or if they are not legible, there is no requirement that the Superintendent obtain these from the police (BCCA decision in Bahia).

Applicant Submissions – IRP/ADP

***Application for
Review***

The driver has the option of applying for a review of a prohibition if they wish to dispute it. They must submit an *Application for Review* within 7 days of being served with the *NoDP*. The front of the *NoDP* explains how to apply for a review, and the reverse outlines the grounds for review.

The driver can complete the review application at an ICBC Driver Licensing Centre (DLC), at a Government Agent (GA), or at an Appointed Agent (AA). They may also pick up copies of the police evidence at a DSC, GA, or AA.

Because office hours for these agencies vary (e.g., some are open Saturdays but not others), the OSMV considers Saturday and Sunday to be non-business hours. To enable applicants to apply for a review within the prescribed 7-day deadline, if that deadline expires on a Saturday or Sunday, the time to apply for a review is extended to Monday. If the 7-day deadline expires on a statutory holiday, the time is extended to the next business day.

The applicant indicates on the form the grounds on which they are appealing and the type of hearing they want: written or oral. Sometimes the applicant's written submission will be included with (or on) the application form.

The applicant's address on the form is the address to which the decision letter is sent, if it is different from the information on the computer system. It is the driver's responsibility to ensure that the contact information is correct.

For an adjudicator to have jurisdiction to conduct a review, the applicant's driver's licence must be surrendered (if the police did not already seize it). If a driver's licence was not surrendered, the applicant must complete a *Statutory Declaration: Lost, Stolen or Destroyed Driver's License*.

The applicant must also have paid the review application fee, which is \$100 for a written review and \$200 for an oral review. This fee is non-refundable except if the review was for a revoked ADP.

The driver/lawyer may make either written or oral submissions or both, depending on the type of review requested. Applicant submissions are typically faxed to the OSMV from the local DLC, GA, or AA, or from the applicant's lawyer. Upon receipt of the application the DLC and GA book a review. AAs must contact the OSMV Appeal Registry, which will book a review. For written reviews, the review date and time is the date and time that written submissions should be received from the applicant/lawyer.

**Extensions to 7-day
limit**

If the driver is unable to apply for a review within the 7-day limit because of special circumstances, an extension may be granted (as per the Segers case law). The driver must apply in writing to the Superintendent explaining why they did not apply within the deadline. These Segers applications are reviewed by IRP adjudicators.

Vehicle Impoundment Documents and Submissions

Police must impound vehicles for 30 and 90-day IRP driving prohibitions, and for some non-impaired driving offences. Impoundments for 3 and 7-day driving prohibitions are at the officer's discretion. There are no impoundments associated with ADP.

Police officers who impound a motor vehicle under MVA s.215.46 or 251(1) must provide the following to OSMV:

IRPs:

- *Notice of Impoundment (NoI)*
- *Report to Superintendent*

Unlicensed Driver Prohibitions:

- *Notice of Driving Prohibition (UL)*
- *Notice of Impoundment*
- *Report to Superintendent*
- The seized driver's licence

Race / Stunt: *Report to Superintendent* (see the *Race Training Manual* for more information).

**Notice of
Impoundment**

The police officer issues a *Notice of Impoundment (NoI)* to the driver at roadside. The officer then sends the NoI to the OSMV via the Fax Server, along with the *Report to Superintendent*. (If the impoundment is part of an IRP, the officer issues both the NoDP and NoI at the same time and sends both Notices to the OSMV.)

Owners and drivers have 15 days from the receipt of the NoI to apply for a review. Your decision must be sent within 7 days of the review date.

The Nol constitutes evidence that you can take into account when reaching conclusions. Ensure the following information appears on the Nol:

- Signature of investigating officer
- Impoundment period box is checked
- The date of the violation
- The date, time, and location that the officer believed the offence was committed

Certificate of Service The *Certificate of Service* applies only to the *Notice of Driving Prohibition* for unlicensed driver (UL) offences.

The *Certificate of Service* is located on the bottom of the NoDP form for UL offences. It certifies the date that the NoDP was personally served on the applicant. The proof of service is relevant in the context of the driver being notified of their driving prohibition.

Report to Superintendent The *Report to Superintendent* describes the incident circumstances and contains the officer's evidence supporting their decision to issue an impoundment. The officer forwards it to the OSMV along with the driver's licence and copy of the *Notice of Impoundment*.

Impoundment / UL submissions The owner or driver has the option to apply for a review of an impoundment or an unlicensed driving (UL) prohibition or both. A separate application must be completed for each.

Note: The UL prohibition only applies to the driver, not the owner.

If the owner or driver wants to dispute an impoundment, they must submit an *Application for Review* within 15 days of being served with the *Notice of Impoundment*. There is no time limit for UL and Race applications and Section 118 Appeals (see Part 2.1 of the *MVA*).

OSMV Responsibilities

File creation When an *Application for Review* is received from the applicant or through a DSC, GA, or AA, Intake Agents at the Appeal Registry will:

- Create a file for the prohibition or impoundment review.
- Book a review date for the applicant when they apply at an AA (if they apply at a DLC or GA, the agent will book the review date).
- Link the submissions received by fax from both parties to the file on the ADP/VI system.
- Ensure that the applicant/lawyer receives disclosure of the evidence well before the review date.

Disclosure of evidence If you find that disclosure to the applicant is incomplete, bring it to the Team Leader's attention immediately. You must return the file to the Intake Agent so the review can be rescheduled if necessary to allow for proper disclosure.

Pre-hearing issues The driver is responsible for reading the information and guidelines for the review, which are included on the front of the NoDP. As a courtesy, an Intake Agent who is in direct contact with a driver will ensure that they know the available grounds for review and understand that hardship is not an available ground.

If the driver does not contact OSMV directly, the Intake Agent may not have the opportunity to discuss pre-hearing issues with them. This increases the likelihood of the applicant making irrelevant submissions.

Drivers or their lawyer may write or call in to cancel the review. However, there is no refund of the application fee.

Adjudicator assignment Once a file is assigned to you for review, it becomes your responsibility. Check with your Team Leader on any files with administrative defects.

Your role is to review the facts of the case, conduct the review, and make a decision whether to confirm, revoke, or vary the prohibition (or confirm, revoke, or upgrade/downgrade the impoundment). You must send a decision letter to the applicant within 21 days of the date of service of the NoDP. Decision letters for impoundments must be sent within 7 days of the review. The letter must outline the issues in the case and the reasons for the decision.

Superintendent's Report on Calculating Blood Alcohol Concentration This OSMV report is used only for ADPs in cases where:

- The recorded BAC does not exceed 80 mg%.
- The BAC results were obtained more than three hours from the time of driving/care or control.
- There is evidence of drinking after driving.

You must disclose the BAC Report to the applicant, and if represented by a lawyer, the applicant's lawyer (at your discretion). It forms part of the evidence you will use to satisfy yourself that the prohibition should be revoked or confirmed.

Scheduling of Reviews

The Appeal Registry schedules and assigns reviews to adjudicators, allowing at least 4 days preparation time between the date the application is received and the date of the review. The Appeal Registry prepares the case files, which must be complete at least 24 hours before the review.

Each adjudicator is assigned similar amounts of work, subject to availability. A new *Review Schedule Report* is published online daily, listing the reviews assigned to adjudicators for the following business day. Before you leave for the day, check the *Review Schedule Report* so you are aware of your assigned oral and written reviews for the next day. Also check your in-tray for files or submissions and if necessary double-check with Intake Agents to ensure you have all required submissions.

If you are off sick, you must let both Team Leaders (in the ADP/IRP) program know. Files will be reassigned to other adjudicators as necessary.

Currently, oral hearings are scheduled on the hour. However, depending on the number of adjudicators available, reviews may be scheduled as frequently as every half hour, using multiple hearing rooms. Hearings last 30 minutes.

If you are not available to conduct an oral review for any reason, speak to your Team Leader to arrange for someone else to conduct the review at the scheduled time. (Once you've conducted a review, the file cannot be transferred to another adjudicator, because the one who heard the case must decide it.)

Incoming Review Files

Review files are provided to adjudicators the day before the review date to allow time to look at the files. Ensure you have a basket for “Incoming Files” in your office or hanging on the wall outside your door.

The Intake Agent staples a tracking sheet to the front of the file, which indicates:

- The date and time of the scheduled review
- Type of review (IRP or VI: oral/written; UL: written)
- Whether you will be dealing with a lawyer or the applicant
- The date the prohibition or impoundment came into effect (or will come into effect for ADPs)

Confirm the date of prohibition by checking the “Prohibition effective date” entered on the tracking sheet. This is the date that the applicant's IRP took effect, or the date the ADP takes effect if the review results in the prohibition being confirmed. For IRPs, use the VI & IRP Calculator to determine the date the decision needs to be sent.

Cancelling Reviews

Applicants and/or their lawyers may occasionally cancel a review. This is often done with a letter prior to the review, or orally at the outset of the hearing.

If an applicant/lawyer cancels a review before it takes place:

1. In ADP/VI, under the **Review** tab, change the Review Type to **Cancelled Review**.
2. In the **Comments** tab, explain why the review was cancelled.
3. File the review file.
4. Update the Drivers system.

Note: There is no refund for a cancelled review.

As of December 1, 2010, any person who applies for an IRP review has the following status added to their driving record by the Appeal Registry:

- Status code and message = 0IRPR – Review of IRP in Progress
- Effective date = the date Appeal Registry becomes aware of the application for review
- Review date = 5 yr default

This is because when a person is issued an IRP, they are automatically triggered into the Responsible Driver Program (RDP). The RDP team sends a letter to the driver about beginning the RDP process. Sometimes, the driver may have applied for an IRP review at the same time. If the review is successful, the RDP team must send a second letter to the driver telling them to ignore the first letter. This new status will delay RDP action until the IRP review is confirmed.

In case of a cancellation, you must remove this updated status (but leave the prohibition status on the system), and email the RDP team to send a letter to the driver to begin the RDP process.

s.15

Refunding Fees and Penalties

Adjudicators are responsible for refunding review fees, reinstatement fees, and prohibition penalties, when warranted. The following table defines when refunds should be provided.

	Cancelled or abandoned review – application fee	Successful review – application fee*	Reinstatement fee*	Penalty fee*	Towing and storage fees*
ADP (issued before Sept. 20, 2010)	Yes: Oral – \$200 Written – \$100	Yes: Oral – \$200 Written – \$100	N/A	N/A	N/A
ADP (issued on or after Sept. 20, 2010)	No	Yes: Oral – \$200 Written – \$100	N/A	N/A	N/A
IRP	No	No	Yes: DL reinstatement – \$250 2 year DL – \$31	Yes: Warn #1 – \$200 Warn #2 – \$300 Warn #3 – \$400 Fail – \$500	Yes

* if the review was successful

1. Enter a brief comment on the ADP/VI system about the refund.
2. Open the *Refund Request* form template from the W drive.

Note: Complete a *Refund Request* form for each fee being refunded.

3. Check the Driver system to find the Applicant No (use command **qcn**).
4. Ensure you record the ADP/IRP number on the form.
5. Check the bottom right of the *Application for Review* to find the Original Receipt No/Ticket No.
6. Check off the appropriate boxes according to the type of refund (e.g., \$200 for an oral ADP review, or \$100 for a written ADP review).
7. For penalty fees, indicate whether the refund is full or partial.
8. Provide a brief explanation of the type of refund you are giving in the section labelled Select from the drop down Menu **VI/ADP/PR**. For example, if the refund is for the application fee of a successful ADP review, write: “ADP review successful – Refund is for \$100 application fee for ADP review.” Because there is no menu option for IRPs, add “IRP review successful” in your explanation, if the review was for an IRP.
9. Print two copies. Do not save it in MS Word.
10. Staple the *Refund Request* copies to the *Application for Review* copies (so you have two stapled sets).
11. Leave one copy in the refund basket (beside the outgoing mail basket).

Systems and Databases

ADP/VI system The ADP/VI system is an ICBC program that allows viewing of faxed documents from the police relating to prohibitions and impoundments. The program allows OSMV staff to add, view, and update information. The ADP/VI also consists of the Fax Server, which is where documents are sent by police electronically and then linked by OSMV to applicant files.

To log into and use the ADP/VI system:

1. Double-click the **ADP/VI** icon on your desktop (or click on **OSMV Applications** on the Intranet and select **ADP/VI**).
2. Double-click on the **ADP/VI** icon that appears in the box.
3. Click **Run** at the dialog box prompt.
4. Enter your User ID, ^{s.15} and press the **Tab** key. Your name and the **Mainframe Id** (driver's system sign on code) will automatically display.

Login Environments: @adpviprod (Database), P (Mainframe)

User Id:

Password:

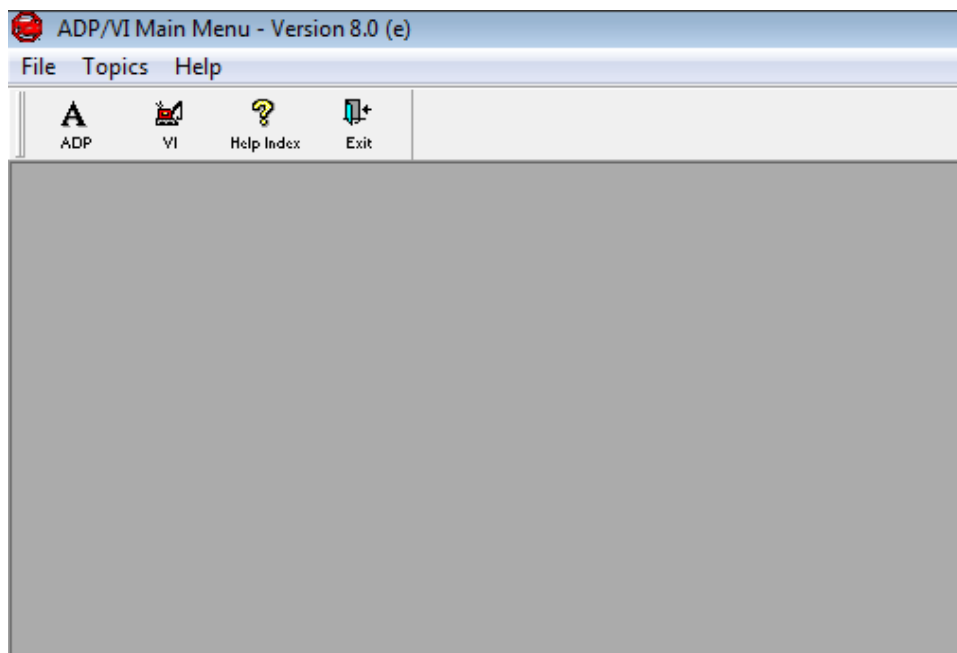
Mainframe Id:

Mainframe Password:

OK Cancel

will populate once you hit "tab key"

5. Enter your **Password** and your **Mainframe Password** (^{s.15} ^{s.15}). Click **OK** to display the main menu.



6. Click on the applicable tab: **ADP** or **VI**.
7. Enter the review file number (for IRPs, enter the full 8-digit number, including '20' at the beginning).
8. Press **Enter** twice.

Note: For detailed information on using the ADP/VI system, refer to the *Accessing ADP/VI* instruction document, and the individual VI training manuals.

Drivers database

The Driver Licensing System (“Drivers”) is an ICBC database that contains drivers’ records. OSMV adjudicators need to access Drivers for a variety of reasons. You have the ability to update some screens in Drivers, and can view other areas.

Note: You cannot access Drivers from home.

To access and use Drivers:

1. Double-click on the **Drivers** icon on your desktop (or click on **OSMV Applications** on the Intranet and select **ICBC - Drivers System**).
2. Press **F2** at the main portal screen.

```

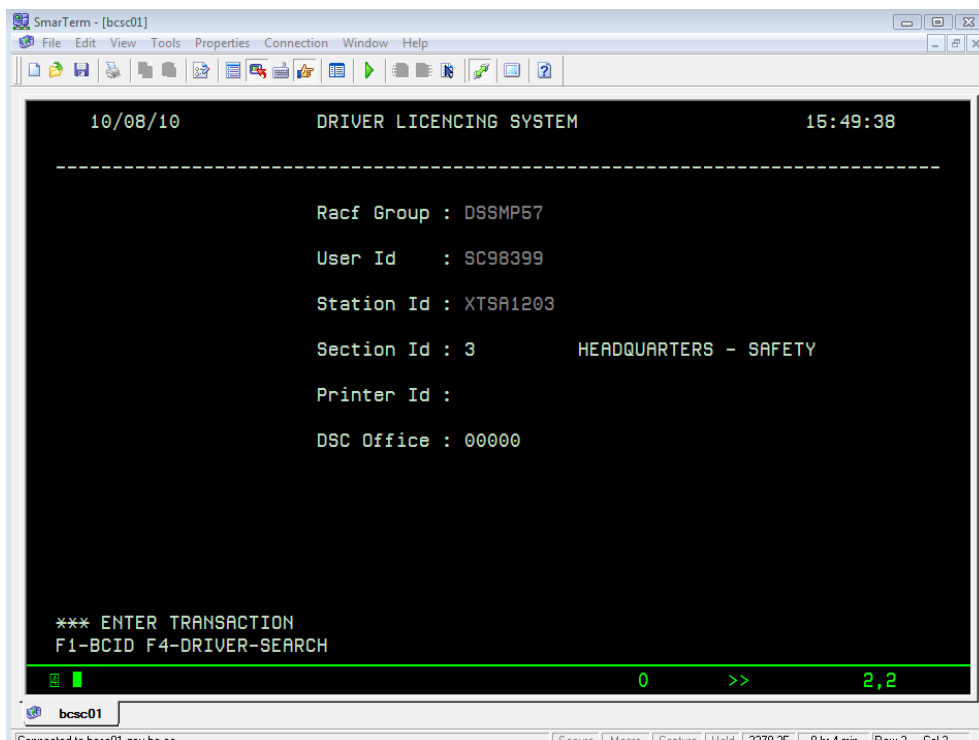
10.222                                     #
15:09                                     ###
                                           #####
                                           #####
                                           # # # # #
                                           # # # # #
                                           # # # # #
# # # # #                               ##### # # # # #
### ### # ##### # ##### # ##### #
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##### Government of British Columbia #####
### # ### # ### # ##### # ### # ###
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##### # ##### # # ##### # #####
### # ##### SPAN/BC ##### # ###
### Shared Provincial Access Network ###

Pf Appl  Enter  Exit  Pf Appl  Enter  Exit  Pf Appl  Enter  Exit
-----
1 NEWS   NEWS   ENTER  5 DB2PROD DB2P   LOGOFF  10 IMS2  IMS2   /RCL
2 IMS    IMS    /RCL   6 ICBC IMS  IIMS   /RCL   11 FS   VM   FS    VMEXIT
3 TSO    LOGON  LOGOFF  7 VM       VM     VMEXIT
4 IMSTEST IMSTEST /RCL   8 CICS     CICS   LOGOFF

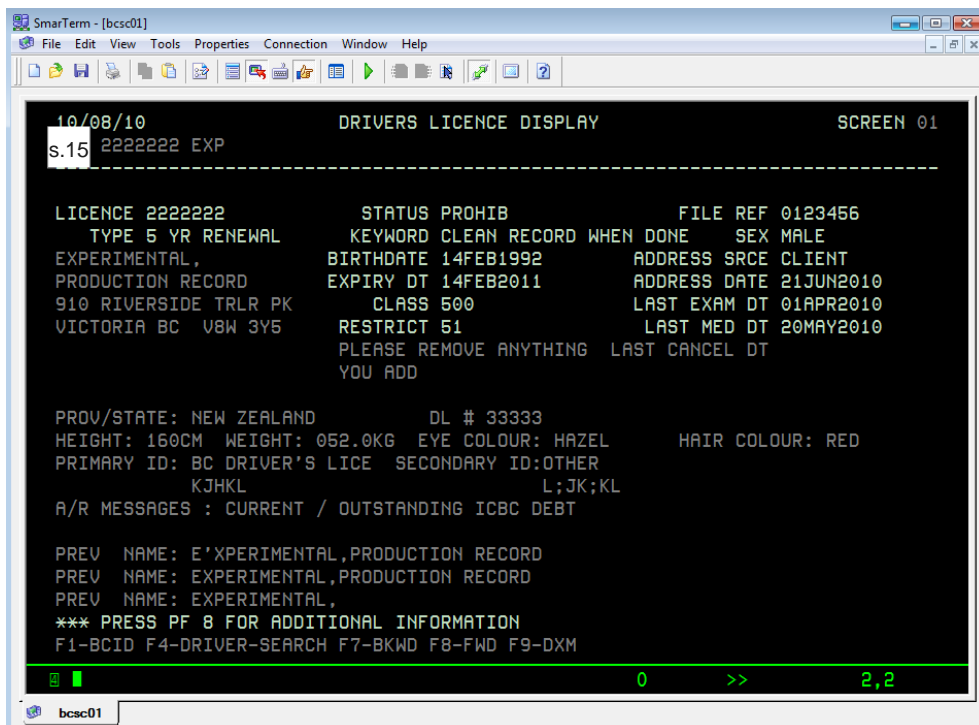
==>
0 >> 23,6

```

3. When the screen says **Terminal Connected**, type: **/for signon**. Press the spacebar and press **Enter**.
4. Enter your userid and password and press **Enter** s.15
s.15 The words **Sign Command Completed** should appear at the bottom of the screen. (If you see **Sign Command Rejected**, see the Note below.)
5. Press the **Pause/Break** key to clear the screen.
6. Type **DSSMTSO**, press the space bar, and press **Enter**. You should now be logged into Drivers.



7. To search for a drivers licence number, type **s.15** in the **bottom field** (where the cursor is), followed by a space, then the 7-digit driver's license number. Press **Enter**.



To navigate Drivers, use the PF buttons at the bottom of the screen. For example, clicking **PF4** allows you to search for an applicant by name or phonetic. Clicking **PF3** returns you to the first page of a driver's record.

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For information on how to use Drivers for the first time, see the *ICBC Drivers System Logon: OSMV Adjudicator Procedures*.

MS Word templates

There are several Microsoft Word templates that you will need to use, including letters and notices to applicants, and decision letter templates. In addition, checklists of facts that must be found for your cases are available as an aid. For more information on how to use them, see Section 3.3, *Writing Review Decisions for Impaired Driving Prohibitions*.

To access the templates:

1. Open Microsoft Word.
2. Click on **File, New**.
3. Under General Templates, select **New from Template**.
4. Click on the **adp_vi** templates.
5. Select the appropriate template (failure / refusal / over .08, etc.)
(Note: Templates will be available with the new core operating system.)
6. If prompted, select **Enable Macros** and follow the prompts. The template will fill in much of the information for you.
7. To write decision letters, display the ADP/VI toolbar by clicking on **View, Toolbars**, and selecting **ADP Review**.

Mailing and Faxing Deadlines

Decision letters must be sent to both the applicant and lawyer within 21 days of the NoDP service date (for IRPs and ADPs). However, under the MVA s.215.5(7), that period may be extended if the adjudicator needs more time.

For vehicle impoundments, decision letters must be sent within 7 days of the review date.

1. Don't forget to allow time for the peer reviewer to proofread your decision.
2. Mail your decision in time:
 - **VI:** By the end of the 7th day after the review.
 - **IRP:** By the end of the day on the 21st day

- **ADP:** By the day before the 21st day

Note: Whether or not the driver receives the decision by the 21st day, they are deemed to be prohibited unless they hear otherwise.)

3. Place the decision letter for the driver in the outgoing mailbox. (Mail pickup times are 8:30 am and 1:30 pm.)
4. Immediately fax a copy of the decision letter to the applicant's lawyer (if they have one).

If the applicant does not have a lawyer, also advise them by telephone of a successful (revoked) prohibition.

Team Meetings

Adjudicators must attend monthly scheduled team meetings (or as required). These are structured, formal meetings chaired by the Team Leader.

A team meeting agenda will typically discuss adjudicators' work and workloads, scheduling and vacations, and questions about specific cases. Administrative rules govern decisions made in meetings to ensure decisions in individual cases are not being overridden or influenced by a group decision. For example, the merits or facts of individual cases cannot be discussed, and no new evidence can be introduced or considered.

Smaller, more informal meetings may be held as required between the Team Leader and several adjudicators, to cover any issues that are more appropriate in a small-group setting.

The protocol for formal team meetings is as follows:

- Everyone comes fully prepared for the meeting.
- Everyone has the opportunity to be heard and to pose a question.
- Only one person speaks at a time.
- Everyone's opinions and ideas will be respected, even if they differ from others.
- If you propose an agenda item, indicate if or when a decision is needed, and provide handouts on the issue if that would be useful.
- The Chair will:
 - Bring sidebar discussions back to the group to be discussed by everyone.
 - Bring forward issues from the previous meetings that were not resolved.
 - Keep the meeting on track by bringing discussions to a close, and summarizing the group consensus on each issue.

Privacy Breaches

The OSMV deals with highly sensitive information on a day-to-day basis and it is important to prevent privacy breaches. A privacy breach is any situation where personal information is collected, used, disclosed, accessed, disposed of, or stored, either accidentally or deliberately, that is not authorized by the *FOIPP Act*. Breaches can be on any scale and can happen anytime, such as a person's

name and address being divulged in an unauthorized way. An example is accidentally stuffing into one envelope two different decision letters to two different applicants.

It is crucial for the OSMV to preserve the privacy of all personal information obtained during the course of work. To prevent the inadvertent disclosure of the personal information to the wrong party, adjudicators will follow these guidelines:

- Complete the work on one decision letter at a time. This ensures that the letter you are sending does not accidentally get attached to a different letter or document pertaining to another applicant.
- Ensure that all documents in a file are those that came with the file. If you are dealing with more than one file at a time, a document could end up in the wrong file.
- Always double-check that the address below the name of the applicant is correct. Although peer reviewers will check for spelling and even compare the address with that given in the *Notice of Driving Prohibition*, it is up to each individual adjudicator to ensure that the address of the applicant correct.
- Always remember to shred any photocopies of documents you make.
- Every day before you go home, store all documents from a file within its respective folder.
- Go with your instinct – if you have an inkling that you may have missed something or that you may be sending information to the wrong party, always double check.

2.2, Legal and Policy Issues for Reviews

This section outlines legal and policy issues that adjudicators need to be aware of when conducting reviews of prohibitions and impoundments. It covers the following topics:

- Confidentiality guidelines
- Disclosure
- Independence of adjudicators
- Ensuring a fair process
- Dealing with bias issues
- Dealing with jurisdictional issues
- Distinguishing between evidence and arguments
- Assessing evidence and credibility
- Dealing with difficult applicants/lawyers

Note: For detailed information on conducting hearings, see the manual *Foundations of Administrative Justice*, and/or the *BCCAT Adjudicator's Manual*.

Confidentiality Guidelines

You must never discuss your cases with family members or friends. (Some discussion with colleagues is often a natural part of the adjudicative process, provided the adjudicator who conducts the review also makes the decision.)

If you have a question on a case before you, consult with your Team Leader or mentor if necessary. If you have not yet made a decision, the Team Leader or mentor can suggest options or considerations and offer some guidance, but cannot tell you what decision to make or talk to you in depth if it might influence your decision. (Your mentor will also read your decision letters before they are sent and will help guide you through the process and procedures.)

Since you do not know in advance which cases will come before you, never put yourself in a situation where others are talking about a case. This may occur for example, when an applicant is high profile and there could be media coverage of their drinking and driving offence. If possible, try to avoid media reports, but under no circumstances should you listen to others talk about it.

To safeguard the confidentiality of your work, at the end of each workday:

- Close down all windows on your computer.
- Restart your computer.
- Shred any documentation that might contain sensitive information, such as rough drafts of decision letters.

Disclosure

The Appeal Registry is responsible for ensuring that the applicant and police have submitted all documents required for a review, and that those documents have been disclosed to all parties at least 48 hours before the review. If you find

that some documents have not been disclosed to the applicant, you should return the file to the Appeal Registry to disclose the documents. If there is no time to disclose the documents before the review, you can either obtain the applicant's permission to disclose the documents over the phone at the hearing or adjourn or reschedule the hearing.

Once you have been assigned a review file, any information or advice that you obtain from another source must be disclosed to the applicant. Occasionally, it might be necessary to obtain such information or advice, but in general it should be avoided because it can unnecessarily complicate the review and even undermine the process.

Here are some guidelines to help illustrate what you do and do not have to disclose:

- Do not act as an investigator to gather relevant evidence.
- You can make inferences. Consult your case law summary for the many authorities on this issue.
- You may consider your own knowledge and expertise in coming to a decision.
- Do not substitute your own knowledge for evidence submitted by the applicant/lawyer unless you disclose the information to all parties.
- Avoid telling the applicant/lawyer that you need to contact someone else for information, because this obligates you to do so and to disclose the received information to the applicant.
- You may ask the Team Leader for clarification on an administrative or policy issue, without disclosing to the applicant/lawyer.
- Do not refer to judicial information that is not generally available or known to the applicant/lawyer. This means you cannot seek legal advice on the case unless you disclose it to the applicant/lawyer.
- If you need legal advice, speak to your Team Leader first to determine how best to proceed.
- While conducting an oral hearing, do not leave the hearing room, and do not contact anyone by phone or email, even internally.
- Do not engage in *ex parte* discussions by talking to one party in the absence of another party, even in a social or casual context. It could be assumed that evidence or submissions were discussed or that favouritism was shown.

Independence of Adjudicators

Independence refers to “institutional independence” as well as “impartiality” – the absence of bias, either actual or perceived (see next two headings for more information on bias).

“Institutional independence” means that adjudicators make independent decisions according to their own conscience and opinions, without pressure or undue influence from the government or other parties. The role of adjudicators is to ensure that the evidence that comes before them is reliable and credible, and to conduct reviews within their legal and administrative jurisdiction by using the principles of administrative justice and procedural fairness. For more information, see the *BCCAT Adjudicators Manual* and the *Foundations of Administrative Justice*.

You must make an independent decision on the case before you, regardless of the decisions or reasoning of other adjudicators. For example, sometimes a lawyer will submit a decision from another adjudicator who has revoked a prohibition. You should review that decision, but you are in no way bound by it, even if the case appears identical. However, you must be prepared to stand behind your decision, so be careful to justify your reasoning if another similar case had a different outcome.

Note: When applying policy to help make decisions, remember that the person who hears the case must be the one who decides it, and that every case must be decided on its merits. While guidelines are useful, they cannot be rigidly applied or allowed to replace your own judgment.

Ensuring a Fair Process

Administrative justice (or natural justice) means applying the principles of procedural fairness during the review process. The adjudicator has a duty to act fairly towards a person affected by an administrative decision. The applicant is entitled to:

- Know the case against them, and have the opportunity to reply to it
- Obtain a decision from an impartial and unbiased decision-maker
- Have the person who hears the case decide the case
- Be told the reasons for the decision in writing

You must ensure a fair and impartial review process by ensuring that the applicant has:

- Notice of the review date
- Sufficient information and time to prepare their case
- Full disclosure of the evidence
- An opportunity to present their case

Decisions should be considered in light of the duty to be fair – for example, whether to reschedule a review to accommodate a lawyer whom the applicant has retained close to the review date.

Note: Impartiality does not mean the absence of all constraints or influences, since adjudicators act within their jurisdiction and the law, and apply their skills and experience to conducting reviews. Rather, impartiality means being influenced only by relevant considerations, such as the evidence before the adjudicator and applicable laws.

For detailed information on the duty to act fairly, see Chapter 2 of the *BCCAT Adjudicator's Manual*, and Section 3 of the manual *Foundations of Administrative Justice*.

Dealing with Bias Issues

You must not say or do anything that would lead a reasonable person to conclude there is a reasonable perception of a likelihood of bias. The bias does not have to be conscious or even real. For this reason, you must consider how to conduct yourself in oral reviews and how to handle difficult or hostile applicants (because any non-objective conduct could be interpreted as bias). Also, ensure

that your decision letters are not written in a way that suggests that the decision was a foregone conclusion or that the evidence was not properly considered.

There are two types of bias that you need to be aware of: institutional (or systemic) bias and personal bias. Be prepared to respond to issues of bias. It is important to listen and understand what type of bias it is and how to respond appropriately.

Institutional bias Lawyers typically make allegations of institutional bias before the review proceeds, because if the issue is not raised at the time of the review, it cannot be pursued later with a judicial review.

A common example of alleged systemic bias is when an applicant's lawyer argues that you have lost jurisdiction to review the case due to a reasonable apprehension of bias in favour of the police. Issues raised may include (for example) the role of the police in adjudicator training, or communications with police to improve the quality of police evidence.

You must guard against the perception of institutional bias. Some practices may contribute to that perception or create subtle pressure on adjudicators to inadvertently lean in a particular direction – for example:

- Roundtable discussions by adjudicators that focus on a specific case
- The use of compiled statistical data on the number of confirmed and revoked prohibitions
- Over-reliance on policy and guidelines when making decisions with insufficient weight given to adjudicator experience or discretion

Personal bias The applicant/lawyer may allege a personal bias on your part. A common example is when the applicant has had a prior review with you in which the prohibition was confirmed. Therefore, the applicant/lawyer feels that your previous decision may bias you towards confirming a prohibition again.

Once you listen to the applicant/lawyer's allegations, your training and experience should enable you to immediately determine whether or not you are biased. The criteria for judging bias are discussed in Section 3.4 of the manual, *Foundations of Admin Justice*, and include:

- You have a personal financial interest in the case.
- You are related to or have a personal relationship with one of the parties in the review.
- You previously represented one of the parties to the review in some other context (i.e., acting as counsel, advisor, expert, or consultant).
- Your conduct or language shows bias or hostility.

If you do have such a bias, you must release the case to another adjudicator, even if you believe you can act fairly. If you determine that you do not have such a bias, simply tell the applicant/lawyer that there is no personal bias and that you will continue with the review. You must give reasons for your determination of non-bias in written decisions, but do not have to do so during an oral hearing.

If the applicant/lawyer argues or objects, the best response is: "I've heard you on this issue. I've made a decision, and I'd like to go ahead." It is important that you hold your ground if you believe there is no bias. If the applicant/lawyer is still unhappy, they can apply for a judicial review after you submit your decision.

Dealing with Jurisdictional Issues

You must be sure you have the legal authority and jurisdiction to make a decision as an adjudicator. It is important to understand the limits of your jurisdiction in order to determine which evidence and arguments are relevant. It may be helpful to re-read the enabling legislation when seeking clarification. Following is further guidance on some jurisdictional issues that you should be aware of.

If the applicant/lawyer alleges during a hearing that you do not have jurisdiction to consider evidence or make a decision, you have a duty to be fair and listen, then decide whether you do have proper jurisdiction under the circumstances. If so, respond as you would for alleged bias (described above). For example: “I believe I do have jurisdiction, so let’s proceed.” Or: “I’ve listened to your arguments, but I’ve determined I do indeed have jurisdiction, so let’s go ahead.”

Jurisdiction when police evidence is flawed

You have no jurisdiction to review a case if police failed to check off one of the charge boxes on the *Notice of Driving Prohibition*, according to *Lang*).

ADPs: The prohibition becomes a nullity. You should return the file to the Appeal Registry, who will ask the police to re-serve the prohibition.

IRPs: Immediately revoke the prohibition or impoundment (under *Lang*) and inform the applicant/lawyer before they make submissions.

Note: The OSMV does not ask police to re-serve IRP prohibitions that are revoked under *Lang*, because this would create a second prohibition and a second impoundment.

With IRP prohibitions, two possible scenarios may occur when police fail to check off a charge box:

Scenario 1: Police recognize their mistake and immediately correct it by informing the applicant of the box that was supposed to have been checked, and provides this evidence in their Report to Superintendent (RTS) or PRIME report. You may proceed with the review in this case.

Scenario 2: The OSMV receives the police evidence and no explanation from the officer in the RTS or PRIME report that the officer has informed the applicant of the box that was supposed to have been checked. You must revoke the prohibition in this case.

However, you should proceed with the review in other situations where police evidence is flawed – for example:

- The police ticked the wrong charge box on the *Notice of Driving Prohibition* or more than one box. (The *MVA* s.215.5(3) allows you to substitute a warn for a fail and s.215.5(5) allows you to confirm as a warn even if the result was a fail.)
- Police documents are missing (e.g., *Report to Superintendent*, *Certificate of Analysis*).

Motor Vehicle Act jurisdiction

The *Motor Vehicle Act* narrowly defines an adjudicator’s jurisdiction. For example, there is no discretion granted to increase the term of the driving prohibition. You are limited to determining only whether to confirm or revoke the prohibition or shorten its duration, as well as upgrade/downgrade the impoundment, according to whether the evidence corresponds to the fact pattern set out in the legislation.

Just as adjudicators can exceed their jurisdiction by deciding issues irrelevant to the mandated decision, adjudicators can sometimes fail to exercise their jurisdiction by avoiding a determination of relevant issues. For example, you must make a finding with respect to the issue of whether or not the person was operating or in care and control of a motor vehicle, regardless of whether or not the applicant raised it as an issue. See the *Checklists of Facts* in Appendix 3, *Forms and Templates*, for information on the issues that must be considered.

Criminal Code jurisdiction

In making a decision to confirm or revoke a driving prohibition, you may need to consider the criminal law process by which evidence was obtained. For example, in assessing whether an excuse for refusing to provide breath samples is reasonable, you must consider whether a proper demand was issued by the police officer pursuant to s.254 of the *Criminal Code*. Another factor may be whether or not an applicant who refused a demand because they wanted to talk to a lawyer was informed of their right to retain a lawyer.

However, you have no jurisdiction to determine criminal wrongdoing in cases where the driver is also being charged with *Criminal Code* offences for driving while impaired. Confusion may arise because the police enforce both the federal *Criminal Code* and the *MVA*, which is a provincial civil statute. This may lead applicants to submit criminal law arguments in presenting their cases, or to believe that a prohibition will not take effect if the criminal charges are not pursued.

No jurisdiction for Charter of Rights

If an applicant's constitutional rights have been allegedly violated, the decision in *Buhlers v. British Columbia* made it clear that an adjudicator has no jurisdiction to hear *Charter of Rights and Freedoms* arguments. Therefore, you have no authority to remedy perceived Charter rights violations by excluding evidence (such as a *Certificate of Analysis*). Criminal law lawyers who argue that their applicant's Charter rights were violated are usually unaware that following this strategy will not result in evidence being excluded in reviews.

During an oral hearing, you should make clear to the applicant/lawyer the limits of your jurisdiction, especially if the lawyer is making constitutional arguments. Written decisions must have a section explaining preliminary matters including biases, limitations, and jurisdiction.

Remedy for jurisdictional errors

If you make a jurisdictional error in your decision, the applicant/lawyer can request a judicial review. The two major causes of jurisdictional error that lead to a decision being judicially reviewed are:

- Misinterpreting the *Motor Vehicle Act*
- Failing to follow the rules for procedural fairness regarding the evidence

For more information on judicial reviews, see Section 5.1, *Judicial Reviews*, as well Section 2 of the manual *Foundations of Administrative Justice*.

Distinguishing Between Evidence and Arguments

Evidence consists of the facts, which are what happened and who said what. Conflicting facts are still evidence. Some common types of evidence include:

- Oral testimony from witnesses
- Opinion evidence from expert witnesses based on the facts
- Affidavit evidence in written form
- Demonstrative evidence such as photographs

- Documentary evidence such as correspondence, articles, or reports

Arguments are the interpretation of the facts and support for the evidence. Arguments also include hypotheticals and presumed facts (such as when the police forgot to check a box on a form and it's assumed it should have been checked).

“Evidence is the material which is submitted to establish the factual basis against which legal interpretation, policy, and logical reasoning will operate.” (*Sprague* case law, p.14) For example, adjudicators must not accept into evidence simple assertions from lawyers such as: “My applicant advises that he had no intention of driving.”

Assessing Evidence and Credibility

The *MVA* allows the adjudicator to determine the weight to be given to any document or other information submitted, including unsworn evidence. As a finder of fact, you must draw conclusions or inferences from the evidence by assessing its relevance, reliability, and weight. Impartiality is critical. Once you are satisfied that the evidence is sufficiently relevant and reliable, you must decide how much weight to give to it.

Relevance means the evidence logically assists in proving or disproving a fact in issue in the case before you. Reliability focuses on whether the evidence is trustworthy and likely to be true, which involves considerations of the source and form of the evidence. Reliability also goes to weight. For example, a written statement from a third party in affidavit form given under oath will have greater reliability and should be accorded more weight than a written statement whose truth cannot be tested (an exception might be an unsworn police report). Hearsay evidence may be admitted only if you find it to be inherently reliable or more likely to be accurate than not. (Hearsay evidence is secondhand information the person had no direct experience with.)

You may also need to analyze a set of facts to make a finding on a legal issue. For example, the facts in a particular case may or may not constitute a person being found to have care and control of a motor vehicle.

Note: The standard of proof for adjudicators' decisions is the civil standard of “on a balance of probabilities”, rather than the stricter criminal standard of “beyond a reasonable doubt.” “On a balance of probabilities” means that there is more evidence in favour of the conclusion than against the conclusion.

Follow the “best evidence rule” in fact finding:

- In general, evidence should be accepted unless there is contrary evidence or unless there is good reason to believe that it is not credible or trustworthy.
- Similarly, when evidence is presented but the other party is silent on the issue, you must not reject the evidence without a good reason.
- Good reasons for rejecting evidence might include (but are not limited to):
 - Internal inconsistencies in the witness' story
 - The witness' lack of credibility due to a motivation to lie
 - Previous lies by the witness

- The fact that the issue was not raised at the time of the incident
- When the applicant/lawyer disputes the evidence, you must make a decision about whose evidence is more credible.
- If you must decide which of two versions of events to accept as fact, you may prefer the evidence of more impartial witnesses over those who have something to win or lose from the decision.
- However, if you are unconvinced by one party's evidence, do not render the decision for the other party by default. Their evidence must be relevant and reliable on its own.
- Exercise caution when assessing a witness's credibility based on their demeanour, since cultural conditioning can affect perceptions of what seems honest or dishonest.
- An opinion is not evidence, except when it is expert opinion from an expert witness.

Here are some basic guidelines for how much weight to give certain types of evidence:

High weight – very relevant:

- Direct evidence – I saw, I heard, I tasted, I touched
- Evidence given under oath or affirmation, by affidavit, or sworn police documents
- Indirect evidence – highly reliable sources, e.g., bank statement
- Tends to prove or disprove a fact in issue

Medium weight – relevant:

- Direct evidence but less reliable than above (e.g., unsworn police documents)
- Good hearsay, that is, it is reliable and/or necessary
- Helps to prove a fact in issue
- Witness has not taken an oath or affirmation or is not present for questioning

Low weight – borderline relevant:

- Direct evidence that has weak credibility
- Indirect evidence that is weak in reliability and credibility
- Bad hearsay
- Weak tendency to prove or disprove a fact in issue
- Documentary evidence from an unreliable source (e.g., newspaper)

For more information on weighing evidence and credibility, see the manual *Foundations for Administrative Justice* or the *BCCAT Adjudicator's Manual*.

Dealing with Difficult Applicants/Lawyers

Adjudicators must be trained in conflict resolution techniques. Since oral reviews are only 30 minutes long, difficult or emotional situations must be dealt with quickly.

Reducing your own fear or anxiety

During hearings, you must maintain a judicial temperament. Always listen attentively, patiently, and courteously to all participants. No matter how exasperating the conduct of the participants may be, you need to stay in control

of your emotions and not use indiscreet or disrespectful language. Try to maintain a “poker face.”

Remember that if an applicant or lawyer becomes difficult, it is not about you personally – they are responding to their own situation and their own perceptions of your professional role as adjudicator. A good way to defuse possible tensions or misunderstandings between any party in the review, including yourself, is to explain upfront the limits of your jurisdiction to make a decision, and your professional and legal obligations to be fair, objective, and independent.

If you fail to maintain a judicial temperament, there may be an apprehension that the case is not being decided on an impartial, objective basis. This alone can be grounds for a successful judicial review.

Angry or emotional applicants

You must be able to stay calm in order to listen, understand, and respond constructively to the concerns of an angry or crying person.

It is important to act in a neutral manner and not be overly sympathetic or partisan. For example, do not say “I’m here to help you,” because you are not an advocate for either side; you are an independent decision-maker.

Here are some sample recommended statements:

- “I understand your frustration, but to do my job, I need you to give me information in a calm way.”
- “It’s important that I understand what you’re saying, so please take a moment to calm down and then let’s continue.”
- “I realize this is difficult for you, but I need to take your information and the only way I can do that is if you’re calm.”

Note: You may offer a few minutes break if an applicant becomes upset during a hearing. Keep in mind that hearings are only 30 minutes long and cannot be put on hold or extended – however, there is usually some leeway in scheduling to allow you to go over the limit by a few minutes if necessary. If you are conducting the review in a hearing room, it may be necessary to adjourn the hearing so that you can call back the applicant and complete the hearing from your office phone.

Bullying and intimidation

Generally, lawyers make their submissions in a respectful manner. However, on occasion, lawyers may speak or act disrespectfully and may try to bully the adjudicator. This is not acceptable. If it happens, you must explain to the lawyer that improper conduct will not be tolerated. If it continues, you have the right to adjourn the hearing for 15 minutes. If that is not successful, you may adjourn the hearing to contact the client directly, in which case the lawyer will not be permitted to make any further submissions on that file.

The following script may be helpful when dealing with difficult lawyers:

“Mr./Ms. [lawyer’s name], I am not comfortable with your tone/comments. Please continue in a respectful/professional manner.”

If the conduct continues:

“Mr./Ms. [lawyer’s name], I am adjourning the hearing because you continue to speak in a [disrespectful/unprofessional] manner. I will contact

you at this number in 15 minutes. At that time, if you continue to speak to me in this fashion, I will contact your client directly to continue the hearing.”

After 15 minutes:

“Mr./Ms. [*lawyer’s name*], please proceed with your submissions”.

If the lawyer continues with the disrespectful behaviour:

“Mr./Ms. [*lawyer’s name*], I asked you to provide your arguments/evidence in a respectful manner. As you have chosen not to do that, I will contact your client directly to continue this hearing”.

If the client is with the lawyer, or if you cannot reach the client, or if the client wishes to obtain another lawyer, you can advise that you will briefly adjourn the hearing to another day/time to do the hearing, either with the client alone or with new representation. You may decide the appropriate length of time for the adjournment, but two or three days should be sufficient.

Threats It is a serious matter if you believe that an applicant/lawyer is threatening you. You must deal with it immediately and put it on the record (in the ADP/VI system).

1. Confirm a perceived threat by saying, for example: “Are you telling me that if I don’t release your vehicle, you will come and do something to me?”
2. If the applicant/lawyer confirms or repeats the threat, say: “This is what I heard you say... [*repeat threat*]. I take that as a threat and I’m going to contact the police.”
3. End the review immediately, especially if you feel in any way unsafe.
4. Inform the Team Leader about the threat and contact the police.

2.3, Cancelling Interim Driver's Licences

This procedure describes how to cancel interim driver's licences because of unpaid driving prohibition penalties. The OSMV will initiate licence cancellation, which is done by adjudicator Team Leaders.

Overview

All drivers who receive an IRP must pay an Administrative Prohibition Penalty ranging from \$200 to \$500.

- For 30 and 90-day prohibitions, drivers must pay the penalty in full (at an ICBC Point of Service) before they can reinstate their licence.
- For 3-day and 7-day prohibitions, the driver can defer the payment for 30 days. ICBC will then issue an interim 60-day licence. If the full prohibition penalty payment is not received within 30 days of the payment deferral, the driver's licence may be cancelled by the OSMV.

ICBC produces a daily query called the *Daily File Review Report* that identifies licensed drivers with 3-day and 7-day prohibitions who have not paid the deferred prohibition penalty within 30 days. The report is compiled from the Drivers system and submitted to the OSMV every day. Using this report, the OSMV will cancel interim driver's licences where warranted.

Procedure

When Team Leaders receive the *Daily File Review Report* from ICBC, they will assign an adjudicator to review each identified case on the report to confirm that cancelling the interim driver's licence is appropriate.

1. In Drivers, display the driver's record and verify that the penalty has not yet been paid. If it has been paid, no further action is required.
2. Initiate the licence cancellation if payment is still outstanding (shown on Drivers as: **3 Hold \$2/300 IRP penalty – pay in full**).
3. Enter this status code in the **XS** screen on Drivers: **3-ICAN – CANCELLATION IN PROG-UNPAID IRP FEE** with a 30-day review date.

Note: If the driver does not pay the prohibition penalty within those 30 days, the Drivers system will automatically cancel the licence and remove the cancellation code, while leaving a code to indicate that a payment remains outstanding.

4. Send a reminder letter to the driver notifying them that the prohibition penalty payment is overdue and their licence will be cancelled in 30 days unless they pay the penalty. Use the IRP Monetary Penalty letter located at W:\Correspondence Unit\adp_vi\Deferred Penalty\IRP Cancellation Letter Template (see sample letter below).
5. Add the driver's personal information from ADP/VI (enter the DL and Name in **Search for Existing ADPs**).

6. Select either 3 or 7 days for the respective \$200 or \$300 penalty.
7. Ensure the cancellation date coincides with the 30-day review date as entered in Drivers.
8. Save the file (e.g., IRP123456Doe) to: W:\Correspondence Unit\adp_v\Deferred Penalty\Deferred Monetary Penalty Letters.
9. Send a copy of the letter to the driver.
10. In ADP/VI under **Comments**, add:
 - Date you mailed the driver the letter
 - “Sent reminder letter to driver today. Must pay outstanding monetary penalty within 30 days or DL will be automatically cancelled.” (suggested wording)
11. Make an entry for each case of unpaid penalty in the shared Excel spreadsheet for driver’s licence cancellations, called the *Deferred Monetary Penalty Log*. Enter the data for the file name (123456Doe), including the date, DL, IRP number, driver name, and 3 or 7-day penalty.

Reminder Letter Template

[date]

[driver’s name and address]

Dear [name]:

RE: Immediate Roadside Prohibition Monetary Penalty 20-123456

Our records indicate that on [date] you applied for renewal of your British Columbia driver’s licence after serving a [3-day] [7-day] Immediate Roadside Prohibition (IRP). At that time, you chose to defer paying the monetary penalty of [\$].

Under section 215.44 of the Motor Vehicle Act (MVA), drivers are required to pay a monetary penalty before a driver’s licence is issued. However, in the case of a 3-day or 7-day IRP, a driver may choose to defer payment for 30 days from the date they apply for a driver’s licence renewal.

If a driver does not pay the monetary penalty within 30 days of applying for the renewal, the driver’s licence will be cancelled under section 26.1 of the MVA. Records show that you have not paid the monetary penalty within the established time. Your driver’s licence will be automatically cancelled 30 days from the date of this letter, unless you pay the monetary penalty in full.

You may attend any Driver Licensing Centre in British Columbia to make payment. If your payment is made in full within the next 30 days, your driver’s licence will be released for print. Should you have any further enquiries, you may contact the Customer Services department of the Insurance Corporation of British Columbia toll free at: 1-800-950-1498.

Yours truly,

K. Anderson
Manager, Adjudication & Training

Chapter 3, Reviews for Impaired Driving Prohibitions

- 3.1 Grounds for Review for Impaired Driving Prohibitions**
- 3.2 Conducting Reviews for Impaired Driving Prohibitions**
- 3.3 Writing Review Decisions for Impaired Driving Prohibitions**
- 3.4 Completing Review Files for Impaired Driving Prohibitions**

Adjudicator's Procedures Manual

Ministry of Public Safety
and Solicitor General

Office of the Superintendent
of Motor Vehicles



3.1, Grounds for Review for Impaired Driving Prohibitions

This procedure describes the grounds for review for all driving prohibitions, including:

- Grounds for review for IRPs and ADPs
- Technical grounds for review
- Operation or care or control of a motor vehicle (IRP/ADP)
- Blood alcohol concentration did not exceed 80 mg% (ADP only)
- ASD did not register a warn or a fail (IRP only)
- Did not fail or refuse to comply with an ASD demand (IRP/ADP) or blood/breath test (ADP only)
- Had reasonable excuse for failing or refusing to comply (IRP/ADP)
- Invalid grounds for review
- Grounds for review for 24-hour driving prohibitions
- Grounds for review for unlicensed driving prohibitions

Important Caveats

The considerations, questions, and examples given in this section are intended as guidelines for adjudicators and are not binding. Other situations may occur besides the examples given. Remember that each case is unique based on its facts, even if they appear similar.

You must make a determination of the validity of the grounds by reviewing only the evidence before you, including the applicant's written submissions and oral arguments. If any relevant evidence is missing, you cannot request it from the applicant or their lawyer, even if the lack of it may compromise their case.

You may consult legal opinions, but note that legal opinions are not themselves law, but are an interpretation of law that may be binding on adjudicative decisions. The full text of these opinions is available in the OSMV legal opinion registry.

You must carefully consider all facts before reaching a decision. Depending on the circumstances, certain factors may be given more weight than others.

Grounds for Review for IRPs and ADPs

The applicant selects one or more grounds on the *Application for Review* form, and they include:

- ADP**
- I did not operate or have care or control of a motor vehicle.
 - The concentration of alcohol in my blood did not exceed 80 milligrams in 100 millilitres of blood.
 - I did not fail or refuse to comply with a demand under Section 254 of the *Criminal Code* to supply a breath or blood sample.

I had a reasonable excuse for failing or refusing to comply with a demand under Section 254 of the *Criminal Code* to supply a breath or blood sample.

IRP

- I was not driving or in care or control of the motor vehicle.
- An approved screening device did not register a WARN reading (50 mg%).
- An approved screening device did not register a FAIL reading (80 mg%).
- I did not fail or refuse to comply with the peace officer's demand to provide a breath sample.
- I had a reasonable excuse for failing or refusing to comply with the peace officer's demand to provide a breath sample.
- My 7-day or 30-day prohibition should be reduced because I did not have the required number of previous IRP(s).

Changed ground in submissions

If the selected grounds for review are not the grounds upon which the applicant submissions are based, that does not invalidate the application, as you may consider other applicable grounds. For example, if the applicant applies on the ground that they had a reasonable excuse for failing or refusing to comply with the ASD demand, but provides evidence that they were not the driver, the adjudicator must consider that evidence.

Technical Grounds for Review

Technical grounds for revoking a prohibition are usually caught at the intake level, but adjudicators should check to be sure.

Prohibitions must be revoked when no box on the *Notice of Driving Prohibition* (NoDP) was ticked off by the police officer (*Lang* case law).

ADPs

If the officer did not forward a *Certificate of Analysis* issued under s.254 of the *Criminal Code*, as required by the *MVA* s.94.3(e), you have no jurisdiction to remedy the officer's failure. Instead, you can make a finding on the basis of other evidence of BAC (e.g., breath test tickets, *Report to Superintendent*).

However, when the officer checks the box indicating they attached a Certificate, but it is not attached, the Appeal Registry will make one request for the missing Certificate before giving the file to an adjudicator. *MVA* s.94.5(2.1) gives you the authority to proceed with a review in the absence of a document that should have been forwarded by the police.

Additionally, if the lot number for the alcohol solution is not provided on the Certificate, the Appeal Registry will not assign the file to an adjudicator (because of the decision in *Streeter v. Superintendent of Motor Vehicles*, which held that an adjudicator cannot consider a Certificate with a missing lot number). If you receive a Certificate with a missing lot number, return it to the Appeal Registry. If there is any other information missing from the Certificate, please see your Team Leader.

Even if the *Report to Superintendent* (RTS) is not sworn or solemnly affirmed (i.e., it lacks the signature of the commissioner or the officer) as required by s.94.3(d), Sections 94.5(2.1) and (2.2) permit you to consider this evidence and determine the weight to give it.

Operation or Care or Control of a Motor Vehicle (IRP/ADP)

To confirm a prohibition you must be satisfied that the applicant was properly identified by the police officer as the person who was operating **or** had care or control of the vehicle. (See the *Glossary* for definitions.)

This ground for review is most often chosen by the applicant because police found them in the vehicle but they did not intend to drive. In such cases, the vehicle may have been inoperable, or the applicant may have been just sitting or sleeping in the driver's seat. Sometimes the person found in the driver's seat by police may not be the driver of the vehicle because, for example, they switched places with the actual driver after an accident. There is a great deal of case law in this area (see the case law summary). The main issues are the risk to public safety, the intent of the alleged driver, and the actions of the alleged driver.

Note: Although the *MVA* does not require an adjudicator to consider the driver's intention in the context of assessing wrongdoing, intention does have a place in determining whether or not a person is in care or control of a motor vehicle.

Proof that the police properly identified the applicant as the driver includes:

Direct police observation:

- The driver produced a photo driver's licence.
- Schriver's testing – Vital statistics on the driver's licence were compared to the physical characteristics of the suspect, such as eye colour or height.
- The driver's identity was confirmed by police through an interview.

Witness observation (admissible hearsay):

- A witness directly observed the applicant operating or in care or control of the vehicle.

Based on the submissions, you should try to answer the following questions to determine whether the applicant was operating the vehicle:

- Does the applicant admit to driving the vehicle?
- Was the vehicle in operation at the time the officer found the vehicle?
- Did the officer or any witnesses see the applicant operating the vehicle?
- Is there evidence that the applicant was operating the vehicle prior to the time they were found by the police officer?

If the vehicle was not in operation, consider these questions to determine whether the applicant was in care or control of the vehicle:

In what position was the applicant found?

- In, near, or away from the vehicle
- Awake or asleep
- Lying down, seated upright, or slumped
- Occupying the front or back seat
- Occupying the passenger or driver's seat
- Lying with their head or feet on the driver's seat

Where were the keys to the vehicle found?

- On the applicant's person
- In the vehicle

In what state was the vehicle found?

- Engine running or off

- Vehicle's transmission standard or automatic
- Vehicle in gear, park, or neutral
- Parking brake engaged
- Anti-theft device on steering wheel
- Obstructions behind or in front of the vehicle

Note: There are a number of legal opinions on care or control. For example, see ad-20100125 in the ADP legal opinions folder. Also, refer to legal opinion ad-20100125, which contains various legal memos on this issue.

***Successful grounds
for review***

The following examples illustrate when you may be satisfied that the applicant **did not** operate or have care or control of a motor vehicle:

-
-
-
-

s.15

***Unsuccessful
grounds for review***

The following examples illustrate when you may be satisfied that the applicant **did** operate or had care or control of a motor vehicle:

- The applicant makes an unsubstantiated claim that someone else was driving. For example: "Someone dropped me off and I fell asleep in my car." "Someone else was driving but they fled the vehicle."
- The applicant claims they were only moving the vehicle a short distance and no one else was available to do it.
- The officer observed the applicant in care or control of the vehicle, but approached the applicant after they had relinquished care or control.
- The applicant provides statements naming another person as the driver, but there is credible evidence that the applicant and the alleged driver switched seats. (For example: The officer observed the switch while approaching the vehicle; see legal advice in the ADP folder ad-17072006.)
- The applicant claims that they had no intention to drive. (For example: "I was just starting the car but I wasn't going to drive." "It was cold outside." "I started the car to get warm and then I was going to walk home." "I wasn't even driving." "I was going to sleep in the car until I felt OK to drive.")
- The applicant was found in the driver's seat with the engine running and there were no obstructions in front of or behind the vehicle.

Blood Alcohol Concentration Did Not Exceed 80 mg% (ADP Only)

To confirm an ADP issued on the basis that the individual's BAC exceeded 80 mg%, you must be satisfied that the person's BAC exceeded 80 mg% at any

time within three hours after the time of operation or care or control of the vehicle. Further, you must be satisfied that this was as a result of alcohol consumed prior to or while driving.

The applicant may claim this ground if they believe that the breath test reading was not valid, either because the breath test equipment was faulty, or the operator did not follow proper procedures. See a Team Leader for any ADPs where there is only one breath sample, where there is less than 15 minutes between samples, or where there is more than 20 mg% between the samples.

The applicant may also claim this ground if their BAC reading was over the legal limit because they consumed alcohol after driving.

**Successful grounds
for review**

The following examples illustrate when you may be satisfied that the applicant's BAC did **not** exceed 80 mg%:

Evidence deficiencies or discrepancies:

-
- s.15

Instrument error:

-
- s.15

Unabsorbed alcohol:

-
- s.15

Note: You may have to assess the amount of alcohol consumed after driving and its effect on the BAC reading, in order to determine whether enough alcohol was consumed before or while driving to cause the person's BAC to exceed 80 mg% within 3 hours after driving. Further, it may be necessary to consider the credibility of the applicant's overall drinking pattern in order to accept evidence that they consumed alcohol after operating or being in care or control of a vehicle.

**Unsuccessful
grounds for review**

The following examples illustrate when you may be satisfied that the applicant's BAC **did** exceed 80 mg%:

- The applicant claims that the instrument readings must be incorrect because:
 - They are inconsistent with the stated drinking pattern, or
 - They indicate a level of impairment inconsistent with the applicant's impairment indicators,
 - **But** the applicant does not provide satisfactory evidence that the instrument was not working properly.
- The applicant provides:
 - A drinking pattern statement, or
 - The results of their own simulated test, or
 - A forensic alcohol specialist's statement,

- **But** the applicant does not provide satisfactory evidence that the instrument was not working properly.
- The applicant claims that the time of driving or the time of the accident is unknown; however, it is substantiated by the evidence – e.g., by a witness or driver statement at the scene.
- The applicant questions the legality or validity of the officer's demand for a breath sample. (The validity is not relevant if the applicant provided a sample.)
- The applicant claims they had blood in their mouth and this would have affected the readings.
- The applicant claims that the readings are unsuitable because:
 - There are three readings.
 - There is a 20 mg% difference between the readings.
 - The second reading was higher than the first, and this indicates that their BAC was rising.

ASD Did Not Register a Warn or a Fail (IRP Only)

Successful grounds for review

The following examples illustrate when you may be satisfied that the ASD did **not** register a warn or a fail:

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-
-
-
-

s.15

Unsuccessful grounds for review

The following examples illustrate when you may be satisfied that the ASD **did** register a warn or a fail:

- The ASD calibration or expiry date is the same day as the incident.
- The applicant was already prohibited for 3, 7, or 30 days at the time they provided a fail sample on the ASD. (In this case, you must confirm the prohibition – see *MVA s.215.5(5)*.)
- The applicant was already prohibited for 90 days when they provided a warn sample on the ASD, but the officer issued the IRP on the basis of a 'fail.' (In this case, you must substitute the prohibition for the appropriate length of 3, 7, or 30 days – see *MVA s.215.5(3)(a)*.)

Did Not Fail or Refuse to Comply with ASD Demand (IRP/ADP) or Demand for Blood/Breath Test (ADP only)

To confirm an IRP, you must be satisfied that the applicant failed or refused, without reasonable excuse, to comply with an ASD demand. To confirm an ADP, you must be satisfied that the applicant failed or refused, without a reasonable excuse, to comply with a demand to supply a sample of their breath or blood

under Section 254 of the *Criminal Code*. Under the *MVA*, you must take into consideration any reasonable excuse.

You must also confirm that a valid demand was made by the police officer. The demand must leave the applicant in no doubt of their legal obligation to provide a sample or samples. A request or offer to take a test is not sufficient. The precise wording is not set out, but most officers read the demand from an official card.

This ground is often misinterpreted by applicants to apply in cases where the BAC was properly demanded and found to be over 80 mg%, or in cases where they provided a sample on an ASD and it registered a warn or a fail. In effect, the applicant is claiming that because they provided breath samples, they did not fail to comply with the demand (and presumably should have the prohibition revoked).

Refer to the case law summary for case law definitions regarding a failure or refusal to comply.

**Successful grounds
for review**

The following examples illustrate when you may be satisfied that **no** ASD demand or demand for blood or breath samples was made:

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-
-

s.15

The following examples illustrate when you may be satisfied that the applicant did **not** fail or refuse to comply with an ASD demand or a demand for blood or breath samples.

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-
-
-
-

s.15

**Unsuccessful
grounds for review**

The following example illustrates when you may be satisfied that the police **did** make an ASD demand or a demand for blood or breath samples:

- The applicant claims no demand was made, but there is strong police evidence that it was.

The following examples illustrate when you may be satisfied that the applicant **did** fail or refuse to comply with an ASD demand or a demand for blood or breath samples.

- The refusal was explicit (i.e., verbal) or implied by the individual's behaviour (e.g., willfully burping, vomiting, sucking back on the tube, releasing air from the nose, blowing too hard or too softly or too briefly).
- The applicant claims "I was trying," but the evidence indicates they were unresponsive to the officer's instructions.
- The applicant gave only one sample when two were demanded.
- The applicant gave one or two samples that were unsuitable.
- The applicant refused to provide any additional samples and does not provide satisfactory evidence that the samples were in fact suitable.
- The applicant refused to take an ASD test, but offered to provide a sample on a BTA at the police station or offered to provide a blood sample.

**Legal issues
regarding demands**

ASD demands:

- Before making an ASD demand, the police officer must have a suspicion that the driver has alcohol in their body.
- The driver has no right to consult with a lawyer.
- The *Charter of Rights* warning does not have to be read by the police officer.
- The time it takes to administer the test is not considered a detention if the ASD is done "forthwith" – usually within 15 minutes, although the officer may delay the sample if the driver has mouth alcohol (e.g., burp, recent drink).

BTA demands:

- Before making a demand for a breath test, the officer must form an opinion on reasonable and probable grounds that the driver's ability to drive is impaired by alcohol.
- Administering a BTA involves a detention, so the officer must read the *Charter of Rights* warning.
- Once the *Charter of Rights* warning is read, the driver has a right to consult a lawyer and be given a reasonable opportunity to do so.

BAC grounds:

- **IRPs:**
 - One breath sample must be taken on an ASD.
 - If the driver requests a second test, they must be given an opportunity to provide it, but on a different ASD).
- **ADPs:**
 - BTA reading(s) must be obtained using an approved instrument operated by a qualified technician.
 - For ADPs where there is only one breath sample, where there is less than 15 minutes between samples, or where there is more than 20 mg% between the samples, see a Team Leader..

Had Reasonable Excuse for Failing or Refusing to Comply (IRP/ADP)

To revoke a prohibition, you must be satisfied that all the evidence supports the applicant's claim that they had a reasonable excuse to refuse to comply with a

demand. It is not sufficient for the applicant to simply make that claim – they must provide corroborating evidence.

Many applicants apply on this ground when they attempted to blow but failed to provide valid breath samples. However, a failure is the same offence as an outright refusal, even if the evidence shows that the applicant was willing to continue the attempts.

The issue is whether the applicant has an excuse *in fact* – i.e., the reason they refused at the time of the demand.

**Successful grounds
for review**

The following examples illustrate when you may be satisfied that the applicant **did** have a reasonable excuse to fail or refuse to comply with a demand:

Legal counsel:

-

-

s.15

Note: The right to legal counsel applies in cases of refusal if the police officer read the *Charter of Rights* warning (i.e., to bring the driver to the detachment for a BTA test).

However, if the police officer advised the applicant they had a right to legal counsel (without the Charter warning), and then did not provide the driver with a reasonable opportunity to speak with legal counsel, the right to legal counsel may be said to exist. In that case, the driver may have a reasonable excuse for failing to comply with the demand. But if the driver simply told police they wanted to contact a lawyer, there is no right to counsel and the officer has no obligation to provide the opportunity.

Health issues:

s.15

Other:

•

•

s.15

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**Unsuccessful
grounds for review**

The following examples illustrate when you may be satisfied that the applicant did **not** have a reasonable excuse to fail or refuse to comply with a demand:

Applicant's concerns:

- The applicant did not feel that they were impaired.
- The applicant believed that giving one satisfactory sample was sufficient (for ADPs).
- The applicant's religious beliefs prevented them from agreeing to the demand.
- The applicant feared that medication would interfere with the results.
- The applicant held an unsubstantiated belief that the instrument wasn't working properly.
- The applicant was having personal problems or was too upset to take the test, but was not suffering from a documented mental illness.

Legal counsel:

- The applicant was not advised of their right to legal counsel. (If the *Charter of Rights* warning was read, that is evidence the applicant was advised of their right to legal counsel; otherwise there is no such right.)
- ADPs: The applicant was unable to contact a lawyer despite being provided with a reasonable opportunity to do so.
- The applicant was unable to contact the lawyer of their choice but showed diligence in the attempt.
- The applicant's lawyer advised them not to comply.

Health issues:

- The applicant feared catching a disease but was given a wrapped mouthpiece.
- The applicant claims that a medical condition prevented them from complying but does not provide satisfactory evidence to support the claim.

Other:

- You are not satisfied that the applicant did not understand the consequences of their actions.
- The applicant offered a blood or urine sample instead of a breath sample.

- The applicant refused to comply with an ASD demand but offered to provide a blood sample or breath sample for a breathalyser (BTA).
- The applicant was too drunk to understand the consequences of their actions or to comply.
- The applicant was not present while the instrument was being calibrated.
- The RTS indicates that the applicant's efforts were consistent with a willful avoidance to provide a sample.

Invalid Grounds for Review

The *Motor Vehicle Act* does not contain any provisions that allow adjudicators to modify the parameters of the penalties being imposed, or to consider any personal circumstances including economic hardship. (except for impoundments of vehicles owned by businesses, as per *MVA* s.262).

The following arguments offered by applicants are examples of **invalid** grounds for review:

- "I need my driver's license to get to work."
- "Can you give me a partial prohibition and allow me to drive during the hours of...?"
- "I need a couple of weeks to get my things in order and then I'll comply with the prohibition."
- "I need my driver's license to drive myself or someone else to the hospital for medical treatment."
- "There is no public transportation where I live."
- "I was under a lot of stress."
- "I will never do it again."
- "I have a good driving record."
- "My safety will be jeopardized if I can't drive."
- "I was driving on non-provincial land."
- "Someone else was pouring my drinks and I didn't know how much alcohol I had consumed."

The applicant may also make technical arguments that are not valid grounds for review, including but not limited to:

- The time of driving supported by the evidence (RTS) is not exactly the same as that indicated on the NoDP.
- Personal information is missing from the NoDP (address, date of birth, etc.). This is irrelevant because the applicant is identified by name and driver's licence number.
- The wrong offence box is ticked off on the NoDP or more than one box. (s.215.5(3) allows you to substitute a warn for a fail and s.215.5(5) allows you to confirm as a warn even if the result was a fail.)
- The police officer did not forward a RTS as required by s.94.3(d) or s.215.47(d). You can proceed with the review based on whatever is in the file (see *MVA* s.94.5(2.1) and s.215.49(3)).

Grounds for Review for 24-hour Prohibitions

There are two possible grounds for a review of a 24-hour prohibition (*MVA s.215.3*):

1. The police officer failed to administer a blood alcohol test when requested by the driver after the NoDP was served.
2. The person served with the prohibition alleges they were not the driver of the motor vehicle.

For the first ground, a driver who is served a 24-hour prohibition notice does **not** have the right to request or undergo a test if (see *MVA s.215(6.2)*):

- The officer had already performed a test of the driver's BAC with an ASD.
- The test indicated that the driver's BAC exceeded 50 mg%, and the officer used the results of the test as part of the basis on which they formed reasonable and probable grounds to believe that the driver's ability to drive was affected by alcohol.

Factors to consider In considering an application for review, you may only consider (see *MVA s.215.2*):

- The *Notice of 24-Hour Prohibition and Report to ICBC* issued under *MVA s.215(10)*.
- Other relevant information provided by the police officer with the report
- Any written statements or other relevant information provided by the person on whom the notice of driving prohibition was served

The onus is on the driver to provide evidence on the issues to be determined. In order to revoke the prohibition, you must be satisfied that one of the criteria is met as set out in s.215.3 according to the balance of probabilities:

- The driver had a right to a test and requested the test, but was denied the test, or
- The person was not the driver or did not have care or control of the vehicle.

The absence of evidence does not lead to a revocation of the 24-hour prohibition. For example, the absence of a report from the police officer is not in itself grounds for revoking the prohibition.

This table lists some factors to consider when reviewing the grounds. However, keep in mind that you can confirm the prohibition based solely on the driver's name on the front of the *Notice of 24-Hour Prohibition*.

Ground	Questions to consider
The police officer failed to administer a blood alcohol test when requested.	<ul style="list-style-type: none"> • Did the applicant have a right to request a test? • Did they request a test? • How did the officer respond? • Was a proper breath test administered?
Note: The police officer is not required to administer a further breath test if the officer used the results of the first test as part of the basis on which the officer formed reasonable and probable grounds to believe that the driver's ability to drive was affected by alcohol.	

Ground	Questions to consider
The person was not the driver or did not have “care or control” of a vehicle on a highway or industrial road	<ul style="list-style-type: none"> • What brought the applicant to the attention of police? • Was the applicant driving the vehicle? • Was the applicant seated in the driver’s seat? • Was the vehicle operable? • Was someone else driving? • Did the police or someone else see the applicant driving? • Did the applicant get out of the car before the police approached them? • Where were the keys? • Was the engine on or off? • Was the transmission in park or in gear? • Were the headlights on or off?
<p>Note: Although “intent to drive” should be considered as a factor, it is not determinative, because an intention to set the vehicle in motion is not an essential element of care or control. A person can be in care or control without intending to drive in some cases. You can consider the risk to the public when determining whether someone was in care or control.</p>	

Other factors – legal opinions

Several legal opinions have been received on 24-hour prohibition reviews. The following is a high-level summary of the legal opinions to help guide decision making. The legal opinions are not themselves law, but they are an interpretation of law that may be binding on adjudicative decisions. The full text of these opinions is available in the OSMV legal opinion registry.

- **Blood test versus breath test:** Legal advice suggests that a driver who specifically requests a blood test cannot rely on s.215(6) to say that they requested a test of their BAC. The option of obtaining a blood test to dispute a 24-hour prohibition was removed from the statute in January 2005 because this option was unused and impractical. Medical practitioners generally will not provide the test, and when available it is not done in a time-frame that reflects the driver’s blood alcohol at the time of driving. Similarly, if a driver requests a test and the ASD is not working, the police should take the person to the police station to undergo a BTA test.
- **Submission – no evidence:** In a 24-hour prohibition review (unlike for an ADP), the onus is on the driver to provide evidence to support the allegations in their submission or the prohibition cannot be revoked.
- **Relevant information:** The sentence “relevant information provided by the person on whom the notice of driving prohibition was served” (s.215(2)(b)) should be interpreted broadly. Therefore, witness statements given by a passenger can be considered, provided that they are relevant to the issues to be determined under s.215.3. Submissions by an applicant’s lawyer would also be permitted under this provision.
- **When a driver must request a breath test:** Although s.215(6) states that the driver must request a breath test **after** being served with the 24-hour prohibition, the timing issue is not critical. The court took a more nuanced approach to this requirement in *Auja v. Superintendent* (see legal advice in 24-20081212).

Grounds for Review for Unlicensed Driving Prohibitions

Drivers who dispute an unlicensed driving prohibition may apply for a written review. For the prohibition to be revoked, the driver must provide proof that they:

- Are exempt from the requirement to hold a BC licence
- Hold a valid licence from another province at the time of the impoundment
- Were normally resident of that province within the three months prior to the prohibition being served

You should check the Drivers database to be sure that the grounds for review are valid. In cases of unlicensed driving prohibitions, there may be a recent update to the driver's record. For example, the driver may have relicensed themselves, which would automatically end the prohibition as well as provide evidence that the driver was unlicensed at the time of the prohibition. However, there may still be valid grounds for a review even though drivers cannot drive while unlicensed.

3.2, Conducting Reviews for Impaired Driving Prohibitions

This procedure outlines how to conduct both oral and written reviews for impaired driving prohibitions. It covers the following topics:

- Types of review
- What to consider in a review
- Reviewing the file
- Conducting an oral hearing
- Conducting a written review
- Changing a review date
- Adjourning reviews

For detailed information on conducting hearings, see the manual *Foundations of Administrative Justice*.

Note: For information on reviews for non-impaired driving prohibitions (such as unlicensed driving), see Chapter 4 of this manual, *Reviews for Vehicle Impoundments*.

Types of Review

In most cases, applicants can apply for either a written or oral review.

Prohibition Type	Oral Review	Written Review
Escalating immediate roadside prohibition for impaired driving (3-day, 7-day)	No	Yes
Escalating immediate roadside prohibition for impaired driving (30-day)	Yes	Yes
Non-escalating 90-day immediate roadside prohibition for impaired driving	Yes	Yes
24 hour prohibition for driving impaired by alcohol or drugs	No	Yes (for alcohol-related only)
90-day ADP for impaired driving	Yes	Yes

Written reviews Applicant submissions for a written review range from a single handwritten statement to multipage submissions including sworn affidavit evidence from experts and witnesses, and even photographs. The lawyer's written arguments may include copies of supporting legal cases or transcripts of criminal proceedings.

The applicant (owner or driver) is responsible for supplying all relevant evidence to support their case.

Oral reviews The same material submitted for a written review may also be submitted for an oral review.

Oral reviews are conducted by telephone, and must be done in a place that provides privacy for both you and the applicant. Hearing rooms are available for oral reviews.

Note: Do not arrange in-person reviews at the OSMV office because there is not enough space. If there is a very compelling reason for an in-person review, discuss the situation with your Team Leader before scheduling it.

There are several advantages to an oral review compared to a written review:

- It allows the adjudicator to clarify issues relating to the evidence.
- It allows the applicant/lawyer to address questions raised by the adjudicator.
- It can help the adjudicator better assess the applicant's credibility (and that of any witnesses)
- Complex arguments are more easily discussed and understood in an oral review.
- The applicant may have personal circumstances they are reluctant to share in a written submission.

What to Consider in a Review

It is your duty to review all evidence before you, no matter how extensive, and to not exclude any relevant evidence from consideration when making a decision. You must consider the following in a review:

- Relevant written statements and evidence submitted by the applicant, including affidavits, witness statements, or photographs
- Relevant evidence or representations made at an oral hearing
- *Notice of Driving Prohibition*
- *Report to Superintendent*
- Any other relevant information submitted by the police (such as a *Certificate of Analysis* for a ADP)
- In the case of a second or subsequent prohibition for a warn result on an ASD (i.e., a 7-day or 30-day IRP), the driver's driving record (to determine whether a prohibition was escalated appropriately)

Note: Adjudicators may proceed with a hearing even if the police have not forwarded all the required documents (s. 94.5(1)(2.1) and 215.49(3) of *MVA*).

You **cannot** look at or consider the following:

- The driver's record, if this is a 3-day or a 90-day prohibition (in the case of a 7-day or 30-day IRP, you can only review the record to determine the number of previous IRPs)
- Evidence of hardship, transportation needs, personal circumstances, prior criminal convictions, and similar irrelevant evidence.
- Any other arguments and evidence that you determine are not relevant to the issue at hand or outside your jurisdictional limits (see Section 2.2, *Legal and Policy Issues for Reviews*).

For driving prohibition reviews, you are limited to the information you have in the file. In addition, you have access to relevant case law provided to you during training and the legal opinion folder on the common drive. You cannot research additional case law to apply your knowledge to a specific case. However, if a lawyer submits criminal case law as evidence, you can consider its relevance as it relates to the administrative law you are applying.

Note: Be aware of the danger of being unduly influenced by one case. Lawyers often submit cases that do not provide you with an objective picture of the state of the law on a particular issue. For example, there might be related or subsequent court rulings that differ from the one submitted or which provide more nuance.

Reviewing the File

Each adjudicator can develop their own method of reviewing a file, but the important thing is to read all the evidence and address the issues that will determine the outcome.

When reviewing the file, keep the file contents in the same order they were in when you received the file. This will enable you and anyone looking at the file to quickly determine which documents were faxed to the lawyer.

You may make a copy of the file to highlight and make notes on, but do not write on the evidence itself. You may also make case notes, but do not include them in the file. Any file copies and case notes must be destroyed after the review.

Note: If issues come up around the grounds for review while you're reviewing the file, refer to Section 3.1, *Grounds for Review for Impaired Driving Prohibitions*.

Reviews are carried out in a similar manner for all prohibitions, but considerations may be different depending on the prohibition and its circumstances. The following is a recommended way to review a file (see the *Foundations of Administrative Justice* manual for more suggestions).

1. Check that the box on the *Notice of Driving Prohibition* is marked to indicate which offence the person has been charged with. The officer's failure to tick any box leads to an ADP being deemed a nullity (*Lang* case law) and to an IRP being revoked (see Section 3.1 for more information):
 - **IRP:** 3, 7, or 30 days for a “warn” result, 90-days for a “fail” result, or 90 days for “failed or refused without a reasonable excuse to comply with a demand”.
 - **ADP:** “Driver is alleged to have driven while over 80 mg%,” and/or “Driver is alleged to have failed/refused to comply with a demand to provide breath or blood samples.”
2. If the Notice was not served at roadside, make sure it was served by the investigating police officer within a reasonable time period.
3. Check that the *Notice of Driving Prohibition* was signed by the police officer.
4. Check that the *Report to Superintendent* from police is completed fully and accurately:
 - How was the applicant identified as the driver in care or control of the vehicle? (If the officer did not provide this evidence and the driver did not raise the issue, confirm the prohibition.)
 - Did the officer have the grounds to make the demand? (for refusal cases)

- Did the officer make a demand? (for refusal cases) (Failure by the police to establish this does not automatically lead to a revocation. There needs to be evidence from the applicant that they consumed alcohol after driving.)
- Was the demand made as soon as practical? (for refusal cases)
- Is the ASD test result indicated?
- Are the calibration expiry and service expiry dates current? If not, or if either is missing, revoke the IRP.
- Did the officer provide the serial number?
- If the driver asked for a second test, was it given?
- Did the applicant fail or refuse to comply with the demand? If so, is there a reasonable excuse in fact? (i.e., why the applicant refused)
- Is the RTS signed by the investigating officer?

Note: For further existing legal advice on the RTS, ask your Team Leader or check the Case Law files.

5. Check ADP/VI to verify the effective date of prohibition, the review date, and the phone number to call if it is an oral review.
6. **ADPs:** Check to see if the prohibition date has been extended. If so, the file will contain a *Notice of Extension* with the new effective date.
7. Check the number of pages of disclosure faxed to the applicant/lawyer against the documents or evidence you will be considering. Check that the disclosed evidence was sent to the correct fax number by checking the number on the fax transmittal report against the number for the lawyer listed on the cover sheet.

Note: You are not allowed to read the **Comments** in ADP/VI written by the Intake Agents.

8. **ADPs:** If there is evidence of post-driving consumption of alcohol, (i.e., if BAC readings were obtained outside the 3-hour window or did not exceed 80 mg%), ensure that you disclose the *Superintendent's Report on Calculating BAC* to the applicant.
9. Read the evidence to form a picture in your mind of what happened.
10. Assess the credibility and weight of the evidence by considering sworn vs. unsworn evidence, hearsay evidence, expert opinion evidence, and so on.

Note: If you discover errors or missing information in the file, return the file to the Appeal Registry. Examples may include where evidence has not been disclosed to the applicant, or the driver did not surrender their licence and there is no *Statutory Declaration: Lost, Stolen or Destroyed Driver's Licence*. (Adjudicators do not have jurisdiction to conduct a review if the driver's licence has not been surrendered.)

Conducting an Oral Hearing

A sample script for an oral hearing is included in Appendix 1.

Note: The Team Leader may occasionally sit in on oral hearings for monitoring and evaluation purposes.

Calling the applicant/lawyer

The applicant's telephone number can be found on the *Application for Review* form, or on the ADP/VI database or *Review Schedule Report*.

If there is no answer or the number is busy, double-check to be sure you have the correct number. If you get voicemail and need to leave a message and call-back number, **do not leave your own name and number**. Provide the Appeal Registry phone number: 250-356-6573 (fax: 250-356-6544).

If you cannot reach the applicant/lawyer at the scheduled review time, leave a message asking the applicant to call the Appeal Registry as soon as possible, but also state that you will call back in 10 minutes to try and conduct the hearing. If you call back in 10 minutes and again cannot reach the applicant, leave the same message again. If on the third try, you still get voicemail, inform the applicant that the oral review cannot be rescheduled and has now reverted to a written review. Make a note of the calls in the **Comments** tab in the ADP/VI system.

When you reach the applicant/lawyer to conduct the review, you may wish to identify yourself only as an adjudicator with the Office of the Superintendent of Motor Vehicles, for safety reasons. Some adjudicators identify themselves as "Adjudicator (last name)" while others state only their first names. If you do not wish to use your real name, you may use an alias with prior approval from your Team Leader.

You are not responsible for providing a teleconference call to enable all parties to participate. It is preferable for the applicant, lawyer, and any witnesses to be together at the lawyer's office. If the applicant/lawyer wishes to set up a teleconference call, you must be able to call in or link in at the scheduled time yourself, rather than the applicant/lawyer calling you.

Note: Keep in mind that hearings are only 30 minutes long and cannot be put on hold or extended. It is important that you maintain control of the hearing by not allowing participants to introduce irrelevant matters or evidence. Although there is usually some leeway in scheduling to allow you to go over the 30-minute limit by a few minutes, this should rarely be necessary and is strongly discouraged.

Verifying attendees

Before starting the oral hearing:

- Verify the applicant's name, the prohibition number, and whether the applicant has received disclosure of all the evidence before you.
- Verify that the lawyer is present, if the applicant has one.
- Verify the presence of any witnesses and have them identify themselves.
- Verify whether an interpreter is present and if so, have them identify themselves. (The interpreter's role is confined to translating, not advocating for the applicant.)

For sworn testimony, the applicant's lawyer should swear in their applicant and any witnesses. This enables the applicant to present sworn testimony in response to the lawyer's questions or to tell the adjudicator directly their sworn version of events. It is not necessary for witnesses to be approved or have their names submitted in advance of the hearing. You must be prepared to take evidence from witnesses if the applicant/lawyer supplies any.

Note: If the applicant has a lawyer, the applicant is not obligated to attend the hearing with the lawyer. Alternatively, the applicant may choose to be present, but not participate.

Clients without lawyers

If the applicant does not have a lawyer, you should go over the available grounds for review with the applicant, in case the applicant has prepared only a hardship submission.

Adjudicator participation in the review

You have some discretion in terms of how much you participate in the hearing. Your main role is to hear the applicant's story and evidence, so if you prefer, you can limit yourself to accepting and listening to submissions. Alternatively, you may direct the interview to encourage the applicant to cover ground they may not have considered. However, keep your direction general and suggestive; do not ask specific questions in order to obtain missing evidence.

You may also wish to adjust your interviewing style if the applicant has a lawyer, since lawyers will present their applicant's case in the manner they think best.

Your role is neither a therapeutic nor a combative one. Refrain from "descending into the arena" or you will risk allegations of apprehension of bias.

Note-taking

You should take notes during hearings, either on a computer or by hand. You will need your notes to write the decision, so ensure they are complete and legible. They must accurately reflect the arguments and evidence presented, in a format you can understand.

Note: Your notes are private and non-disclosable, even if the applicant/lawyer later alleges a perceived bias. Never keep your notes in the file, as they may be disclosed if there is a judicial review. Your notes should be destroyed after you submit your decision.

Adjourning a hearing

An oral hearing in progress can be adjourned if the applicant/lawyer needs more time to locate missing documents, affidavits, or witnesses. Do not close the hearing, because evidence cannot be submitted after a hearing is closed. An oral hearing can also be adjourned to a written review when written evidence is being submitted.

Allow a reasonable amount of time for an adjournment, depending on the circumstances. You may adjourn hearings for just a few minutes if, for example, you need to move to a different phone to call back the applicant and complete the review. If the applicant/lawyer needs to obtain missing information and can do so quickly, adjourn the hearing until later in the day. If documents must be obtained from police or an expert, a week's adjournment may be required. There is no maximum adjournment period, but it should be no longer than necessary. One day to a week should suffice for most requests, but keep in mind that any adjournment beyond the 21-day period will require an extension and possibly a stay.

Conducting a Written Review

All reviews, including written reviews, are scheduled for a certain time of day on the *Review Schedule Report*. Currently, oral reviews are scheduled hourly on the hour from 9 am to 2 pm and written reviews are all scheduled for 9:30 am. Wherever possible, you should conduct written reviews at the scheduled time, or on the same day as written submissions were received from the applicant/lawyer. All reviews must be completed within 21 days of the date of service of the *Notice of Driving Prohibition*.

Do not contact the applicant to ask for a written submission. A written review can proceed without any submissions from the applicant. In other words, if there is a lack of evidence to support the application, there is nothing you can do about it. You must make a decision based only on the evidence in front of you.

If someone does not appear for an oral hearing at the date and time scheduled, the hearing reverts to a written review, which you should conduct immediately or later on the same day.

Changing a Review Date

A review date can be changed to another time during the 21-day decision window without the need for an extension. The 21-day window itself can be extended in some cases, using the adjudicator's authority under the *MVA* s.94.6(4) or s.215.5(7). See Section 2.3, *Extending the 21-day Review Period* for detailed information.

An applicant/lawyer seeking to change the review date will generally make that request in advance of the hearing and prior to the file being assigned to an adjudicator. In those cases, an Intake Agent will respond to the request and decide whether or not to change the hearing date to another day within the 21-day period.

Sometimes, the applicant/lawyer will ask for a postponement at the outset of the hearing. Some common reasons you might agree to postpone the hearing include:

- The applicant has retained a lawyer and the lawyer needs time to prepare.
- The lawyer has an unforeseen conflict in their schedule.
- The applicant/lawyer has not received full disclosure.

If you decide to accommodate the request, or if you need to postpone the hearing yourself, set a new review date within the 21-day window. Confirm the new date and time both orally and in writing (see Appendix 3 for sample extension letters). If the applicant has a lawyer or provided their own fax number, send the written confirmation by fax. If the applicant is not represented and did not provide a fax number, send the letter by regular mail. Finally, add comments in ADP/VI to indicate the new hearing date and time.

3.3, Writing Review Decisions for Impaired Driving Prohibitions

This procedure outlines policies and guidelines for writing review decisions for immediate roadside driving prohibitions (IRPs), as well as ADPs and 24-hour prohibitions. It covers the following topics:

- Confirming a prohibition
- Substituting a prohibition
- Revoking an impaired driving prohibition
- Justifying a decision
- Decision standards
- Legal issues / legal advice
- Re-opening a hearing for clarification
- Using the letter templates
- Using the checklists
- Peer review of decision

ADP and IRP decision must be made and sent within 21 days of the date of service of the *Notice of Driving Prohibition*. Although there is no legislated timeframe for reviews of 24-hour prohibitions, there are policies around this—for example, review decisions for 24-hour prohibitions must be sent for peer review within 7 days from the date the file was assigned.

After analyzing the nature, quality, and sufficiency of the evidence from both the applicant and the police, you will decide whether or not to revoke the prohibition.

Under s.215.5 (IRP), your decisions are limited to the following:

- Confirming a prohibition
- Revoking a prohibition
- Substituting (reducing) a prohibition term if an incorrect term was applied at roadside
- Downgrading or upgrading an impoundment (see Section 4.3, *Writing Review Decisions for Vehicle Impoundments*)

Under s.94.6 (ADP), you can only confirm or revoke a prohibition.

Under s.215.3 (24-hour prohibition), you can only revoke a prohibition. This means that rather than confirming when the applicant is unsuccessful, you state that you cannot revoke the prohibition.

Note: Once you have finished your written review, you are under no obligation to accept late applicant/lawyer submissions. At your discretion however, you may accept late submissions if you have not yet sent the decision. (Late submissions **cannot** be accepted after an oral hearing.)

Confirming a Prohibition

When a driving prohibition is confirmed, the impoundment is also confirmed (if the vehicle is still impounded). The prohibition will remain on the driver's record

and will be considered in Driver Improvement Program reviews and as a trigger for the Responsible Driver Program.

ADP To confirm an ADP (*MVA* s.94.6(1)(a) and s.94.6(a)(b)), you must be satisfied either that:

- The applicant was the driver as defined in *MVA* s.215.41(1) (operated or had care and control of a motor vehicle), and
- The applicant had a BAC that exceeded 80 mg% within 3 hours after operating or having care and control of the motor vehicle, and
- The applicant's BAC was a result of alcohol consumed prior to or while driving.

Or, you must be satisfied that:

- The applicant was the driver (operated or had care and control of a motor vehicle), and
- The applicant failed or refused to comply with a demand made on the person to supply a sample of their breath or blood under Section 254 of the *Criminal Code*, and
- The applicant did not have a reasonable excuse for failing or refusing to comply with the demand.

IRP To confirm an IRP (*MVA* s.215.5(1)), you must:

- Be satisfied that the applicant was the driver (operated or had care and control of a motor vehicle), and
- In the case of a 3, 7, or 30 day prohibition, have evidence that an ASD registered a "warn", and
- In the case of a 90 day prohibition, either the ASD registered a "fail," or the driver failed or refused to provide a breath sample for an ASD without a reasonable excuse to comply with the demand.
- Be satisfied that a 7-day prohibition was the driver's second prohibition, and a 30-day prohibition was a third or subsequent prohibition.

Substituting a Prohibition (IRP)

Once the prohibition has been confirmed, you must look at whether the appropriate prohibition term was applied. For a 7-day or 30-day prohibition, you must review the driving record to determine whether the prohibition was correctly escalated (s.215.5(2)). For a 90-day prohibition, if the result was a warn and not a fail, you must reduce the length of the prohibition (s.215.5(3)).

Note: Adjudicators can only make prohibition terms shorter, never longer. Substitutions are only done in cases where the police made an error and applied the wrong prohibition term, or OSMV systems updated the prohibition term incorrectly.

To reduce a prohibition term, you must:

- Confirm the prohibition itself according to the grounds described above (under *Confirming a Prohibition*).
- Vary a 7-day or 30-day prohibition by substituting a 3-day or 7-day prohibition, as applicable.

- Vary a 90-day prohibition by substituting a 3-day, 7-day, or 30-day prohibition, as applicable.
- Vary the monetary penalty and impoundment period accordingly (subject to any other offences related to the impoundment, such as excessive speed; see Section 4.3, *Writing Review Decisions for Vehicle Impoundments*).

Revoking an Impaired Driving Prohibition

ADP To revoke an ADP (*MVA* s.94.6(2)(a) and s.94.6(2)(b)) where the ADP was served as an “over 80,” you must be satisfied that the applicant:

- Did not operate or have care and control of a motor vehicle, or
- Did not have a BAC that exceeded 80 mg% within 3 hours after operating or having care and control of the motor vehicle, or
- Had a BAC that exceeded 80 mg% within 3 hours after operating or having care and control of the motor vehicle, but only due to alcohol consumed after operating or having care and control of a motor vehicle.

Where the ADP was served as a “fail or refuse,” you must be satisfied that the applicant:

- Did not operate or have care and control of a motor vehicle, or
- Did not fail or refuse to comply with a demand made on the person to supply a sample of their breath or blood under Section 254 of the *Criminal Code*, or
- Had a reasonable excuse for failing or refusing to comply with the demand.

24-hour prohibition To revoke a 24-hour prohibition, you must be satisfied that the applicant:

- Had the right to request, and did request that the peace officer administer a test to indicate their blood alcohol level, but the peace officer failed to provide the opportunity to undergo the test, or
- Was not a driver within the meaning of the *MVA* s.215(1),

IRP To revoke an IRP (*MVA* s.215.5(4)), you must be satisfied that the applicant:

- Was not the driver (under s.215.41(1)), or
- Was the driver, and did not refuse an ASD test, but you find there is insufficient evidence that the ASD registered a “warn” for 3, 7, or 30-day prohibitions, or a “fail” for 90-day prohibitions.

Note: You cannot revoke a 3, 7, or 30-day prohibition if the ASD registered a “fail” rather than a “warn” (*MVA* s.215.5(5)).

For a 90-day prohibition for refusal or failure to take a breath or blood test, you must be satisfied that the applicant was the driver, but *not* satisfied that the person failed or refused without a reasonable excuse to comply with an ASD demand.

If a prohibition is revoked, it is not necessary to consider any other issues.

Vehicle impoundments When you revoke an IRP, you must also cancel the monetary penalty and revoke the impoundment (subject to any other offences related to the impoundment,

such as excessive speed). If an impaired driving prohibition is varied (substituted), the corresponding vehicle impoundment should be downgraded accordingly, as per the *MVA s.253.8*. See Section 4.3, *Writing Review Decisions for Vehicle Impoundments*.

Justifying a Decision

Reasons for the decision must be given in the decision letter, as required by the *MVA s.215.5(6)*.

- (6) *Subject to subsection (7), the decision of the superintendent and the reasons for the decision must be in writing and a copy must be sent to the applicant within 21 days of the date the notice of driving prohibition was served on the applicant under section 215.41.*

Note: In some judicial reviews of OSMV decisions, the courts appeared to suggest that written reasons were not necessary. However, courts have also said they need to see how the adjudicator reached their conclusion. Therefore, OSMV policy is to have adjudicators provide written reasons in their decisions.

The reasons must be clear and logical, and drawn from your findings of fact. Properly justifying a decision fulfills the criteria of administrative justice, and allows the applicant to consider whether or not to judicially review the decision.

If any evidence or arguments presented by the applicant/lawyer were rejected, you must give reasons (e.g., because they were irrelevant or lacked credibility).

If there is an allegation of bias by the applicant/lawyer, you must determine if the evidence satisfies the test of whether or not an informed person would think a reasonable apprehension of bias exists in that particular case. If not, you can proceed with writing the decision.

Decision Standards

You must follow these standards when writing the decision:

- Write clearly and concisely, in plain English.
- Avoid using legal terms unfamiliar to laypersons (e.g., “The applicant has an excuse *in fact*.”)
- Express yourself in neutral terms and do not show any bias.
- Include a section explaining preliminary matters including biases, limitations, and jurisdiction.
- Clearly identify the issues at the outset.
- State your decision and the reasons for it. (Use the appropriate *Checklist of Facts* in Appendix 3.)
- Ensure your reasoning is clear and understandable, and leads to a logical conclusion.
- Identify a clear set of relevant findings of fact, fairly drawn from the evidence.
- Enumerate the information and evidence you reviewed to make the decision.
- Where there is conflicting evidence, explicitly identify the findings of fact on which the conclusion is based and the reasons for it.
- Respond to all the relevant submissions and arguments.

- If irrelevant or non-credible evidence was presented, explain why you have not considered it.
- If you have no jurisdiction to answer a question or offer a remedy, acknowledge this. (*Charter* arguments and hardship arguments are examples.)
- Cite the relevant case law.
- Do not venture beyond what needs to be decided – avoid editorial comments, such as observations about lack of evidence, or what the result “might have been” with different evidence. Also, avoid criticizing any person and disclosing unnecessary personal information.

Note: Anything relevant in your hearing notes must be included in the decision. However, your notes are private and non-disclosable, even if the applicant/lawyer later alleges a perceived bias. (They must be kept separate from the file and will be destroyed later.)

Legal Issues / Legal Advice

You are not allowed to do your own legal research, since that would put you in the role of investigator. You have access only to the relevant case law provided to you during training, and the legal opinion folder on the common W drive. Your role is to listen to what’s presented to you, and then apply the relevant case law and legal opinions, which you should be familiar with.

You are not permitted to contact OSMV legal counsel. If you need legal advice, consult the Team Leader, who will attempt to resolve the issue directly, or who obtain legal advice or talk to a member of senior management at the OSMV.

In cases where the applicant/lawyer is aware that you need to ask for legal advice (for example, on an interpretation of the evidence), you must disclose the information you receive to the applicant/lawyer. This is not necessary for simple clarifying questions.

Re-opening a Hearing for Clarification

Once a hearing is closed, additional evidence or arguments cannot be submitted or considered.

However, when writing the decision, you may discover that you need clarification of the evidence or arguments from the applicant/lawyer or witnesses. In this case, you will need to continue the hearing by re-opening it.

1. Phone the applicant/lawyer to explain you have clarifying questions.
2. Set up a date and time to go over the questions by phone (if the applicant/lawyer is not available now). It should be done as soon as possible, but at the convenience of the applicant/lawyer.
3. Emphasize that new evidence cannot be introduced; the re-hearing is only to clarify previously heard evidence or arguments.

There is no need to update ADP/VI with the re-opening information.

Note: If the re-hearing cannot take place before the end of the 21-day decision period, you must arrange an extension (and probably stay the prohibition). See Section 2.3, *Extending the 21-day Review Period* for detailed information.

Using the Letter Templates

Several Microsoft Word templates allow adjudicators to more easily prepare decision letters. A template saves having to retype the basic structure and elements of a decision letter and helps standardize its appearance. The templates can be modified (except for the Extension Letter) and are not mandatory to use, but keep in mind that the OSMV has formatting policies for all correspondence leaving the office. For example, no underlining or the use of bold for emphasis is permitted.

The following templates are available, and the body of most templates is reproduced in Appendix 3, *Forms and Templates*, complete with instructions for use:

- Over 80 decision letter (ADP)
- Fail/refusal decision letter (ADP)
- ASD warn/fail decision letter (IRP)
- ASD fail/refuse decision letter (IRP)

While writing your decisions, save drafts to the **In-progress** folder on the W drive.

Using the Checklists

Checklists of facts that must be found for some cases are available in Appendix 3, *Forms and Templates*:

- *Checklist of Facts – Over 80* (ADP)
- *Checklist of Facts – Fail or Refuse* (ADP, 90-day IRP)

The checklists are a valuable tool to help you make correct decisions under the correct grounds for review. The appropriate checklist must be completed and placed in the file after you write your decision.

Peer Review of the Decision

Once you've written the decision, it must be edited by a peer reviewer (who may be another adjudicator).

1. Do not record your decision yet in ADP/VI.
2. Complete the *Adjudicator Decision Checklist* (see Appendix 3) and place it in the file.
3. Order the file materials in a way that makes it easier and faster for the peer reviewer to find and review documents. For example, if you have several legal cases, staple the pages of each case together and then clip the cases together.
4. Place the file in the peer review basket (based on the date you require it back) and fill in the Peer Review log.

Note: Record which files you have sent for peer review, and when they need to be sent to the applicant. It is your responsibility to ensure that you do not miss any deadlines.

5. After receiving the edited decision (see below), review the corrections and make the necessary revisions to your decision. You may discuss any of the requested corrections with the peer reviewer.
6. Finalize the decision and record it in ADP/VI (see Section 3.4, *Completing Review Files for Impaired Driving Prohibitions*).

The peer reviewer will conduct a comprehensive review of the decision letter, including:

- Correcting punctuation, spelling, and grammar
- Ensuring the decision is clearly written
- Ensuring the reasons for your decision are understandable
- Verifying correct name and address of applicant, dates, file numbers, etc.
- Substantively reviewing the decision to ensure that all arguments and evidence have been properly evaluated and addressed
- Signing off on items checked off on the checklist once satisfied that they have been appropriately addressed

Note: If a peer reviewer notes any significant misapprehensions by the adjudicator on the evidence or arguments, the peer reviewer will discuss the issue with the adjudicator in a respectful and constructive manner. If they cannot agree and the peer reviewer feels the matter is crucial, the peer reviewer should bring the file to a Team Leader.

3.4, Completing Review Files for Impaired Driving Prohibitions

This procedure outlines how to complete review files for impaired driving prohibitions, including IRPs, ADPs, and 24-hour prohibitions. It covers procedures for finalizing the paperwork, updating databases, sending the decision to the applicant/lawyer, and filing the file, in each of these circumstances:

- Revoked driving prohibition
- Confirmed driving prohibition
- Varied driving prohibition (IRP only)

Note: If an applicant/lawyer cancels a review before it takes place, simply update the ADP/VI system accordingly, explaining in the **Comments** tab why the review was cancelled. Then file the review file. There is no refund for a cancelled review.

Revoked Driving Prohibition

IRP procedure Follow this procedure for a successful IRP review:

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision and the *Application for Review*.
3. Save the decision on the W drive (W:\Correspondence Unit\adp_v\IRP Revoked – Current Month).
4. If the applicant has a lawyer, send them a fax:
 - Open a fax cover sheet by selecting from MS Word: **File, New, General Templates, More** (tab), **Faxes, FAX-General.dot**.
 - Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for driving prohibition # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet in the review file and dispose of the fax cover sheet.
5. If the vehicle needs to be released, complete an *Order of Release* by hand:
 - Ensure the **Vehicle Impoundment Number** includes the prefix s.15
 - For the **Impound Lot Address**, enter their fax number.
 - If the review was successful on any of the VI grounds, check the box: "Collect towing and storage costs from the owner or authorized person."
 - Fax the *Order of Release* to the ILO (impound lot operator).

Note: The vehicle may already be released if the impoundment period has expired, or if the owner was unlicensed and has now obtained a valid licence, or if the vehicle was stolen.

If the reduced impoundment period has not expired yet, notify the ILO of the new impoundment term length, and process the *Order of Release* on the release date.

6. Update the ADP/VI and Drivers systems by following the steps outlined in the detailed procedure document located at W:\Correspondence Unit\adp_vi\Policies and Procedures\IRP Procedures.

Note: There is no refund of the fee for IRP reviews, regardless of outcome.

7. At the same time you remove the prohibition status in Drivers, also remove the **0IRPR – Review of IRP in Progress** status.
8. Mail one copy of decision to the applicant.
 - Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
 - Fold the letter along the small black lines located on the left and right edges of the paper.
 - Place it in a window envelope with the Ministry name and logo.
 - Ensure that only the applicant's name and address is visible in the window.
 - Place the sealed envelope in the outgoing mail basket.
9. File the completed folder in the file room:
 - Remove from the file any notes, including your hearing notes.
 - Remove the *Adjudicator Worksheet* stapled to the front and the file tracking sheet from the front of the file.
 - Mark or stamp as "File Copy" the second copy of the decision and the *Refund Request*.
 - Place the file in the appropriate place in the file room. Files are stored in numerical order by month served (the date on the file's tab).
 - Shred your notes and the *Adjudicator Worksheet*.
 - Place the *Checklist of Facts* in your Team Leader's inbox.
10. Complete the *Prohibition Log* (see later in this section for more information).

ADP procedure Follow this procedure for a successful ADP review:

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision and the *Application for Review*.
3. Save the decision on the W drive (W:\Correspondence Unit\adp_vi\ADP Revoked – Current Month).
4. If the applicant has a lawyer, send them a fax:
 - Open a fax cover sheet by selecting from MS Word: **File, New, General Templates, More** (tab), **Faxes, FAX-General.dot**.

- Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for driving prohibition # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet in the review file and dispose of the fax cover sheet.
5. Complete a *Refund Request* to reimburse the fee for the ADP review (see procedure in Section 2.1, *Administrative Processes*).
6. Update the ADP/VI system:
- In the **Review** tab, click **Decision**.
 - Indicate the decision (**Revoked**), review date, your name (first initial and last name only), date applicant was called (if applicable), date decision letter was mailed, and the grounds for review.
 - Add the following in the **Comments** tab: "Review successful, letter faxed to lawyer and [if lawyer involved] mailed to applicant; refund of review fee initiated."
 - Press **Save** and **OK**.

Note: If more than one review was conducted (e.g., a re-hearing), note the details in the **Comments**.

7. Update ICBC's Drivers system to ensure the prohibition has been revoked. (When you enter the decision on ADP/VI, the pending prohibition status in Drivers should be automatically removed. If not, remove the prohibition in the **XS** screen).
8. Mail one copy of decision to the applicant.
- Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
 - Fold the letter along the small black lines located on the left and right edges of the paper.
 - Place it in a window envelope with the Ministry name and logo.
 - Ensure that only the applicant's name and address is visible in the window.
 - Place the sealed envelope in the outgoing mail basket.
9. File the completed folder in the file room:
- Remove from the file any notes, including your hearing notes.
 - Remove the *Adjudicator Worksheet* stapled to the front and the file tracking sheet from the front of the file.
 - Mark or stamp as "File Copy" the second copy of the decision and the *Refund Request*.
 - Place the file in the appropriate place in the file room. Files are stored in numerical order by month served (the date on the file's tab).
 - Shred your notes and the *Adjudicator Worksheet*.
 - Place the *Checklist of Facts* in your Team Leader's inbox.

10. Complete the *Prohibition Log* (see later in this section for more information).

24-hour prohibition procedure

Follow this procedure for a successful review of a 24-hour prohibition:

1. On the *24-hour Review Checklist* stapled to the front of the file, in the section labelled **Adjudicator Log**:
2. Check the box next to **Review decision made**.
3. Circle **Revoke**.
4. Place the file in the tray labelled **24 Hour** in the Appeal Registry.
5. Complete the *Prohibition Log* (see later in this section for more information).

Note: There is no refund of the review fee for 24-hour prohibition reviews, regardless of outcome.

Confirmed Driving Prohibition

ADP and IRP procedure

Follow this procedure for an unsuccessful review that confirmed a prohibition (and associated impoundment if applicable):

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision.
3. Save the decision on the W drive (W:\Correspondence Unit\adp_vi\ADP Confirmed – Current Month).
4. If the applicant has a lawyer, send them a fax:
 - Open a fax cover sheet by selecting from MS Word: **File, New, General Templates, More** (tab), **Faxes, FAX-General.dot**.
 - Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for driving prohibition # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet in the review file and dispose of the fax cover sheet.

Note: Do **not** notify the applicant of the prohibition by telephone.

5. Update the ADP/VI system:
 - In the **Review** tab, click **Decision**.
 - Indicate the decision (**Confirmed**), review date, your name (first initial and last name only), and the grounds for review.
 - Add the following in the **Comments** tab: "Review unsuccessful, letter faxed to lawyer and (if lawyer involved) mailed to applicant." (If more than one review was conducted, note the details in the **Comments**.)

- Press **Save** and **OK**.

6. For an IRP, update the Drivers system:

- Remove the status code and message placed by the Appeal Registry: **0IRPR – Review of IRP in Progress**
- However, leave the prohibition status on the system.

As of December 1, 2010, applicants for an IRP review have that status added to their driving record by the Appeal Registry. This is because when a person is issued an IRP, they are automatically triggered into the Responsible Driver Program (RDP). The RDP team sends a letter to the driver about beginning the RDP process. If the driver has applied for an IRP review that turns out to be successful, the RDP team must send a second letter to the driver telling them to ignore the first letter. This new status will delay RDP action until the IRP review is confirmed.

7. Email the RDP team s.15 to send a letter to the driver to begin the RDP process.

8. Mail one copy of decision to the applicant.

- Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
- Fold the letter along the small black lines located on the left and right edges of the paper.
- Place it in a window envelope with the Ministry name and logo.
- Ensure that only the applicant's name and address is visible in the window.
- Place the sealed envelope in the outgoing mail basket.

9. File the completed folder in the file room:

- Remove from the file any notes, including your hearing notes.
- Remove the *Adjudicator Worksheet* stapled to the front and the file tracking sheet from the front of the file.
- Mark or stamp as "File Copy" the second copy of the decision and the *Refund Request*.
- Place the file in the appropriate place in the file room. Files are stored in numerical order by month served (the date on the file's tab).
- Shred your notes and the *Adjudicator Worksheet*.
- Place the *Checklist of Facts* in your Team Leader's inbox.

10. Complete the *Prohibition Log* (see later in this section for more information).

24-hour prohibition procedure

Follow this procedure for a review that confirmed a 24-hour prohibition:

1. On the *24-hour Review Checklist* stapled to the front of the file, in the section labelled **Adjudicator Log**:
 - Check the box next to **Review decision made**.
 - Circle **Cannot Revoke**.
2. Place the file in the tray labelled **24 Hour** in the Appeal Registry.
3. Complete the *Prohibition Log* (see later in this section for more information).

Varied Driving Prohibition (IRP)

Follow this procedure to vary (substitute) the prohibition term (and an associated impoundment if applicable):

1. In MS Word, freeze the date in your decision letter (i.e., change the date to a hard format so it will no longer automatically update to the current date).
2. Print two copies of the decision and the *Application for Review*.
3. Save the decision on the W drive (W:\Correspondence Unit\adp_vi\ADP Confirmed – Current Month).
4. If the applicant has a lawyer, send them a fax:
 - Open a fax cover sheet by selecting from MS Word: File, New, General Templates, More (tab), Faxes, **FAX-General.dot**.
 - Follow the prompts and fill in the information (enter your name, title, fax number, and total number of pages).
 - Enter the fax subject as: "Review Decision for driving prohibition # [number, name]."
 - Print the fax cover sheet. Do not save it in MS Word.
 - Fax the decision to the lawyer (using the number from the disclosure fax confirmation).
 - Keep the fax confirmation sheet in the review file and dispose of the fax cover sheet.
4. If the applicant does not have a lawyer, notify the applicant of the variance by telephone.

Note: If you get an answering machine, leave only your name and number, or try back in 10 minutes. Do not leave a message about the variance, as the applicant may not be the only one to hear the message.

5. If the vehicle needs to be released, complete an *Order of Release* by hand:
 - Ensure the **Vehicle Impoundment Number** includes the prefix s.15
 - For the **Impound Lot Address**, enter their fax number.
 - If the review was successful on any of the VI grounds, check the box: "Collect towing and storage costs from the owner or authorized person."
 - Fax the *Order of Release* to the ILO (impound lot operator).

Note: The vehicle may already be released if the impoundment period has expired, or if the owner was unlicensed and has now obtained a valid licence, or if the vehicle was stolen.

If the reduced impoundment period has not expired yet, notify the ILO of the new impoundment term length, and process the *Order of Release* on the release date.

6. Update the ADP/VI system:
 - In the **Review** tab, click **Decision**.
 - Add the variance to the **Comments** tab in ADP/VI, including the variance for the impoundment if applicable.

- Indicate the review date, your name (first initial and last name only), date applicant was called (if applicable), date decision letter was mailed, and the grounds for review.
- Press **Save** and **OK**.
- If the vehicle needs to be released:
- Note in the **Comments** that it's being released because of a varied prohibition.
- Open the associated VI file.
- In the **Misc** tab, select the **Release Reason** and indicate the authorized release date under **MVB Auth. Release Dt.**
- Press **Save** and **OK**. (ICBC's Vehicles and ADC systems will be automatically updated with the authorized release date.)

Note: If more than one review was conducted or multiple grounds were considered, note the details in the **Comments**. Also, if you could not vary an associated impoundment because of additional offences, give details in the **Comments**.

7. Update ICBC's Drivers system to vary the prohibition.

- After logging in, type **<dsp>**, and press the space bar.
- Enter the applicant's license number and press **Enter**.
- Vary the prohibition by replacing incorrect **XS** statuses related to it:
- **Effective Prohibition** code: Set to the code corresponding to the shorter prohibition length.
- **Prohibition Penalty Required** code: Set to the code corresponding to the reduced prohibition.

Note: If these statuses are no longer on the record, it means the prohibition has expired and the applicant has reinstated their licence and paid the prohibition penalty. In this case, do not replace the expired statuses.

- Go to the **SUS screen** and update the prohibition record with the correct prohibition type.
- Check Drivers to see if the driver has already paid the prohibition penalty. If so, the penalty must be partially refunded:
 - Retrieve the refund number from Drivers.
 - Complete a *Refund Request* form for the partial fee to be refunded.
 - Indicate the fee being refunded, that it is a partial refund, and the total refund amount.
 - Fax the *Refund Request* to ICBC.

8. Mail one copy of decision to the applicant. (If the owner and driver are different, mail one copy to each.)

- Ensure you have the applicant's complete and accurate name and address (take from the *Application for Review*).
- Fold the letter along the small black lines located on the left and right edges of the paper.
- Place it in a window envelope with the Ministry name and logo.
- Ensure that only the applicant's name and address is visible in the window.
- Place the sealed envelope in the outgoing mail basket.

9. File the completed folder in the file room:

- Remove from the file any notes, including your hearing notes.
- Remove the *Adjudicator Worksheet* stapled to the front and the file tracking sheet from the front of the file.
- Mark or stamp as “File Copy” the second copy of the decision and the *Refund Request*.
- Place the file in the appropriate place in the file room. Files are stored in numerical order by month served (the date on the file's tab).
- Shred your notes and the *Adjudicator Worksheet*.
- Place the *Checklist of Facts* in your Team Leader's inbox.

10. Complete the *Prohibition Log* (see below).

Note: When you vary the prohibition term, the escalating financial penalty will automatically be adjusted. For example, if the prohibition is changed from 30 days to 7 days, the 7-day fee would apply. If the driver has already paid the fee, you must complete a refund request.

Prohibition Log

For statistical purposes, you must keep a record of the results of every written and oral review you complete.

The *Prohibition Log* can be found at: W:\Correspondence Unit\VI Team Folder\VI Stats\VI Team Stats.xlsx. It is an Excel spreadsheet.

To complete the log:

1. Enter the required data under each column in the table.
2. Enter statistics in the format requested. For example, the required date format is **dd-mmm-yyyy**.

Note: Do not cut and paste data from a Word document or email program, as this will interfere with the functionality of the Excel sheet.

3. As you enter the data in each cell, press **Enter** to save it.
4. After entering all the data, double-check the accuracy, especially your numbers, the prohibition file number, and applicant name.
5. Save the Prohibition Log.
6. **Important:** Close the log, as it can only be accessed by one person at a time.

Fisher, Sandra L CITZ:EX


From: Bowness, Corey JAG:EX
Sent: January-07-13 11:09 AM
To: Ribeiro, Bima JAG:EX; Esposito, Tony N JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: RE: Question

Many thanks Bima!

From: Ribeiro, Bima JAG:EX
Sent: Monday, January 7, 2013 11:08 AM
To: Bowness, Corey JAG:EX; Esposito, Tony N JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: RE: Question

Corey,

The C240 form is an inventory form that some officers use on certain occasions. It is not required and not policy when towing although it occurs from time to time.

A/Sgt. Bima Ribeiro
Police Liaison Officer
Office of the Superintendent of Motor Vehicles
Ministry of Justice
Tel: 250-356-6502 / Cell: s.17 ' Fax: 250-356-5577
 Please consider the environment before printing this email

From: Bowness, Corey JAG:EX
Sent: Monday, January 7, 2013 10:25 AM
To: Ribeiro, Bima JAG:EX; Esposito, Tony N JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: FW: Question

Hi Bima,

Please see Ken Hendricks' email below. Is the use of this C240 form a wide-spread process with police? Any background you can get would be greatly appreciated.

s.13

Cheers,

Corey

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Monday, January 7, 2013 10:18 AM
To: Bowness, Corey JAG:EX
Subject: Question

Hi Corey,

I hope you had a good holidays and a Happy New Year.

I have had a question from Coquitlam towing with regards to a new police procedure they are experiencing for 3, 7, and 30 day impounds. This has been recent and they are now being asked to sign-off on a C240 form that documents the over-all condition of the impounded vehicle as well as documenting any valuables left in the vehicle at the time of the impoundment. I presume this all has to do with liability and transferring that liability to the tow operator should the customer complain of damage incurred or property lost while the vehicle is in impoundment. I am not sure if this is a new police procedure or just limited to the Coquitlam detachment.

At any rate, for the tower the additional concern is the stand-by time required (and not currently compensated for under the current ILO rates) while the officer completes the new form.

Please let me know if you have any knowledge of this or if you could find out if this indeed a new police procedure for impoundments.

Thanks

Ken Hendricks

Industry Relations Advisor



AUTOMOTIVE RETAILERS ASSOCIATION
Driving Industry Excellence

Unit #1 – 8980 Fraserwood Court
Burnaby, BC Canada V5J 5H7

T 604 419-4836
C 604-312-0331
F 604-432-1756

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: November-22-12 8:38 AM
To: 'Ken Hendricks'
Subject: RE: ILO Forum

Looks good. We're happy calling the number you've provided.

Cheers,

Corey

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Thursday, November 22, 2012 8:38 AM
To: Bowness, Corey JAG:EX
Subject: RE: ILO Forum

Hi Corey,

I will be including our president Ken McCormack on the call along with towing division chairman Randy Sorley.
Why not call Ken McCormack's direct line instead of mine:
604-419-3622

We can also set up a conference line if that works better for you

Thanks

Ken H.

From: Bowness, Corey JAG:EX [<mailto:Corey.Bowness@gov.bc.ca>]
Sent: November-21-12 3:05 PM
To: Ken Hendricks
Subject: RE: ILO Forum

Nice new logo, btw!

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Wednesday, November 21, 2012 10:48 AM
To: Bowness, Corey JAG:EX
Subject: ILO Forum

Hi Corey,

Brad Gerhart had set up an ILO web-forum where towers could get updates and/or download required forms. Is the site still running? I had someone ask me - he has been unable to access the site.

Thanks

Ken Hendricks
Industry Relations Advisor



Unit #1 – 8980 Fraserwood Court
Burnaby, BC Canada V5J 5H7

T 604 419-4836
C 604-312-0331
F 604-432-1756

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: November-06-12 12:08 PM
To: Corrigan, Jacoba CSNR:EX
Subject: FW: ARA Meeting with Steven - Question on ILO agreement
Attachments: Agreement 1997.pdf; Agreement 2009.pdf

Here's what I have Jacoba. Jacqueline might be a good source of information.

Corey

From: Anderson, Kathy E JAG:EX
Sent: Thursday, October 25, 2012 4:14 PM
To: Bowness, Corey JAG:EX
Subject: FW: ARA Meeting with Steven - Question on ILO agreement

*Kathy Anderson
Manager, Adjudication and Training
Direct: 250-356-8068
BlackBerry: 250-508-0481*

From: Harrison, Jackie P JAG:EX
Sent: Thursday, September 13, 2012 2:21 PM
To: Anderson, Kathy E JAG:EX
Subject: RE: ARA Meeting with Steven - Question on ILO agreement

Hi Kathy,
There is no new agreement.
As I update the ILO files, I will send out a "new" agreement only if the owner or lot information has changed.
It's the same agreement they've always signed.

It looks to me that the "Agreement" has barely changed from inception in 1997. I have attached an agreement from 1997 to compare, and there's only very slight changes are #3 and #4.
I spoke with a couple ILOs and their concern was under #1 (b) they have concerns with the procedures manual with ICBC, but this has not
Changed from 1997.

Thanks,
Jacqueline

Jacqueline Harrison

Intake agent, AJDFI Appeals Registry
Administrative Justice, Driver Fitness and Intervention Branch
The Office of the Superintendent of Motor Vehicles | Ministry of Justice
phone-250 952 6910 fax- 250 356 6544



From: Anderson, Kathy E JAG:EX
Sent: Thursday, September 13, 2012 1:54 PM
To: Harrison, Jackie P JAG:EX
Cc: Handgraaf, Harjeet JAG:EX
Subject: FW: ARA Meeting with Steven - Question on ILO agreement

Jackie,

Thanks for your email with the documents. Here are the questions I'm being asked about the ILO's. Do you have any insight that you can provide for me?

*Kathy Anderson
Manager, Adjudication and Training
Direct: 250-356-8068
BlackBerry: 250-508-0481*

From: Stewart, Terry J JAG:EX
Sent: Thursday, September 13, 2012 8:34 AM
To: Anderson, Kathy E JAG:EX
Subject: ARA Meeting with Steven - Question on ILO agreement

Hi Kathy

As for clarification of what the ARA is looking for, at this point all we have is the following bullet.
- Clarification on recent ILO agreement

Is the attached document the most recent ILO agreement? It looks like it was last updated May 2011.

Back in May of this year we received some questions from Ken Hendricks at the ARA about the new ILO agreements that were sent out. I got the info below to answer these questions from you or Tony.

Have there been any developments regarding ILO agreements since May that the ARA or its members would be aware of that may be of concern to them?

Is there anything Steve may want to discuss that may be of interest to the ARA with regard to any upcoming changes to the agreements? I remember hearing that the agreement was being reviewed for possible changes, Steve could offer to take the ARA's input on possible changes if that would be appropriate at this time.

Terry

From: Ken Hendricks [mailto:kenhendricks@ara.bc.ca]
Sent: Wednesday, May 23, 2012 12:56 PM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks for your help Terry

Ken

From: Stewart, Terry J JAG:EX [mailto:Terry.J.Stewart@gov.bc.ca]
Sent: May-23-12 9:05 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken,

I have some information on the three questions you asked last week about new ILO agreements that ILO's have received.

- Why are these being sent out?
- Are they being sent to all ILO's?
These were sent out to all ILO's because, in many cases, the info that OSMV had on file for ILOs was out of date. The purpose was to ensure this info was up to date for all ILO's.
- The agreement contains a reference to ICBC's Vendor Policies and Procedures Manual, why was this added?
I was told that this has been in place for a number of years. One of the requirements for ILO's is to have an ICBC vendor number. If an ILO has an ICBC vendor number it would follow that they would be expected to follow ICBC's vendor policies and procedures.

I hope this is helpful.

Terry

From: Ken Hendricks [mailto:kenhendricks@ara.bc.ca]
Sent: Thursday, May 17, 2012 11:25 AM
To: Stewart, Terry J JAG:EX
Subject: RE: Question on ILO agreement

Thanks Terry,

I am attaching a copy of the s.13 we sent to Brad earlier this year. Please feel free to call or email me with any questions or concerns.

Ken

From: Stewart, Terry J JAG:EX [mailto:Terry.J.Stewart@gov.bc.ca]
Sent: May-17-12 11:23 AM
To: Ken Hendricks
Subject: RE: Question on ILO agreement

Hi Ken.

The person who can provide me with the info on the ILO's is out of the office this week. I will speak with them next week and get back to you as soon as possible.

Terry

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]

Sent: Wednesday, May 16, 2012 10:47 AM

To: Stewart, Terry J JAG:EX

Subject: Question on ILO agreement

Hello Terry,

This is Ken Hendricks, I am the ARA consultant for the Towing & Recovery division. Dana Tadla gave you our President's Ken McCormack's email and it was forwarded to myself.

I am in the office most days and can be reached at my direct line 604-419-4836.

There are a few matters I need to discuss with you before the OSMV moves forward with rate harmonization. As well, I have a couple of questions with regards to the new ILO agreement being sent out to towers.

I look forward to speaking with you

Ken Hendricks

1997

THIS AGREEMENT made the 30th day of July, 1997

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA as represented by the Superintendent of Motor
Vehicles, Ministry of Transportation and Highways

(the "Superintendent")

AND

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

("Impound Lot Operator")

1. AGREEMENT

The following shall be deemed to form part of and be incorporated into this Agreement:

- (a) Procedures for Impound Lot Operators (the "Procedures");
- (b) Vendor Policies and Procedures Manual (the "Manual") of the Insurance Corporation of British Columbia ("ICBC"); and
- (c) Application for Impound Lot Operator.

2. TERM OF AGREEMENT

This Agreement shall commence on the 30th day of July, 1997 and shall continue in full force and effect for a period of one (1) year. Thereafter, subject to the then current Procedures and Manual, this Agreement shall automatically renew for periods of one (1) year each provided that either party may terminate this Agreement at any time by providing the other party at least thirty (30) days written notice.

3. ASSIGNMENT TO ICBC

The Impound Lot Operator may not assign this Agreement without the prior written consent of the Superintendent, which consent may not be unreasonably withheld. The Superintendent may assign this Agreement at any time to ICBC.

4. CONSENT

The Impound Lot Operator hereby consents to the Superintendent or ICBC, on behalf of the Superintendent, undertaking from time to time, such inspections of the Impound Lot Operator's facility and records, as the Superintendent deems necessary to ensure compliance with this Agreement by the Impound Lot Operator and its Bidders. Further, the Impound Lot Operator agrees to produce invoices and other records, as the Superintendent or ICBC, on behalf of the Superintendent, deems necessary to ensure compliance with this Agreement by the Impound Lot Operator and its Bidders.

5. FORM OF AGREEMENT

The Superintendent agrees that subject to revisions of general application all Impound Lot Operators will be required to sign similar agreements.

IN WITNESS HEREOF, the parties have executed this Agreement as of the day and year set out below.

SIGNED for and on behalf of Her Majesty
the Queen in right of the Province of
British Columbia by the Superintendent of
Motor Vehicles in the presence of :


Superintendent of Motor Vehicles

s.22

Impound Lot Operator

Per

s.22


NAME AND TITLE OF AUTHORIZED SIGNATORY


Date



SUPERINTENDENT
OF MOTOR VEHICLES
AUG 24 2012

THIS AGREEMENT made the 3 day of July, 2012

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA as represented by the Superintendent of Motor
Vehicles, Ministry of Transportation and Highways

(the "Superintendent")

AND

s.22

("Impound Lot Operator")

1. AGREEMENT

The following shall be deemed to form part of and be incorporated into this Agreement:

- (a) Procedures for Impound Lot Operators (the "Procedures");
- (b) Vendor Policies and Procedures Manual (the "Manual") of the Insurance Corporation of British Columbia ("ICBC"); and
- (c) Application for Impound Lot Operator.

2. TERM OF AGREEMENT

This Agreement shall commence on the 3 day of July, 2012 and shall continue in full force and effect for a period of one (1) year. Thereafter, subject to the then current Procedures and Manual, this Agreement shall automatically renew for periods of one (1) year each provided that either party may terminate this Agreement at any time by providing the other party at least thirty (30) days written notice.

3. ASSIGNMENT TO IMPOUND LOT OPERATORS

The Impound Lot Operator may not assign this Agreement without the prior written consent of the Superintendent, which consent may not be unreasonably withheld.

4. CONSENT

The Impound Lot Operator hereby consents to the Superintendent undertaking from time to time, such inspections of the Impound Lot Operator's facility and records, as the Superintendent deems necessary to ensure compliance with this Agreement by the Impound Lot Operator and its Bidders. Further, the Impound Lot Operator agrees to produce invoices and other records as the Superintendent deems necessary to ensure compliance with this Agreement by the Impound Lot Operator and its Bidders.

5. FORM OF AGREEMENT

The Superintendent agrees that subject to revisions of general application all Impound Lot Operators will be required to sign similar agreements.

IN WITNESS HEREOF, the parties have executed this Agreement as of the day and year set out below.

SIGNED for and on behalf of Her Majesty
the Queen in right of the Province of
British Columbia by the Superintendent of
Motor Vehicles in the presence of:

Witness

~~Signature~~

Superintendent of Motor Vehicles

s.22

Impound Lot Operator

Per:

s.22

Name and Title of Authorized Signatory

~~Signature~~

Date

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: October-02-12 9:06 AM
To: 'Ken Hendricks'
Cc: Anness, Glenn JAG:EX
Subject: RE: Refuse to Issue

Many thanks Ken!

Corey

From: Ken Hendricks [<mailto:kenhendricks@ara.bc.ca>]
Sent: Monday, October 1, 2012 8:28 AM
To: Bowness, Corey JAG:EX
Cc: Anness, Glenn JAG:EX
Subject: RE: Refuse to Issue

Hello Corey,

I have Cc'd Glenn on this email as well.

Thank you for your prompt response in getting back to us regarding our query from last week's meeting. We were very pleased with the meeting and look forward to continued productive dialogue. As mentioned in the meeting I am attaching an electronic copy of the rate-harmonization proposal we gave you at the meeting. I will touch base with you and Glenn later to see how things are developing.

Thank you

Ken Hendricks

From: Bowness, Corey JAG:EX [<mailto:Corey.Bowness@gov.bc.ca>]
Sent: September-27-12 11:36 AM
To: Ken Hendricks
Subject: Refuse to Issue


Hi Ken,

I just wanted to let you know that we confirmed with ICBC that no cost assessment has been done on the RTI issue. As Steve and Stephanie highlighted, the fiscal implications for implementing this is only a part of the challenge.

Regardless, I'm working with ICBC to ensure this gets the attention it deserves, including the exploration of any potential manual work-around we can find in the meantime.

It was great seeing you again. Please let me know if you have any questions.

Corey

Corey Bowness | Senior Policy Advisor | Policy and Research Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | Ph: 250 952-6937; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-27-12 4:13 PM
To: Anness, Glenn JAG:EX
Subject: RE: WCABA Meeting Tomorrow

Thanks.

From: Anness, Glenn JAG:EX
Sent: Thursday, September 27, 2012 4:13 PM
To: Bowness, Corey JAG:EX
Subject: Fw: WCABA Meeting Tomorrow

From: Dale Finch [<mailto:dalefinch@wcaba.ca>]
Sent: Thursday, September 27, 2012 03:33 PM
To: Anness, Glenn JAG:EX
Cc: Sarah Di Stefano <sarahdistefano@wcaba.ca>; Weir, Sarah JAG:EX
Subject: WCABA Meeting Tomorrow

Hi Glenn,

Please find the attached report on the differences between the ILO and ICBC Towing. I had hope to have gotten this to you yesterday but we were in discussions with Sheila Taylor regarding this report.

Look forward to seeing you tomorrow.

Thank you,

Dale Finch

Western Canada Automotive Business Association
President & CEO
C: 604.341.4933
F: 604.942.3943
dalefinch@wcaba.ca



Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-24-12 3:32 PM
To: Moran, Deidre JAG:EX
Cc: Anness, Glenn JAG:EX; Stewart, Terry J EDUC:EX
Subject: RE: VI ICBC s.13

Just to let you know, I mistakenly sent my outgoing email to Terry Smith instead of Terry Stewart. If you reply all to any of these emails, please make sure to change it. I've contacted Terry about my previous mix-up but I'll send him a note about your email as well.

Apologies.

From: Moran, Deidre JAG:EX
Sent: Monday, September 24, 2012 3:26 PM
To: Bowness, Corey JAG:EX
Cc: Anness, Glenn JAG:EX; 'Terry Smith'
Subject: RE: VI ICBC s.13

Sorry that I missed the meeting – I must have been so engrossed in my other activities! I have no great concerns. Just want to be sure that we have the rates sorted out if/when a decision is made so that when it comes time to make refunds we're clear about the effective date and the rates.

I'm also interested in knowing what the operational implications are for the agreements with ILO. I'm assuming a quick chat with Arnie will solve that curiosity.

Deidre Moran, CGA
Director, Finance and Administration
Office of the Superintendent of Motor Vehicles

Phone: 250-953-3758 Mobile: s.17
Fax: 250-356-5577 <mailto:deidre.moran@gov.bc.ca>
[Web:http://www.pssg.gov.bc.ca/osmv/](http://www.pssg.gov.bc.ca/osmv/)

From: Bowness, Corey JAG:EX
Sent: Monday, September 24, 2012 2:29 PM
To: Moran, Deidre JAG:EX
Cc: Anness, Glenn JAG:EX; 'Terry Smith'
Subject: VI ICBC s.13

Hi Deidre,

s.13

s.13

Steve M. has been alerted through Glenn that the increase costs will be borne by OSMV in advance of our ARA meeting tomorrow.

If you have any questions or issues you'd like to raise, please let us know!

Thanks,
Corey

Corey Bowness | Senior Policy Advisor | Policy and Research Branch| Office of the Superintendent of Motor Vehicles | Ministry of Justice | Ph: 250 952-6937; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2| <http://www.pssg.gov.bc.ca/osmv/> ♻️ Please consider the environment before printing this e-mail

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: September-19-12 2:42 PM
To: Stewart, Terry J EDUC:EX
Subject: RE: Pre-ARA meeting Email to Steve

Thanks!

From: Stewart, Terry J JAG:EX
Sent: Wednesday, September 19, 2012 2:40 PM
To: Bowness, Corey JAG:EX
Subject: RE: Pre-ARA meeting Email to Steve

I have made a few changes, mostly to give a bit more of a sense of the timeline.

From: Bowness, Corey JAG:EX
Sent: Wednesday, September 19, 2012 2:28 PM
To: Stewart, Terry J JAG:EX
Subject: Pre-ARA meeting Email to Steve

I figure I can send this to Glenn and let him forward to Steve. What are your thoughts?
Here is some wording:

1.


s.13

s.13

2.

s.17

Let me know if I've misstated/overlooked anything!

Corey Bowness | Senior Policy Advisor | Policy and Research Branch | Office of the Superintendent of Motor Vehicles | Ministry of Justice | Ph: 250 952-6937; Fx: 250 356-5568 | PO Box 9254 Stn Prov Govt Victoria BC V8W 9J2 | <http://www.pssg.gov.bc.ca/osmv/>  Please consider the environment before printing this e-mail

Fisher, Sandra L CITZ:EX

From: Bowness, Corey JAG:EX
Sent: May-23-12 9:32 AM
To: Tadla, Dana JAG:EX
Subject: RE: Reminder - Last Cabinet Meeting for OICs

Jason Luchies at ICBC mentioned something about a towing OIC that was complete that Brad or Linda had. Did either of them mention that to you?

From: Tadla, Dana JAG:EX
Sent: Wednesday, May 23, 2012 9:27 AM
To: Bowness, Corey JAG:EX; Windsor, Devon JAG:EX; Stewart, Terry J JAG:EX; Kazmiruk, Dan F JAG:EX
Subject: FW: Reminder - Last Cabinet Meeting for OICs

All: FYI

Terry: does this impact
in the mix. More on that later. s.13

Dana

Dana Tadla

Director Policy & Research Branch
Office of the Superintendent of Motor Vehicles
BC Ministry of Justice
Phone: 250.356.0097 Cell: s.17

From: Allen, Terri L JAG:EX
Sent: Wednesday, May 23, 2012 9:25 AM
To: Bieller, Barry MEM:EX; Blewett, Tyann M JAG:EX; Butler, Sylvia JAG:EX; Ferrier, Rob L JAG:EX; Gelzinis, Dave JAG:EX; Graf, Betty JAG:EX; Hall, Gord LDB:EX; Holmes, Kjerstine L JAG:EX; Hoskins, Jeannie JAG:EX; Howie, Lisa JAG:EX; Jaggi-Smith, Michele MEM:EX; XT:McGachie, Joanne FIN:IN; Kirby, Katherine JAG:EX; Lewis, Cameron F JAG:EX; Luknowsky, Myrna L JAG:EX; Marshall, Fraser JAG:EX; Martin, Lorraine JAG:EX; Norgaard, Aja V JAG:EX; Tadla, Dana JAG:EX; Walsh, Taryn JAG:EX; Ward, Holli JAG:EX; White, Cynthia JAG:EX; Windsor, Devon JAG:EX
Cc: Biggs, Jackie JAG:EX; Butterfield, Nicole JAG:EX; Campbell, Sarah JAG:EX; Clayton, Penny L JAG:EX; Cornett, Kathy M JAG:EX; Currie, Sylvia JAG:EX; Fair, Susan P MEM:EX; Frame, Cyndi R JAG:EX; Meseyton, Robert JAG:EX; Mielke, Brenda JAG:EX; Wilkinson, Anita JAG:EX
Subject: Reminder - Last Cabinet Meeting for OICs

This is a reminder that the last Cabinet Meeting until the fall will be on June 20, 2012. If you have any OICs in process, please send them to me by next Wednesday, May 30th to ensure they get on the June 20th Cabinet agenda.

Thank you.

Terri Allen

Legislation Analyst

Corporate Policy and Planning Office
Phone: 387-1123
Fax: 387-2631



Dear :

Re: Impound Lot Operator Contract

Thank you for your interest in the Vehicle Impoundment Program.

From the information provided in your Expression of Interest for the Vehicle Impound Program, your company has been conditionally qualified as meeting the standards. Notification of your conditional qualification will be forwarded to your local enforcement agency records office. Each local enforcement agency will utilize the services of those qualified ILO's in their areas of operation as required for the needs of the program.

Final approval will require your company to enter into an agreement with the Superintendent of Motor Vehicles. Two copies of the ILO Agreement is enclosed. Both copies of the ILO Agreement are to be completed, signed and returned to the under signed, O.S.M.V., PO Box 9254 Stn Prov Govt, Victoria BC V8W 9J2, within the next ten days. One copy will be returned to you once signed by the Superintendent of Motor Vehicles.

I look forward to receiving back the signed agreements.

Yours sincerely,

Intake Agent

**PROCEDURES
FOR
IMPOUND LOT OPERATORS
(Version 4)**

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

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PROCEDURES FOR IMPOUND LOT OPERATORS

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1. GENERAL

Police are required to impound vehicles driven by unlicensed, under-licensed, prohibited and suspended drivers; street racers and stunt drivers; excessive speeders; many impaired drivers; certain motorcycle offenders; and other unsafe motor vehicle operators. The impound period depends on the nature of the infraction and may escalate for vehicle owners with prior impounds. Vehicle impoundment places responsibility on the registered owner to ensure that their vehicle is operated only by an individual who holds a valid driver's licence. The VI legislation mandates the following periods of impoundment:

VEHICLE IMPOUNDMENT LENGTHS (EFFECTIVE SEPTEMBER 20, 2010)

	1 st Offence	2 nd Offence	3 rd Offence
Driving while unlicensed	7 days	30 days	60 days
Driving while prohibited	7 days	30 days	60 days
Street racing	7 days	30 days	60 days
Stunt driving	7 days	30 days	60 days
Excessive speeding	7 days	30 days	60 days
Motorcycle infractions	7 days	30 days	60 days
Impaired	3 days	7 days	30 days

The Office of the Superintendent of Motor Vehicles (OSMV), located in Victoria maintains an approved list of qualified tow companies referred to as Impound Lot Operators (ILOs).

A registered owner who has had their vehicle impounded as a result of (1) unlicensed driving, prohibited driving, street racing, stunt driving, excessive speeding, or motorcycle infractions resulting in 30- or 60-day impoundments or (2) impaired driving resulting in a 30 day impoundment, may make application to OSMV for a review of the impoundment. If successful, the registered owner or person authorized by the registered owner will have the vehicle released early. In these cases OSMV will order the vehicle be released.

There are several grounds for review. If the review is successful, the towing and storage charges may, in some cases, be paid by OSMV. Unless the Order of Release (MV2713A) or (MV2713B) indicates otherwise, the registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

Vehicles that are reported to a peace officer as stolen may be released early by the peace officer or in some instances OSMV. In these cases the vehicle should not be released without the appropriate order from either a peace officer or OSMV. The registered owner or person authorized by the registered owner is responsible for all towing and storage charges.

For some impounded vehicles there may be third parties with a security interest registered against the vehicle under the Personal Property Security Act (PPSA) who may want the vehicle released. OSMV/ICBC requires secured parties or bailiffs who work on their behalf to obtain authorization from the owner or a court order. Once the secured party or bailiff has obtained authorization from the owner or a court order the secured party or bailiff must attend an Insurance Corporation of British Columbia (ICBC) Driver Services Centre, Government Agent, or Appointed Agent to complete the Request for Vehicle Release (MV2711) and Order of Release (MV2713A) or (MV2713B).

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

1.1 Tow Company Participation in the VI Program

OSMV/ICBC will monitor ILO performance to ensure that ILOs meet and maintain standards under the VI program (see section 9).

1.2 ILO Workload

Peace officers and OSMV/ICBC cannot offer guaranteed workloads or volumes to ILOs in the assignment of vehicle impounds. Factors such as the impound lot location, availability of suitable trucks, and areas of operation by ILOs will affect the selection of an ILO for a given impound.

1.3 OSMV Contacts

General Mailing Address	Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, BC V8W 9J2 (250) 387-7747
Intake Services	
Invoice Payments	(250) 356-6573
Except as noted, all specified program forms will be faxed to OSMV	(250) 356-5919

1.4 Rates for Towing & Storage

Towing and storage rates under the VI program are set out in Division 43.05 of the *Motor Vehicle Act Regulations* whether payable by the registered owner/person authorized by the registered owner or by the Superintendent of Motor Vehicles (the Superintendent). The rates change from time to time and ILOs will be notified directly by OSMV when the rates change.

1.5 Changes to ILO Information

Each ILO is responsible for notifying OSMV of any changes to their information. Please contact OSMV for an "Impound Lot Operator Application and Information Update" form (see section 1.3).

Some changes may only result in OSMV updating the ILO's file whereas other changes may affect the ILO's ability to participate in the VI program. The following table provides examples of common changes and the corresponding result for the ILO:

Information Change	Result
Company/business name	OSMV will initiate an amendment to the agreement.
Impound lot location	New lot must be approved and an amendment to the agreement will be initiated.
Company/business ownership	OSMV will initiate a new contractual agreement between the new owners and the Superintendent.
Mailing address, contact telephone, or fax number	OSMV updates ILO file
Status as an ICBC supplier	May result in disqualification from the VI program

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

2. VEHICLE IMPOUNDMENT

The steps below must be followed in the course of impounding a vehicle under the VI program:

Peace Officer:	<ul style="list-style-type: none">Issues Notice of Impoundment (MV2721) to the driver of a motor vehicle.
Peace Officer Dispatch:	<ul style="list-style-type: none">Contacts ILO and requests appropriate service at location.
ILO:	<ul style="list-style-type: none">Ensures a suitable tow truck is on the road within ten minutes of the request and proceeds directly to the vehicle location.
Peace Officer:	<ul style="list-style-type: none">Provides the tow truck driver with a copy of the Notice of Impoundment (MV2721).
Tow Truck Operator:	<ul style="list-style-type: none">Records the condition of the vehicle, including a description of any damage, and inventories all personal property and removable accessories using the Vehicle Impound Invoice (MV2714).Requests that the vehicle driver sign the completed Vehicle Impound Invoice (MV2714) and then also signs this same form. If the vehicle driver refuses or is unable to sign, the tow truck operator will note that fact on the form.Provides the pink copy of the Vehicle Impound Invoice (MV2714) to the driver and returns the remaining copies to the ILO office.Tows the vehicle to the impound lot via the most direct route.
ILO:	<ul style="list-style-type: none">Retains the copies of the Vehicle Impound Invoice (MV2714) and Notice of Impoundment (MV2721) on file.
Peace Officer:	<ul style="list-style-type: none">Faxes OSMV a copy of the Notice of Impoundment (MV2721) and supporting documentation

2.1. Impounded Vehicle is Not to be Moved

Neither the ILO nor the registered owner may move the vehicle to another impound lot during the impoundment period unless directed to do so by the peace officer who impounded the vehicle.

2.2. Peace Officer Seizure of Impounded Vehicle

A peace officer may, on occasion, be required to seize and remove an impounded vehicle from an ILO for investigative purposes. In this event, the following procedures will apply:

Peace Officer:	<ul style="list-style-type: none">Presents ILO with warrant or other written request to seize the vehicle
ILO:	<ul style="list-style-type: none">Records the peace officer's name and badge number on the Vehicle Impound Invoice (MV2714).Makes a copy of the warrant or other written request and attaches it to the Vehicle Impound Invoice (MV2714).
Peace Officer:	<ul style="list-style-type: none">Seizes vehicle and arranges removal from ILO storage
ILO:	<ul style="list-style-type: none">Records the VI number on the copy of the warrantFaxes a copy of the warrant or written request to OSMV at (250) 356-5919

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

2.2 Peace Officer Seizure of Impounded Vehicle (cont'd)

Upon return of the vehicle, the following procedures should be followed:

Peace Officer:	<ul style="list-style-type: none">• Returns vehicle to the ILO• Note: Any towing and storage costs incurred by the ILO or other towing company relating to the peace officer's seizure and return of vehicle will be paid by the peace officer's law enforcement unit. The ILO will not charge the registered owner or OSMV for any towing or storage costs during the period of police seizure.
ILO:	<ul style="list-style-type: none">• Notes on the copy of the warrant that the vehicle has been returned.• Faxes a copy of the warrant to OSMV at (250) 356-5919

3. LONGER IMPOUNDS

For registered owners with previous offences within two years, the impound period will be increased as per the chart in Section 1 – GENERAL of these Procedures.

OSMV:	<ul style="list-style-type: none">• Notifies the registered owner and faxes the ILO, indicating that the impoundment period is increased. All other conditions of the impoundment remain unchanged.
-------	---

4. ACCESS TO VEHICLE

The registered owner or person authorized by the registered owner will be given a reasonable opportunity to retrieve personal possessions that are not attached to or used in connection with the operation of the vehicle. The ILO may choose to collect a portion of the towing and storage monies owing from the registered owner before allowing access to the vehicle. This portion will be deducted from the final towing and storage amount owing.

Other access may be required by representatives of OSMV, ICBC or by peace officers for a continuing investigation.

Owner, Peace Officer or ICBC:	<ul style="list-style-type: none">• Requests access to the vehicle during normal business hours.
ILO:	<ul style="list-style-type: none">• Provides access to the vehicle during normal business hours.• Must supervise access by the registered owner or person authorized by the registered owner. No unsupervised access by the registered owner or person authorized by the registered owner is permitted.• Ensures the licence plates and other related equipment attached to the vehicle remain with the vehicle.• Must attach a written record to the Vehicle Impound Invoice (MV2714) documenting any personal possessions that have been removed from the vehicle. This record must include the names, dates and times of any person accessing the vehicle and must be dated and initialed by the registered owner or person authorized by the registered owner.

PROCEDURES FOR IMPOUND LOT OPERATORS

Version 4

5. NORMAL RELEASE OF VEHICLE

At the end of the impound period the vehicle can be claimed by the registered owner or person authorized by the registered owner as follows:

OSMV/ICBC:	<ul style="list-style-type: none"> 3 or 7 day impoundments: The registered owner does not need to make a Request for Vehicle Release (MV2711) or an Order for Release (MV2713A) or (MV2713B) for 3- or 7- day impoundments. However, if the registered owner wants to appoint another person to retrieve the vehicle on his/her behalf, he/she will need to attend a Driver's Service Centre, Government Agent or Agent to fill out the Owner's Authorization (MV2712). 30 or 60 day impoundments: The registered owner makes a Request for Release application at a Driver Services Centre, Government Agent or Appointed Agent. The registered owner fills out the Owner's Authorization (MV2712) if he/she wants to appoint another person to retrieve the vehicle on his/her behalf. If approved, the Driver Services Centre, Government Agent, or Appointed Agent will fax the Order of Release (MV2713A) to the ILO and will fax a copy of the Request for Release and Owner's Authorization to OSMV.
Registered Owner or Person Authorized by the Registered Owner:	<ul style="list-style-type: none"> Is responsible for all towing and storage charges. Pays all towing and storage charges against the vehicle according to the prescribed program rates. Signs the Order for Release (MV2713A) (for 30- or 60-day impounds only) and the Vehicle Impound Invoice (MV2714). Order for Release (MV2713A) is not necessary for 3- or 7-day impoundments. Where a person has been authorized by the registered owner to retrieve the vehicle, that person must present the Owner's Authorization (MV2712). Provides a driver's license or other suitable identification to the ILO.
ILO:	<ul style="list-style-type: none"> Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) from OSMV/ICBC, unless it is a 3- or 7- day impoundment. Note: In the case of a 3- or 7-day impoundment, the ILO may release the vehicle to the registered owner or the person authorized by the registered owner at least 3 or 7 full 24-hour days after the time and date of the impoundment. The registered owner does not require an Order of Release (MV2713A). Records on the Order of Release (MV2713A) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner. Sends a copy of the completed Order of Release (MV2713A) by fax to OSMV at (250) 356-5919. Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy. If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), storage charges will continue to accrue at the prescribed rate.

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6. EARLY RELEASE OF VEHICLE

Under certain circumstances the Superintendent or a peace officer may authorize early release of the vehicle. Depending on the reason for release, either the registered owner/person authorized by the registered owner or the Superintendent will pay for the towing and storage charges. The following procedures should be followed:

OSMV:	<ul style="list-style-type: none">• Sends Order for Release (MV2713A) (registered owner pays towing and storage charges) or (MV2713B) (Superintendent pays towing and storage charges) by fax to the ILO.• Where the Superintendent is paying all or part of the towing and storage charges (as indicated on the (MV2713B)) refer to section 7.
Peace Officer	<ul style="list-style-type: none">• A peace officer may order a vehicle be released if they are satisfied that the impounded vehicle is stolen property. In the case of a stolen vehicle, the peace officer will complete an Order of Release (MV2715) and notify the ILO and the OSMV by fax. The registered owner will pay all towing and storage charges.
ILO:	<ul style="list-style-type: none">• Will only release a vehicle after receipt of a faxed Order of Release (MV2713A) or (MV2713B) from the OSMV/ICBC or a Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715).• Records on the Order of Release (MV2713A), (MV2713B) or (MV2715) the name and driver's licence number or other identification of the registered owner or the person authorized by the registered owner.• Sends a copy of the completed Order of Release (MV2713A), (MV2713B) or (MV2715) by fax to OSMV at (250) 356-5919.• Where the Superintendent is paying all or part of the towing and storage charges (indicated on the Order of Release (MV2713B)) refer to section 7.• Records the VI program charges for towing and storage on the Vehicle Impound Invoice (MV2714) and provides the registered owner or person authorized by the registered owner with the canary copy.• If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A), (MV2713B) or (MV2715), storage charges will continue to accrue at the prescribed rate.
NOTE: If the registered owner or person authorized by the registered owner does not claim the vehicle on the date indicated on the Order of Release (MV2713A) or (MV2713B) and that Order indicates OSMV will pay for the towing and storage charges, the vehicle owner will be responsible for additional storage charges as outlined in section 7.	

7. INVOICING OSMV

Under certain circumstances the Superintendent must pay for all or part of the towing and storage charges during an impoundment. The ILO will be reimbursed as follows:

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7. INVOICING OSMV (cont'd)

OSMV:	<ul style="list-style-type: none">• Sends Order of Release (MV2713B) by fax to ILO.• Order of Release (MV2713B) indicates the part of the towing and storage charges that the Superintendent will pay (located at the bottom of the Order of Release).• Where the Superintendent is paying all or part of the towing and storage charges, charges will be covered up to the end of the business day of the authorized date of release. If the registered owner or person authorized by the registered owner is unable to collect the vehicle on the day of release, the Superintendent will authorize payment of storage charges for one additional day. Beyond that date, the registered owner or person authorized by the registered owner is responsible for further storage charges.
ILO:	<ul style="list-style-type: none">• Completes the Vehicle Impound Invoice (MV2714) clearly showing VI number, towing, distance towed and storage charges.• Inserts the ICBC Supplier Number in the right side of the box labelled Impound Lot Information.• Mails the completed Vehicle Impound Invoice (MV2714) and completed Order of Release (MV2713B) to: Finance and Administration Branch Office of the Superintendent of Motor Vehicles PO Box 9254 Stn Prov Govt Victoria, B.C. V8W 9J2
OSMV	<ul style="list-style-type: none">• Reviews the invoiced amount and, if confirmed, authorizes payment to ILO. Please allow 4 -6 weeks for refund.

8. DISPOSAL OF UNCLAIMED VEHICLE

An impounded vehicle that is not claimed by the owner shall only be disposed of in one of the following two ways: (1) authorization by the Superintendent under the *Motor Vehicle Act* or (2) transfer of ownership under the conditions of the *Warehouse Lien Act*. OSMV shall be notified, in writing, of all disposals of impounded vehicles. The detailed requirements and procedures are set out in the *Motor Vehicle Act* and are summarized below.

8.1 Motor Vehicle Act Disposal

8.1.1 Early Disposal

When a vehicle owner indicates that they have no intention of claiming his/her vehicle, the ILO and the vehicle owner can complete the Early Disposal Agreement form (MV2729). The vehicle owner will transfer ownership of the vehicle to the ILO. The vehicle must be designated as "Dismantle" on the Tax Transfer Form. The ILO must complete an Early Disposal Statutory Declaration (MV2728) and agrees to discharge the lien on the vehicle. This allows the ILO to remove an abandoned vehicle from the lot prior to the expiry date of the impound period.

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8.1 Motor Vehicle Act Disposal (cont'd)

8.1.1 Early Disposal (cont'd)

ILO:	<ul style="list-style-type: none"> • Completes the Early Disposal Agreement form (MV2729) with the owner of the vehicle. • Completes a Statutory Declaration Early Vehicle Disposal (MV2728). • Presents the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2728) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2728) will be returned to the ILO. • ILO representative making the Statutory Declaration Vehicle Disposal (MV2728) will be required to provide a current driver's licence as proof of identification. • Note: Early Disposal Agreement form (MV2729) and Statutory Declaration Early Vehicle Disposal (MV2728) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none"> • Provides required forms. • Swears Statutory Declaration Vehicle Disposal (MV2728) (original returned to ILO). • Forwards the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) to OSMV by fax to (250) 356-5919.
OSMV:	<ul style="list-style-type: none"> • Reviews the Early Disposal Agreement form (MV2729) and the completed Statutory Declaration Early Vehicle Disposal (MV2728) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request. • If the Early Vehicle Disposal is denied, OSMV will notify the ILO in writing. • If the Early Disposal application is approved, OSMV directs the ILO to attend at an Autoplan broker office to transfer the vehicle ownership.
ILO:	<ul style="list-style-type: none"> • If the Early Vehicle Disposal is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2728), a completed Transfer/Tax form (APV9T), vehicle registration, and the licence last issued under section 3 of the MVA for the vehicle to an Autoplan broker.
ICBC:	<ul style="list-style-type: none"> • Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO. • Cancels any vehicle licence issued with respect to the vehicle • Forwards any refund from the cancellation of the vehicle licence to the previous registered owner • Destroys the surrendered plates

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8.1.2 Normal Disposal

After the expiration of the impoundment period, the ILO may apply to transfer the registration of the vehicle to themselves provided:

- o there is no security interest registered against the motor vehicle under the Personal Property Security Act (PPSA), and
- o the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle is \$1,000.00 or more.

ILO:	<ul style="list-style-type: none">• After the expiration of the impoundment period and at least 14 days prior to making an application for disposal, notifies the registered owner, by ordinary mail, of the intent to dispose of the vehicle if the outstanding charges are not paid. The letter must identify the vehicle impound number, vehicle identification number, vehicle licence plate number, registered owner name(s), address, date of impoundment and amount of the outstanding charges at the time of notification.• OSMV will conduct a review of the value of the vehicle using the wholesale price listed for British Columbia in the Gold Book. OSMV may request a written explanation if there is a dispute in the value of the vehicle.• At least 14 days after sending the notice of intention to dispose of the vehicle the ILO completes a Statutory Declaration Vehicle Disposal (MV2704) indicating the amount of the lien, details of the vehicle, and estimated value of the vehicle.• After the expiration of the impoundment period completes a Request for Vehicle Disposal (MV2709).• Presents the completed Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) and any number plates that were attached to the vehicle to a Driver Services Centre, Government Agent or Appointed Agent. The Statutory Declaration Vehicle Disposal (MV2704) will be sworn at this office, and forwarded to OSMV for processing. The original Statutory Declaration Vehicle Disposal (MV2704) will be returned to the ILO.• ILO representative making the Statutory Declaration Vehicle Disposal (MV2704) will be required to provide a current driver's licence as proof of identification.• Note: Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) are available at Driver Services Centres, Government Agents and Appointed Agents and must be submitted in their original format. Altered forms will not be accepted.
Driver Services Centre, Government Agent, or Appointed Agent:	<ul style="list-style-type: none">• Provides required forms.• Swears Statutory Declaration Vehicle Disposal (MV2704) (original returned to ILO).• Forwards Statutory Declaration Vehicle Disposal (MV2704) and Request for Vehicle Disposal (MV2709) to OSMV by fax to (250) 356-5919.• Forwards any numbered plates and a copy of the Request for Vehicle Disposal (MV2709) to ICBC Revenue Stock using the plate disposal envelopes (INV21 or INV22).

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8.1.2 Normal Disposal (cont'd)

OSMV:	<ul style="list-style-type: none">• Does a PPSA search and obtains a certificate showing that no security interest is registered against the motor vehicle under that Act. If a security interest exists the ILO may not dispose of the vehicle under this procedure (see section 8.2).• Reviews the Request for Vehicle Disposal (MV2709) and issues a Vehicle Disposal Decision to the ILO by fax within two business days of the date of that request.• If the Request for Vehicle Disposal (MV2709) is denied, OSMV directs the ILO to return 5 business days from the date of the Vehicle Disposal Decision to the Driver Services Centre, the Government Agent, or the Appointed Agent to retrieve the surrendered plates.• If the Request for Vehicle Disposal (MV2709) is approved, OSMV directs the ILO to attend at an Autoplan broker to transfer the vehicle ownership.• Informs ICBC Revenue Stock via email of the Vehicle Disposal Decision.
ICBC:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, ICBC:• Cancels any vehicle licence issued with respect to the vehicle• Forwards any refund from the cancellation of the vehicle licence to the previous registered owner• Destroys the surrendered plates• Upon application by the ILO at an Autoplan broker, will transfer the registration of the vehicle to the ILO.• If the Request for Vehicle Disposal (MV2709) is denied, ICBC:• Returns the surrendered plates to the Driver Services Centre, Government Agent, or Appointed Agent for pick-up by the ILO after 5 business days from the date of the Vehicle Disposal Decision.
ILO:	<ul style="list-style-type: none">• If the Request for Vehicle Disposal (MV2709) is approved, the ILO must take the Vehicle Decision Letter together with the original Statutory Declaration (MV2704), a completed Transfer/Tax form (APV9T), and vehicle registration, to an Autoplan broker.• If the Request for Vehicle Disposal (MV2709) is denied, the ILO must return to the Driver Services Centre, Government Agent, or Appointed Agent to retrieve the licence plates after five business days from the date on the Vehicle Disposal Decision

8.2 Warehouse Lien Act Disposal

Vehicles that have a security interest registered against them under the PPSA can only be disposed of under the *Warehouse Lien Act*. The Superintendent will not authorize disposal of a vehicle with an existing lien. Upon disposal under the terms of the *Warehouse Lien Act* the ILO will notify OSMV, by faxing or mailing to OSMV (refer to OSMV Contacts section 1.3) a completed and notarized Declaration of Seizure of a Vehicle under the Warehouse Lien Act MV1481 and a copy of the Vehicle Registration APV250, together with the VI number, vehicle identification number, and vehicle make and year, within 5 days of the disposal transaction.

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8.3 Release of Valued Abandoned Vehicles

Valued abandoned vehicles are vehicles that have been left at impound lots by the registered owners but the difference between the ILO's lien on the motor vehicle and the estimated value of the vehicle exceeds \$1,000.00 under section 255(2) of the *Motor Vehicle Act*. These vehicles may be owned outright by the registered owner, may have a security interest registered against them under the PPSA, or may be leased by the owner. OSMV will not authorize disposal of these vehicles. In these circumstances the ILO may dispose of the vehicle under the *Warehouse Lien Act*.

8.3.1 Release of Valued Abandoned Vehicles to Lien Holders

Bailiffs acting for third parties with a security interest registered against the vehicle under the PPSA have no jurisdiction to seize vehicles impounded and/or abandoned under the VI program unless they have authorization from the registered owner or a court order and they obtain a release from OSMV or ICBC. The party with the security interest is responsible for all towing and storage costs.

9. ILO QUALIFICATION STANDARDS

9.1 Qualifications

As necessary, OSMV will review existing ILO agreements and consider new entrants to the program.

9.2 Mandatory Requirements

Upon application to the VI program, OSMV/ICBC will qualify the company's ability to meet these standards. At all times while participating in the VI program, the ILO will be required to maintain these standards and may be subject to performance audits by OSMV representatives or ICBC representatives from time to time. An agreement, specific to this program, will be required to be entered into between each qualified ILO and the Superintendent.

The ILO must maintain the standards set out in this section 9.2 during the term of that agreement. Further, the Superintendent may assign that agreement to ICBC at any time during the term of the agreement. Upon such assignment all references in these procedures to OSMV or the Superintendent shall automatically become references to ICBC.

9.2.1 Business Qualifications

- Impound lots, records and tow vehicles must be maintained in accordance with program requirements contained in this document and will be available for inspection by OSMV/ICBC or law enforcement representatives.
- Minimum business hours are: office: 8am to 5pm, Monday to Friday; dispatch and towing: 24 hours, seven days per week.
- Maintain a valid ICBC Garage Policy with comprehensive coverage and a valid business licence issued by a municipality applicable to the business of towing and storing vehicles, or a valid Land Use contract.
- A valid ICBC Supplier number.
- A towing dispatch service must provide two-way communications with all tow trucks at all times.
- A fax machine which must be capable of unattended and continuous operation.

9.2.2 Tow truck requirements

- The tow company must have tow trucks available to the program that comply with the following standards:
- All tow trucks must be licensed and insured to operate in BC as a tow car, tow truck, wrecker, recovery vehicle or flat deck.
- ILOs will ensure that any lease operators have the ILO National Safety Code number recorded on vehicle registrations.
- Tow trucks will meet all Provincial and Federal vehicle mechanical, safety and licensing standards.

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9.2.3 Impound Lot

- The impound lots must meet the following minimum standards:
- Secure storage for all types of vehicles, including some space for vehicles up to a maximum of 45 ft in length.
- The lot shall consist of an asphalt surface or other well graded and drained surface condition.
- The impound lot must have a minimum six foot chain link fence, or equivalent, around the perimeter plus a 12" barbed wire overhang and a locking gate of matching height. The fence, overhang and gate shall be maintained in a good state of repair at all times.
- Impounded vehicles shall not be stored in the same area as vehicles under repair, being dismantled for parts or other similar activities.
- Access to impounded vehicles will be strictly controlled and at no time will unaccompanied vehicle owners or public access be permitted. Please refer to section 4, Access to Vehicle.

9.2.4 Service Levels

The ILO must dispatch a suitable tow truck and commence travel directly to the indicated location within 10 minutes of initial request from the police.

9.2.5 Administrative

All equipment and services specified in this program are the responsibility of the ILO. ILOs must adhere to all administrative requirements of the VI program including, without limitation,

- Maintain all records required by the Motor Vehicle Act or other legislation.
- Collect towing and storage charges from vehicle owners only in accordance with the prescribed rates as set out in the regulations.
- Maintain VI program forms described in section 10 below and program records at the normal ILO business office for a period of at least twelve months from the date of vehicle impoundment or until the vehicle is disposed of.

9.2.6 Disqualification or Withdrawal from the VI Program

At any time an ILO may be disqualified for failure to adhere to the program standards. Notice will be given in writing and the agreement may be terminated.

Either party may withdraw from the agreement by giving thirty days notice in writing. If either party withdraws, any impounded vehicles remaining in storage will remain impounded under all original program terms, conditions and rates until such time as the vehicles are released to the owners or are disposed of in the prescribed manner.

10. PROGRAM FORMS

The following forms may be used in the program. The Superintendent reserves the right to add to or delete from this list.

10.1 Notice Of Impoundment (MV2721)

Issued by the peace officer to the offending driver with a copy provided to the tow truck operator.

10.2 Vehicle Impound Invoice (MV2714)

The required program form is available at each ICBC Claims Centre. Completed by the tow operator with a copy provided to the driver of the impounded vehicle at the time of impound. The form describes the vehicle and equipment condition at the time of impoundment as well as the non-attached personal possessions remaining in the vehicle.

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10.3 Fax Cover Sheet to Increase Impoundment Periods

Issued by OSMV to the ILO as notification that the impound period has been increased to 3, 7, 30 or 60 days.

10.4 Order of Release (MV2713A)

Issued by the OSMV, by fax, to notify the ILO that a vehicle is to be released subject to payment of towing and storage charges by a registered owner, or person authorized by the registered owner.

10.5 Order of Release (MV2713B)

Issued by the OSMV by fax to notify the ILO that a vehicle is to be released, and who it should be released to. It will indicate whether the Superintendent or the authorized person retrieving the vehicle will pay towing and storage charges.

10.6 Vehicle Impoundment Peace Officer Order of Release of a Stolen Vehicle (MV2715)

Completed by a peace officer if satisfied the impounded vehicle is stolen property.

10.7 Request for Vehicle Disposal (MV2709)

Completed by the ILO to request authorization from the OSMV to dispose/transfer the vehicle.

10.8 Statutory Declaration for Vehicle Disposal (MV2704)

Declaration by the ILO that they have attempted to contact the registered owner, are accurately assessing the value of the vehicle, and that outstanding charges exceed the estimated value of the impounded vehicle.

10.9 Early Disposal Agreement – Section 255(8) – Motor Vehicle Act

Completed by the ILO and the vehicle owner where the owner indicates they have no intention of claiming his/her vehicle. (See Section 8.1.1 of these Procedures).

10.10 Statutory Declaration – Early Disposal (MV2728)

Declaration by the ILO that they have entered into an Early Disposal Agreement with the owner of the impounded vehicle.

10.11 Vehicle Disposal Decision Letter

Sent by the OSMV to the ILO indicating that the vehicle is or is not approved for transfer.

10.12 Owner's Authorization (MV2712)

Filled out by the registered owner to allow an alternative driver to drive a car off the lot.

10.13 Impound Lot Operator Application and Information Update Sheet

To be used when ILO information has changed. To be completed and faxed to OSMV at (250) 356-5919. A copy is included in these Procedures for use.

June 18, 2009

Effective March 13, 2009, the *Motor Vehicle Act* Regulations were amended to increase the towing and storage rates that participating Impound Lot Operators are to use for vehicles Impounded under the Vehicle Impoundment Program.

REVISED TOWING RATES

Item	Distance and Amounts	Size and Weight Categories		
		Column 2 Up to 3 628 kg/GVW Automobiles, vans, pickups, motorcycles, etc.*	Column 3 3 629 kg to 7 257 kg/GVW Medium duty trucks and trailers, etc.*	Column 4 7 258 kg/GVW and over Heavy trucks and trailers, etc.*
1	Up to 6.0 km	\$78.89	\$92.17	\$153.64
2	6.1 to 16.0 km, Add per km	\$2.99	\$3.45	\$4.31
3	16.1 to 32.0 km, Add per km	\$2.47	\$3.16	\$3.68
4	32.1 km and over, Add per km	\$2.19	\$2.59	\$2.99
*Appropriate size towing vehicle to be used				

REVISED STORAGE RATES

The storage rates are as follows.

1. \$19.55 per day for impound lots located within the municipal boundaries of the Greater Vancouver Regional District, the District of Squamish, the City of Chilliwack, the City of Abbotsford, the District of Mission or the City of Victoria, and,
2. \$16.10 per day for impound lots located outside the areas described in 1.

These revised storage rates are applicable to vehicles whose impoundment period under the Vehicle Impoundment Program began on or after March 13, 2009. For vehicles whose impoundment period under the Vehicle Impoundment Program began prior to March 13, 2009, the revised storage rates may be charged for those days in which a vehicle is in storage on or beyond that date.

Vehicle Impoundment Invoices can be obtained at ICBC Claim Centres.

Should you require any additional information, please contact the Office of the Superintendent of Motor Vehicles at (250) 387-7747.



Motor Vehicles Disposed of in British Columbia by Region, 2010 – 2013

B.C.'s new vehicle impoundment (VI) model took effect on September 20, 2010. These legislative amendments provided: 1) VI provisions to support the impaired driving changes, 2) a definition and provisions for "stunting", 3) expansion of the VI program from racing to also now include stunting and excessive speeding (over 40 km/h over the speed limit)¹ and 4) changes to the impoundment periods for driving while prohibited or suspended and driving while unlicensed to align with the new impoundment policy model introduced in 2010².

When the impoundment period ends and if the vehicle is not reclaimed, the impound lot operator that impounded the vehicle may apply to the Superintendent to dispose of the vehicle. Table 1 below outlines the numbers of vehicles that were impounded under the new legislation and subsequently disposed of.

On November 30, 2011, the B.C. Supreme Court ruled that part of the Immediate Roadside Prohibition (IRP) legislation infringed on the *Charter of Rights and Freedoms* as the IRP administrative review process did not provide a driver with the ability to meaningfully challenge the "Fail" result of a roadside breath test. The B.C. government amended the legislation and implemented the revised program on June 15, 2012. In the 6 month intervening period, police reverted to issuing previous sanctions for impaired drivers who provided a breath sample of 0.08 BAC or greater. These previous sanctions did not contain a VI portion; therefore the number of vehicles impounded in this time period was less than it would have been had the program been fully operational.

Table 1: Vehicles Disposed of in British Columbia for all Reasons, by Region³, 2010 - 2013

Region	2010	2011	2012	2013
	Sep 20 – Dec 31	Jan 1 – Dec 31	Jan 1 – Dec 31	Jan 1 – Apr 30
Central and Northern B.C.	2	121	83	33
Lower Mainland	33	603	324	150
Southern Interior	4	269	219	73
Vancouver Island	40	251	198	85
Total	79	1,244	824	341

Source: Data extracted from ADP/VI on July 9, 2013.

¹ Previously, the VI program, with respect to speed related offences, only applied to street racing and resulted in 48 hour VI for a first offence and a 30 day VI for a subsequent offence

² Under the current impoundment model all of these non-alcohol related driver behaviours now trigger a mandatory 7 day VI for a first offence, a 30 day VI for a second offence, and 60 day VI for subsequent offence within two years. Prior to 2010, the impoundment lengths were 30 days, 60 days or 90 days. Impoundment lengths are based on the vehicle owner's impoundment history.

³ See Appendix I for the list of detachments in each region. Detachment data taken from ADP/VI.



Appendix I: Regions

Regions are based on the detachments listed in ADP/VI.

Central and Northern B.C.

100 Mile House	Granisle	IRSU - Valemount	Queen Charlotte
Alexis Creek	Houston	IRSU - Williams	City
Anahim Lake	Hudson's Hope	Lake	Quesnel
Atlin	IRSU - Dawson	IRSU-N. Cariboo	Smithers
Bella Bella	Creek	(Quesnel)	Stewart
Bella Coola	IRSU - Fort	Kitimat	Telegraph Creek
Burns Lake	Nelson	MacKenzie	Terrace
Chetwynd	IRSU - Fort St.	Masset	Tumbler Ridge
Dawson Creek	John	McBride	Valemount
Dease Lake	IRSU - Prince	Nass	Vanderhoof
Fort Nelson	George	Valley/Lisims	Watson Lake
Fort St. James	IRSU - Prince	New Hazelton	RCMP
Fort St. John	Rupert	Prince George	Wells
Fraser Lake	IRSU - Terrace	Prince Rupert	Williams Lake

Lower Mainland

Abbotsford	Gr.Vanc. Transit	Langley Dist	Richmond
Agassiz	Police	Maple Ridge	Ridge Meadows
Boston Bar	Hope	Mission	Sechelt
Bowen Island/N.	IRSU - Greater	New Westminster	Squamish
Vancouver	Vancouver	North Vancouver	Sumas Highway
Burnaby	IRSU-Fraser	City	Patrol
CFSEU - Gang	Valley (Langley)	North Vancouver	Surrey
Task Force	IRSU-Fraser	Dist	University
Chilliwack	Valley	Pemberton	Vancouver City
Coquitlam	DRE/SFST/CV	Pitt Meadows	Police
Deas Island	IRSU-Gtr. Vanc.	Port Coquitlam	West Vancouver
Highway Patrol	(New West)	Port Mann	Whistler
Delta	IRSU-HQ Traffic	Highway Patrol	White Rock
Gibsons	Svcs (Langley)	Port Moody	
	Langley City	Radium	



Southern Interior

Armstrong	IRSU - Central	IRSU-S.E. Dist	Osoyoos
Ashcroft	Int.-Kamloops	DRE/SFST	Penticton
Barriere	IRSU -	Kamips	Princeton
Castlegar	Courtenay/Comox	Kamloops	Revelstoke
Central Okanagan	IRSU - East	Kaslo	Rossland
Highway Patro	Kootenay	Kelowna	Salmo
Chase	(Cranbrk)	Keremeos	Salmon Arm
Clearwater	IRSU - North	Kimberley	Sicamous
Clinton	Okanagan	Lake Country	South Okanagan
Columbia Valley	(Vernon)	Lillooet	Hwy Patrol
RCMP	IRSU - Okanagan	Logan Lake	Sparwood
Cranbrook	S. (Keremeos)	Lumby	Sti'alt'imx Tribal
Creston	IRSU - S. E. Dist.	Lytton	Police
Elkford	(Kelowna)	Merritt	Summerland
Enderby	IRSU - W.	Midway	Trail
Falkland	Kootenay	Nakusp	Vernon
Fernie	(Nelson)	Nelson City Police	West Kootenay
Golden	IRSU-E TCH	Nelson RCMP	
Grand Forks	(Golden/Revelsto	New Denver	
Invermere	ke)	Oliver	

Vancouver Island

Alert Bay	Ladysmith	Port Alice	South Island
Campbell River	Lake Cowichan	Port Hardy	Highway Patrol
Central Island	Nanaimo	Port McNeil	Tahsis
Highway Patrol	North Cowichan-	Powell River	Texada Island
Central Saanich	Chemain	Quadra Island	Tofino
Comox	North Cowichan-	Qualicum Beach	Ucluelet
Courtenay	Duncan	Saanich	Victoria City
Duncan	North Saanich	Salt Spring Island	Police
Esquimalt	Oak Bay	Sayward	Victoria RCMP
Gabriola Island	Parksville	Shawnigan Lake	West Shore
Gold River	(OCEANSIDE)	Sidney	
IRSU - CRD -	Pender Island	Sooke	
Victoria	Port Alberni		

