



TIMMINS POLICE SERVICES BOARD Regular Meeting Agenda

*Tuesday, January 16, 2024 at 11:00 AM
Timmins Police Services Community Boardroom*

Members:	Kraymr Grenke, Chair Kristin Murray, Vice-Chair Steve Black, Member Jamie Clarke, Member Cheryl St-Amour, Member Dave Landers, Board Secretary
Timmins Services Advisor:	Tom Gervais, Police Services Advisor
Timmins Police Service:	Denis Lavoie, Interim Chief of Police Henry Dacosta, Deputy Chief of Police

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1. **CALL TO ORDER**
2. **LAND ACKNOWLEDGEMENT**
3. **APPROVAL OF AGENDA**
 - a) **Approval of Agenda (R)**

BE IT RESOLVED THAT the agenda for the January 16, 2024 meeting of the Timmins Police Services Board be approved.
4. **DECLARATION OF PECUNIARY INTEREST**
5. **APPROVAL OF PREVIOUS MINUTES**
 - a) **Approval of Previous Minutes (R)**

BE IT RESOLVED THAT the minutes of the December 14, 2023 meeting be approved.
6. **BUSINESS ARISING FROM THE MINUTES**
7. **NEW BUSINESS**

3 - 7

- a) **Update on Activities - Interim Chief Lavoie**
- b) **Indigenous Advisory Committee Update - Interim Chief Lavoie**
- c) **Statistical Report - Interim Chief Lavoie**

8

- d) **Retirement - Sergeant - Interim Chief Lavoie (R)**

BE IT RESOLVED THAT the board approve the retirement of Sergeant Marty Delich effective February 1, 2024.

9 - 12

- e) **Resignation - Constables - Interim Chief Lavoie (R)**

BE IT RESOLVED THAT the board approve the resignation of Constable Lindsie Durepos Effective January 19, 2024.

BE IT RESOLVED THAT the board accept the resignation of Christopher Gauthier as a police constable effective February 7, 2024.

- f) **Chair and Vice-Chair Elections - Dave Landers (R)**

BE IT RESOLVED THAT the Timmins Police Services Board appoint XXXX to Chair and XXXX to Vice-Chair positions for the 2024 year.

13 - 64

- g) **Correspondence - Dave Landers**

8. OTHER MATTERS

9. NEXT MEETING

February 8, 2024

10. ADJOURNMENT



**TIMMINS POLICE SERVICES BOARD
Regular Meeting Minutes**

Thursday, December 14, 2023 at 11:00 AM
Timmins Police Services Community Boardroom

PRESENT: Kraymr Grenke, Chair
Steve Black, Member
Jamie Clarke, Member
Cheryl St-Amour, Member
Dave Landers, Board Secretary

ABSENT: Kristin Murray, Vice-Chair

POLICE SERVICES ADVISOR: Tom Gervais, Police Services Advisor

TIMMINS POLICE SERVICE: Henry Dacosta, Acting Chief of Police
Darren Dinel, Acting Deputy Chief of Police

1. **CALL TO ORDER**
The meeting was called to order at 11:00 am.
Land Acknowledgement

2. **APPROVAL OF AGENDA**
a) **Approval of Agenda (R)**

2023-096
Moved by Cheryl St-Amour
Seconded by Jamie Clarke

BE IT RESOLVED THAT the agenda for the December 14, 2023 meeting of the Timmins Police Services Board be approved.

CARRIED

3. **DECLARATION OF PECUNIARY INTEREST**
None

4. APPROVAL OF PREVIOUS MINUTES

a) Approval of Previous Minutes (R)

2023-097

Moved by Jamie Clarke

Seconded by Cheryl St-Amour

BE IT RESOLVED THAT the minutes of the November 9, 2023 meeting be approved.

CARRIED

5. BUSINESS ARISING FROM THE MINUTES

a) Annual Report 2022 - Acting Chief Dacosta (R)

Motion to defer.

2023-098

Moved by Jamie Clarke

Seconded by Cheryl St-Amour

BE IT RESOLVED THAT the Board accepts the 2022 Annual Report.

DEFERRED

6. NEW BUSINESS

a) Land Acknowledgement - Chair Grenke

Read at the start of the meeting.

b) Update on Activities - Acting Chief Dacosta

A/Chief Dacosta reported that:

- November 18 - Transition to Acting Chief and Acting Deputy Chief Dinel
- Conversations with various Chiefs and Deputies within the province
- Various meetings with Senior Leadership Team to establish priorities
- November 27 - attended non-union meeting
- November 28 – attended council meeting 2022 Budget surplus
- Various department head meetings
- Worked on TPS budget for Board presentation
- Week of Dec 4 attended Toronto for OPTIC Board and AGM
- Dec 6 attend OPC graduation
- Dec 12 met with Grand Chief and Deputy Grand Chief of Mushkegowuk
- Dec 13 met with CEO of TADH (analytics/ options/ MECG/ Outreach and Community Safety officer.

c) Indigenous Advisory Committee Update - Acting Chief Dacosta

Acting Chief Dacosta reviewed the update with the Board.

d) Resignation - Auxiliary Constable - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board.

2023-099

Moved by Cheryl St-Amour

Seconded by Jamie Clarke

BE IT RESOLVED THAT the Board approve the resignation of Auxiliary Constable Tammy Grydsuk effective November 10, 2023.

CARRIED

e) Resignation of Officer - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board, and Melanie Carter is thanked for her service.

2023-0100

Moved by Jamie Clarke

Seconded by Cheryl St-Amour

BE IT RESOLVED THAT the Board approve the resignation of Detective Constable Melanie Carter effective November 29, 2023.

CARRIED

f) Resignation - Cadet - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board.

2023-0101

Moved by Cheryl St-Amour

Seconded by Jamie Clarke

BE IT RESOLVED THAT the Board approve the resignation of Cadet Joshua Diamond effective December 10, 2023.

CARRIED

g) Notice of Retirement - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board. The Board sends its best wishes and thanks for service.

2023-0102

Moved by Jamie Clarke

Seconded by Cheryl St-Amour

BE IT RESOLVED THAT the Board approve the notice of retirement for Sergeant Thomas

Chyppha effective January 31, 2024.

CARRIED

h) Promotion of Auxiliary Member - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board.

2023-0103

Moved by Cheryl St-Amour

Seconded by Jamie Clarke

BE IT RESOLVED THAT the Board approve the recommendation to appoint Lacey Rigg as Auxiliary Sergeant with the Timmins Police Service.

CARRIED

i) Recommendation of Appointment - Acting Chief Dacosta (R)

Acting Chief Dacosta reviewed the report with the Board.

2023-0104

Moved by Cheryl St-Amour

Seconded by Jamie Clarke

BE IT RESOLVED THAT the Board approve the appointment of Brandon Petit on December 4, 2023.

CARRIED

j) Statistical Report - Acting Deputy Chief Dinel

Acting Deputy Chief Dinel reviewed the statistical report with the Board. There was discussion on publicizing statistics.

Steve Black is now present at the meeting.

k) Proposed 2024 Timmins Police Service Budget - Acting Chief Dacosta (R)

The total operating costs are \$22,189, 762, net capital costs are \$675,400 for a total levy request of \$18,771,234.

Questions were answered by the Board and Deputy Director of Finance was thanked for his effort.

2023-0105

Moved by Steve Black

Seconded by Jamie Clarke

BE IT RESOLVED THAT the proposed 2024 Timmins Police Service Budget be approved.

CARRIED

l) TPSB Proposed Honorarium and 2024 Meeting Schedule - Kraymr Grenke (R)

Chair Grenke reviewed the report with the Board.

2023-0106

Moved by Jamie Clarke

Seconded by Cheryl St-Amour

BE IT RESOLVED THAT The Timmins Police Services Board approve their updated honorarium schedule and their meeting times for 2024.

BE IT FURTHER RESOLVED THAT the Timmins Police Services Board updates By-Law 2008-04 and include the new By-Law in the budget package for 2024.

CARRIED

m) Correspondence - Dave Landers

Information was received by the Board.

7. OTHER MATTERS

None

8. NEXT MEETING

To be determined.

9. ADJOURNMENT

2023-0107

Moved by Cheryl St-Amour

Seconded by Steve Black

BE IT RESOLVED THAT the meeting be adjourned at 11:53 am.

CARRIED

CHAIR

SECRETARY



Timmins Police Service
INTER-DEPARTMENT CORRESPONDENCE

To: Timmins Police Services Board
From: Interim Chief Denis Lavoie

Date: January 15, 2024

Notice of Retirement – Sergeant Marty Delich

Board members

Sgt. Marty Delich began his policing career with the Timmins Police Service on October 12, 1999. As a matter of fact, I hired Marty when I was Chief of Police back then, and found him to be an exemplary officer. Sgt. Delich was with me until 2004 when I retired and he continued on to have a long and meaningful career.

Marty progressed and subsequently achieved the rank of Sergeant and was given one of the most important roles in our service, being responsible for training our officers. Sgt. Delich performed his duties well and a vast majority of officers, past and present, benefitted from his expertise.

Sgt. Delich submitted his notice of retirement on January 8th, 2024, with a retirement date of February 1st, 2024. Ironically, I accepted his application to join the Timmins Police Service back in 1999 and I now find myself accepting his notice of retirement.

The Timmins Police Service is sorry to see Marty and all his experience leave our policing family but wish him all the very best going forward.

A handwritten signature in cursive script that reads "Denis Lavoie".



Timmins Police Service
INTER-DEPARTMENT CORRESPONDENCE

To: Timmins Police Services Board
From: Deputy Chief H. Dacosta

Date: January 8, 2024

Resignation of Constable Lindsie Durepos

Board members

On January 8, 2024 the Timmins Police Service received a notice of resignation from Constable Lindsie Durepos. Constable Durepos has been with the Timmins Police Service since October 17, 2005.

As a result of the resignation I am seeking Board approval as to this resignation effective January 19, 2024.

Respectfully,

A handwritten signature in cursive script that reads "H. Dacosta".

January 8th, 2024

Deputy Chief Dacosta
Timmins Police Service
185 Spruce Street South
Timmins, ON, P4N 2M7

Dear Deputy Chief Dacosta,

Please accept this letter as a formal notice of my resignation from my position as Police Constable with Timmins Police Service, effective January 19th 2024. I understand when we spoke on January 4th 2024, I advised that my last day of employment was tentatively January 22nd 2024. However, my start date of January 23rd 2024 with my new employer and my shift schedule would be in conflict.

As a result, I have had to shift dates around and my last day with the Timmins Police Service will be January 18th 2024. My last shift based on my platoon 3 schedule will be nightshift on January 14th 2024. It is my intention to complete all of the shifts scheduled for me during this period.

I would like to use this opportunity to thank you for the years of employment here, the experiences I have gained and the support I have received during that time. I wish Timmins Police Service continued success.

Sincerely,

Lindsie Durepos



Timmins Police Service
INTER-DEPARTMENT CORRESPONDENCE

To: Timmins Police Services Board
From: Deputy Chief H. Dacosta

Date: January 8, 2024

Resignation of Constable Christopher Gauthier

Board members

On December 18, 2023 the Timmins Police Service received a notice of resignation from Constable Christopher Gauthier. Constable Gauthier has been with the Timmins Police Service since January 4, 2016.

As a result of the resignation I am seeking Board approval as to this resignation effective February 7, 2024.

Respectfully,

A handwritten signature in black ink that reads "H. Dacosta".

December 18th, 2023

Timmins Police Service

185 Spruce Street South

Timmins, Ontario, P4N2M7

To: Acting Chief Henry Dacosta,

I am writing to inform you of my intention to resign from my position of Constable with the Timmins Police Service effective February 7th, 2024.

My career goals have changed since I began here in 2016 and I feel that the time has come for me to pursue other opportunities that are more aligned with my new aspirations.

I appreciate the opportunities that the Timmins Police Service has provided to me and will always be proud of where my career began. Please let me know what assistance I can offer during this time as I transition out of my current position.

Thank you.

A handwritten signature in black ink, appearing to read 'Christopher Gauthier', with a long horizontal flourish extending to the right.

Christopher Gauthier

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Chief Firearms Office Update - Retirement
Announcement and Temporary Assignment**

DATE OF ISSUE:	December 29, 2023
CLASSIFICATION:	General Information
RETENTION:	March 31, 2024
INDEX NO.:	23-0078
PRIORITY:	Normal

At the request of the Ontario Provincial Police, I am sharing a communication to inform you that Inspector Marcel Beaudin, Indigenous Policing Bureau (IPB), Ontario Provincial Police, will begin a new temporary appointment as Acting Superintendent, Chief Firearms Office, effective January 1, 2024, through to March 31, 2024.

For further information, please review the attached memo from Deputy Commissioner, Marty Kearns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

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Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ontario
Provincial
Police

Police
provinciale
de l'Ontario



**Investigations and Organized Crime
Enquêtes et crime organisé**

777 Memorial Ave.
Orillia ON L3V 7V3

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Tel: 705 329-7500
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Tél. : 705 329-7500
Télec.: 705 329-6317

File Reference:

xxx-xx

December 29, 2023

MEMORANDUM TO: Ken Weatherill, Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Marty Kearns, Deputy Commissioner
Investigations and Organized Crime
Ontario Provincial Police

RE: Retirement Announcement and Temporary Assignment

I am writing to request your assistance in notifying the policing community that Superintendent Brian Griffith, Chief Firearms Office, will be retiring from the Ontario Provincial Police (OPP) after 31 years of serving with great dedication and pride. His last day of work will be December 31, 2023.

A temporary assignment has been created to fill the vacant position. Inspector Marcel Beaudin, Indigenous Policing Bureau (IPB) will commence this temporary appointment as Acting Superintendent, Chief Firearms Office, effective January 1, 2024, through to March 31, 2024.

Please join me in thanking Superintendent Griffith for his support, professionalism, and dedication, and in wishing him the very best in his retirement.

A handwritten signature in black ink, appearing to read "M. Kearns", is positioned above the typed name of the sender.

Marty Kearns, Deputy Commissioner
Investigations and Organized Crime
Ontario Provincial Police

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Seized Property Not Disposed of at the Conclusion of
Criminal Proceedings**

DATE OF ISSUE:	December 12, 2023
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	23-0083
PRIORITY:	Normal

At the request of the Ministry of the Attorney General's Criminal Law Division, I am sharing a communication on how police should proceed when disposing property that was seized in relation to criminal charges which have been withdrawn or stayed.

Police services are asked to identify for their local Crown's office any property that has been detained under section 490 of the *Criminal Code* which requires a disposition order at the conclusion of proceedings, to ensure the proper application is brought forward.

For further information on the procedure, please review the attached memo and affidavit templates from Randy Schwartz, Assistant Deputy Attorney General, Criminal Law Division, Ministry of the Attorney General. If you have any questions regarding the memo and procedures, please contact your local Crown Attorney's office.

Sincerely,

K. Weatherill

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

Attachments

.../2

-2-

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

**Ministry of the
Attorney General**

Office of the
Assistant Deputy Attorney General
Law Division

McMurtry-Scott Building
720 Bay Street
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Toronto ON M7A 2S9

Tel: 416-326-2615
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**Ministère du
Procureur général**

Cabinet du
Sous-procureur général adjoint Criminal
Division du droit criminel

Édifice McMurtry-Scott
720, rue Bay
6^e étage
Toronto ON M7A 2S9

Tél.: 416-326-2615
Télééc.: 416-326-2063



CLD MEMORANDUM RESPECTING ALL CHIEFS' MEMO

TO: Ken Weatherill
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Randy Schwartz
Assistant Deputy Attorney General
Criminal Law Division
Ministry of the Attorney General

DATE: November 27, 2023

SUBJECT: **All Chiefs Memo: Dealing with Seized Property Not
Disposed of at the Conclusion of Criminal Proceedings**

This memorandum addresses how police should proceed in order to dispose of property that was seized in relation to charges that have been withdrawn or stayed. I am writing to request your assistance to notify the policing community through an All Chiefs Memo.

Background

In response to Covid-19 recovery directives, numerous cases were resolved by withdrawing or staying charges. In many of those cases, property was seized during the investigation and was detained pursuant to s. 490 of the *Criminal Code*. In some instances, the disposition of that seized property was not addressed at the conclusion of criminal proceedings and police are still in possession of the seized property. Charges

having been withdrawn some time ago, the prosecutor is not necessarily aware that there is still property to be disposed of pursuant to s. 490.

All property detained under s. 490 of the Code requires a disposition order

The “report to justice” scheme in sections 489.1 and 490 of the *Criminal Code* governs the state’s obligations with respect to the detention and disposition of seized property in the criminal context. Generally, a court order is required to detain a seized item, and another court order is required to dispose of it – either by returning it to the owner or forfeiting it to the Crown – once it is no longer needed. It is the prosecutor’s responsibility to obtain a disposition order at the conclusion of proceedings.

In some cases where charges were withdrawn pursuant to the Covid-19 recovery directives, the disposition of seized property was not addressed when criminal proceedings were concluded. The prosecutor may not be aware that there is still property that must be disposed of. Police are asked to identify for the prosecutor any property that was detained under 490 and that still needs a disposition order so that the proper application can be brought. When dealing with such property, police should proceed as follows:

1. Confirm that a report to justice / detention order under section 490 of the *Criminal Code* was made in relation to the seized property.
2. If there is *no* report to justice / detention order made in relation to the seized property, the property is not governed by section 490 and police should follow their standard operating procedures to dispose of the property.
3. If a report to justice / detention order was made in relation to the seized property, provide a copy of the report to justice / detention order to the relevant local Crown’s office with a request that the prosecutor obtain a disposition order under s. 490. To facilitate these applications, it is helpful to provide details about (1) the nature of the property, (2) particulars of the charges, and (3) the owner or person lawfully entitled to possession of the property, if any. It is important to note that a disposition order can be made even if the lawful owner of the property cannot be located at the time of the application.

There are three disposition orders available under 490(9). The orders, described below, apply to situations where the seized property is **detained under section 490**, there is **no finding of guilt**, and the **criminal proceedings have concluded**.

All disposition options described below require a Crown application seeking an order under section 490(9).

RETURN to person from whom the seized property was seized – 490(9)(c):

Where the judge or justice^[1] is satisfied that:

- ***The periods of detention ordered under sections 490(1) to (3) have expired^[2] and proceedings have not been instituted in which the thing detained may be required, and***
- ***Possession of it by the person from whom it was seized is lawful***

the judge or justice shall order it to be returned to that person.

Given that the Crown seeks to return the property to the person from whom it was seized, this should be a relatively simple *pro forma* application.

The fact that a person from whom property was seized cannot be located is no reason not to seek return of the property where the preconditions for return are satisfied. Once the property is ordered returned, the police property bureau will follow its protocols in dealing with unretrieved property.

See Appendix A: 490(9)(c) Return Affidavit Template

RETURN to lawful owner or person lawfully entitled to possession – 490(9)(d):

Where the judge or justice is satisfied that:

- ***The periods of detention ordered under sections 490(1) to (3) have expired and proceedings have not been instituted in which the thing detained may be required, and***
- ***Possession of it by the person from whom it was seized is unlawful, and***
- ***The lawful owner or person who is lawfully entitled to its possession is known***

the judge or justice shall order it to be returned to the lawful owner or to the person who is lawfully entitled to its possession.

In some cases, where property was seized while in possession of a person, the lawful owner or person lawfully entitled to possession of the property may be a complainant (e.g., where seized property was stolen) or other third party claiming to be the lawful owner or person lawfully entitled to possession of the seized property.

In such cases, the Crown must prove unlawful possession beyond a reasonable doubt, and lawful ownership or entitlement to possession on a balance of probabilities.

^[1] The application is brought before a judge of the Superior Court of Justice where a judge ordered the detention of the property under section 490(3), or a justice in any other case.

^[2] In most cases, property is ordered detained “until the completion of proceedings.”

See Appendix B: 490(9)(d) Return Affidavit Template

FORFEIT to His Majesty the King in right of Ontario – 490(9):

Where the judge or justice is satisfied that:

- ***The periods of detention ordered under sections 490(1) to (3) have expired and proceedings have not been instituted in which the thing detained may be required, and***
- ***Possession of it by the person from whom it was seized is unlawful, or it was seized when it was not in the possession of any person, and***
- ***The lawful owner or person who is lawfully entitled to its possession is not known***

The judge or justice shall order it to be forfeited to His Majesty the King in right of Ontario.

The Crown must prove unlawful possession beyond a reasonable doubt and bears the onus beyond a reasonable doubt throughout the forfeiture hearing.

See Appendix C: 490(9) Forfeiture Affidavit Template

I trust this information will assist you. For any questions, please contact your local Crown Attorney's office.

Sincerely,



Randy Schwartz
Assistant Deputy Attorney General
Criminal Law Division
Ministry of the Attorney General

Template Affidavit for 490(9)(c) Return Order Application
READ CAREFULLY AND ADJUST AS NECESSARY

^ONTARIO/SUPERIOR^ COURT OF JUSTICE
(^ Region)

IN THE MATTER OF an application by the Attorney General for Ontario for an order returning seized property pursuant to section 490(9)(c) of the *Criminal Code*.

AFFIDAVIT OF ^OFFICER NAME^

I, ^Officer Name^, a peace officer and member of the ^police service^, **MAKE OATH AND SAY AS FOLLOWS:**

1. I make this affidavit in support of an application by the Attorney General for Ontario for an order returning detained property to the person from whom it was seized, pursuant to section 490(9)(c) of the *Criminal Code*.
2. On ^date^, the following property was seized by police from ^name of person from whom property was seized^:
 - a. ^List the property (or reference an Exhibit List)^
3. The property was detained by detention order of this court made pursuant to section 490(1) of the *Criminal Code* on ^date^. [include reference to further detention under 490(2) or (3) if applicable] The period of detention set out in the order is ^date/completion of proceedings^. The detention order(s) is/are attached as **Exhibit A** to my affidavit.
4. On ^date^, ^name of person from whom property was seized^, was charged with ^offences^. On ^date^, charges were withdrawn/charges were stayed/an acquittal was entered/a conviction was entered. Upon the conclusion of proceedings an order disposing

of the seized property was not sought or obtained. Attached as **Exhibit B** is the sworn Information in the matter of **R. v. ^accused name^**. [**OR, WHERE BENCH WARRANT ISSUED & CHARGES WITHDRAWN:**] On ^date^, ^name of person from whom property was seized^, was charged with ^offences^. After failing to attend court, on ^date^ a bench warrant was issued for ^his/her^ arrest. On ^date^, the Crown withdrew all charges related to the property. Attached as **Exhibit B** is the sworn Information in the matter of **R. v. ^accused name^**.

- 5. The period of detention ordered has expired, and there is no proceeding instituted in which the property may be required. **OR** The period of detention ordered has not expired, but the property is not required for any purpose mentioned in sections 490(1) or (4) of the *Criminal Code*.
- 6. To my knowledge, no one other than ^name of person from whom property was seized^ has an interest in the property. Since the date the property was seized, no one has requested its return, claimed to be its lawful owner, or claimed to be lawfully entitled to its possession.
- 7. [**WHERE BENCH WARRANT ISSUED & CHARGES WITHDRAWN:**] Given that a bench warrant was issued for the arrest of ^name of person from whom property was seized^, no attempts have been made to locate ^him/her^ for the purpose of this application. However, should this court make the requested return order, all reasonable attempts will be made to locate ^name of person from whom property was seized^ so that they can retrieve the property.

SWORN/AFFIRMED BEFORE ME)
at ^city/town/region^)
in the Province of Ontario)
on ^date^)

A Commissioner, etc.

^Officer Name^

Template Affidavit for 490(9)(d) Return Order Application
READ CAREFULLY AND ADJUST AS NECESSARY

^ONTARIO/SUPERIOR^ COURT OF JUSTICE
(^ Region)

IN THE MATTER OF an application by the Attorney General for Ontario for an order returning seized property pursuant to section 490(9)(d) of the *Criminal Code*.

AFFIDAVIT OF ^OFFICER NAME^

I, ^Officer Name^, a peace officer and member of the ^police service^, **MAKE OATH AND SAY AS FOLLOWS:**

1. I make this affidavit in support of an application by the Attorney General for Ontario for an order returning detained property to the ^lawful owner/person lawfully entitled to possession^, pursuant to section 490(9)(d) of the *Criminal Code*.
2. On ^date^, the following property was seized by police from ^name of person from whom property was seized^:
 - a. ^List the property (or reference an Exhibit List)^
3. The property was detained by detention order of this court made pursuant to section 490(1) of the *Criminal Code* on ^date^. [include reference to further detention under 490(2) or (3) if applicable] The period of detention set out in the order is ^date/completion of proceedings^. The detention order(s) is/are attached as **Exhibit A** to my affidavit.
4. On ^date^, ^accused name^, was charged with ^offences^. On ^date^, charges were withdrawn/charges were stayed/an acquittal was entered/a conviction was entered. Upon the conclusion of proceedings an order disposing of the seized property was not sought or

obtained. Attached as **Exhibit B** is the sworn Information in the matter of **R. v. ^accused name^**.

- 5. The period of detention ordered has expired, and there is no proceeding instituted in which the property may be required. **OR** The period of detention ordered has not expired, but the property is not required for any purpose mentioned in sections 490(1) or (4) of the *Criminal Code*.
- 6. I believe that possession of the property by ^name of person from whom property was seized^ was unlawful, and that ^name of lawful owner/person lawfully entitled to possession^ is the ^lawful owner/person lawfully entitled to possession^.
- 7. ^set out evidence in support of belief as to unlawful possession, and lawful ownership/entitlement.
- 8. To my knowledge, no one other than ^name of person from whom property was seized^ and ^name of lawful owner/person lawfully entitled to possession^ has an interest in the disposition of the property. Both have been given notice of the application. ^details of notice and responses/objections/intention to appear, etc.^

SWORN/AFFIRMED BEFORE ME)
 at ^city/town/region^)
 in the Province of Ontario)
 on ^date^)

A Commissioner, etc.

^Officer Name^

Template Affidavit for 490(9) Forfeiture Application
READ CAREFULLY AND ADJUST AS NECESSARY

^ONTARIO/SUPERIOR^ COURT OF JUSTICE
(^ Region)

IN THE MATTER OF an application by the Attorney General for Ontario for an order forfeiting seized property pursuant to 490(9) of the *Criminal Code*.

AFFIDAVIT OF ^OFFICER NAME^

I, **^Officer Name^**, a peace officer and member of the **^police service^**, **MAKE OATH AND SAY AS FOLLOWS:**

1. I make this affidavit in support of an application by the Attorney General for Ontario for a forfeiture order pursuant to section 490(9) of the *Criminal Code* in respect of the following property:
 - a. **^List the property (or reference an Exhibit List)^** “the property”
2. On **^date^**, the property was seized by police from **^name of person from whom property was seized, pursuant to ^seizure authority^**.
3. The property was detained by detention order of this court made pursuant to section 490(1) of the *Criminal Code* on **^date^**. [**include reference to further detention under 490(2) or (3) if applicable**] The period of detention set out in the order is **^date/completion of proceedings^**. The detention order(s) is/are attached as **Exhibit A** to my affidavit.
4. On **^date^**, **^accused name^**, was charged with **^offences^**. On **^date^**, charges were **withdrawn/charges were stayed/an acquittal was entered/a conviction was entered**. Upon

the conclusion of proceedings an order disposing of the seized property was not sought or obtained. Attached as **Exhibit B** is the sworn Information in the matter of **R. v. ^accused name^**. **OR** No charges were laid in relation to the seized property.

- 5. The period of detention ordered has expired, and there is no proceeding instituted in which the property may be required. **OR** The period of detention ordered has not expired, but the property is not required for any purpose mentioned in sections 490(1) or (4) of the *Criminal Code*.
- 6. I believe that possession of the property by ^name of person from whom property was seized^ was unlawful. [set out grounds for unlawful possession] / **OR** – When the property was seized it was not in the possession of any person. [set out grounds for this belief]
- 7. The lawful owner or person lawfully entitled to possession of the property is not known. [set out grounds for this belief.]

SWORN/AFFIRMED BEFORE ME)
 at ^city/town/region^)
 in the Province of Ontario)
 on ^date^)

A Commissioner, etc.

^Officer Name^

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
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Ministère du Solliciteur général

Division de la sécurité publique

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MEMORANDUM TO:

All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM:

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT:

**Update on Police Record Check Process for Private
Security and Investigative Services**

DATE OF ISSUE:	December 15, 2023
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	23-0084
PRIORITY:	Normal

The Ministry of the Solicitor General regulates Ontario's private security and investigative services industry through the *Private Security and Investigative Services Act, 2005* (PSISA). The PSISA sets the legislative requirements to which all licensed security guards, private investigators, agencies, and registered employers that directly employ in-house security staff must adhere.

Please note that effective February 18, 2024, the ministry's Private Security and Investigative Services Branch (PSISB) will require all new and renewing individual and agency applicants for private security and investigative services licences to obtain and submit their own police record check. The level of police record check required is a Criminal Record and Judicial Matters Check. Only PDF's that are issued digitally by the provider will be accepted for online applications and only original physical copies will be accepted for mail-in applications.

In addition to police services, applicants may also obtain a police record check from a business that is authorized to provide police record checks. As a result of this new application requirement, it is expected that police services will experience a higher volume of individuals requesting a police record check.

Any questions regarding police record checks for private security and investigative services application purposes can be directed to the Private Security and Investigative Services Branch by email at PSISB.Compliance@ontario.ca or by phone at 1-877-459-7070 (monitored Monday to Friday, 8:00 a.m. to 5:00 p.m.).

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If the matter requires immediate attention, please contact:

Catherine McLinden
Director/Registrar
Private Security and Investigative Services Branch
Catherine.McLinden@ontario.ca

Ruminder Rai
Deputy Registrar
Private Security and Investigative Services Branch
Ruminder.Rai@ontario.ca

Thank you in advance for reviewing and distributing these resources to the appropriate personnel.

Sincerely,

K. Weatherill

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ministry of the Solicitor General

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **In-force date of the *Community Safety and Policing Act, 2019***

DATE OF ISSUE:	December 18, 2023
CLASSIFICATION:	General Information
RETENTION:	April 1, 2024
INDEX NO.:	23-0085
PRIORITY:	Normal

On behalf of the Ministry of the Solicitor General, I would like to thank all our policing partners for your support throughout the regulatory development process. We are greatly appreciative of the in-depth feedback that was provided on the regulations.

As a result of this collective effort, the regulations that are required to bring the *Community Safety and Policing Act (CSPA)* into force have been approved by Cabinet and filed. They can now be accessed publicly online through e-Laws page – linked [here](#).

I am writing to you today to inform you that **April 1, 2024**, has been proclaimed as the official date on which the *Community Safety and Policing Act, 2019* will come **into force**.

All police services are expected to be ready to comply with the Act and its regulations starting on the in-force date. To prepare for these changes, policing partners are strongly encouraged to familiarize themselves with the requirements under the CSPA and its regulations and make any necessary operational and process changes.

The upcoming 2024 [CSPA Training Summit](#), organized by the Ontario Association of Chiefs of Police, Police Association of Ontario, the Ontario Association of Police Services Boards and the Ontario Senior Officers Police Association, will serve as a forum to provide a shared understanding of the Act and its regulations. It will also

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provide an opportunity for the ministry to support the policing sector toward operational readiness and help clarify any outstanding questions.

The Inspectorate of Policing will also act as an important resource to support the policing sector leading up to CSPA in-force. To this end, the Inspectorate's Police Services Advisors will continue to work directly with police services, chiefs of police, and police services boards to provide liaison and advisory services toward readiness to transition to the new CSPA framework. This includes current efforts to pilot an updated inspection process, establishing a robust data collection approach, and assisting policing partners to navigate any issues that surface during implementation. The Inspectorate of Policing will continue to engage with other stakeholders including police associations.

As we work together towards CSPA in-force, the ministry will seek to provide you with timely information to inform local operational planning and implementation.

Please do not hesitate to reach out to your respective Police Service Advisor with questions pertaining to the CSPA or to learn more about the Inspectorate's work.

Thank you, as always, for your continued support on efforts to advance the modernization and continuous improvement of police services in Ontario.

Sincerely,

K. Weatherill

Kenneth Weatherill
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson, Chief of Staff
Ministry of the Solicitor General

Ryan Teschner
Inspector General of Policing
Inspectorate of Policing

Ministry of the Solicitor General

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Submission of 2023 Use of Force Reports**

DATE OF ISSUE:	December 19, 2023
CLASSIFICATION:	For Action
RETENTION:	February 29, 2024
INDEX NO.:	23-0086
PRIORITY:	Normal

As you will recall, the Ministry of the Solicitor General began collecting use of force reports from police services on January 1, 2020. This was communicated through All Chiefs Memo 19-086 (November 28, 2019).

The Solicitor General is exercising his authority through subsection 14.8 (8) of R.R.O. 1990, Reg. 926 - Equipment and Use of Force, made under the *Police Services Act*, to require the submission of information from all 2023 use of force reports to the ministry by **February 29, 2024**. As such, please ensure all reports relating to force incidents occurring in 2023 are submitted to the ministry before this date.

Please ensure that the ministry has the names and contact information for your service's training analyst (service member who is responsible for reviewing, finalizing, and submitting use of force reports to the ministry). Updates can be provided by e-mail to Lisa Sabourin, Senior Policy Advisor (Lisa.Sabourin@ontario.ca). The ministry will follow up with training analysts to ascertain and resolve any issues related to submitting 2023 use of force reports to the ministry before February 29, 2024.

As a reminder, all reports must be submitted to the ministry using one of the ministry-approved transmission options, either through the submission process embedded within the PDF use of force reports or using the Justice Data Exchange (JDX) interface for those police services who are using their own custom applications. This is necessary to ensure data integrity and to allow the ministry to provide accurate public reporting on use of force.

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If you have any questions regarding the report submission process, please contact Jeanette Gorzkowski, Senior Manager of the Analytics Unit, by phone at (437) 928-7427, or by email at Jeanette.Gorzkowski@ontario.ca.

Thank you for your assistance and continued support.

Sincerely,

K. Weatherill

Kenneth Weatherill
Assistant Deputy Minister
Public Safety Division

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson, Chief of Staff
Ministry of the Solicitor General

Christopher Johns
Assistant Deputy Minister
Data Insights and Strategic Initiatives Division

Ministry of the Solicitor General

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Chief Firearms Office Update - Retirement
Announcement and Temporary Assignment**

DATE OF ISSUE:	December 29, 2023
CLASSIFICATION:	General Information
RETENTION:	March 31, 2024
INDEX NO.:	23-0087
PRIORITY:	Normal

At the request of the Ontario Provincial Police, I am sharing a communication to inform you that Inspector Marcel Beaudin, Indigenous Policing Bureau (IPB), Ontario Provincial Police, will begin a new temporary appointment as Acting Superintendent, Chief Firearms Office, effective January 1, 2024, through to March 31, 2024.

For further information, please review the attached memo from Deputy Commissioner Marty Kearns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

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Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ontario
Provincial
Police

Police
provinciale
de l'Ontario



**Investigations and Organized Crime
Enquêtes et crime organisé**

777 Memorial Ave.
Orillia ON L3V 7V3

777, avenue Memorial
Orillia ON L3V 7V3

Tel: 705 329-7500
Fax: 705 329-6317

Tél. : 705 329-7500
Télec.: 705 329-6317

File Reference:

xxx-xx

December 29, 2023

MEMORANDUM TO: Ken Weatherill, Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Marty Kearns, Deputy Commissioner
Investigations and Organized Crime
Ontario Provincial Police

RE: Retirement Announcement and Temporary Assignment

I am writing to request your assistance in notifying the policing community that Superintendent Brian Griffith, Chief Firearms Office, will be retiring from the Ontario Provincial Police (OPP) after 31 years of serving with great dedication and pride. His last day of work will be December 31, 2023.

A temporary assignment has been created to fill the vacant position. Inspector Marcel Beaudin, Indigenous Policing Bureau (IPB) will commence this temporary appointment as Acting Superintendent, Chief Firearms Office, effective January 1, 2024, through to March 31, 2024.

Please join me in thanking Superintendent Griffith for his support, professionalism, and dedication, and in wishing him the very best in his retirement.

A handwritten signature in black ink, appearing to read "M. Kearns".

Marty Kearns, Deputy Commissioner
Investigations and Organized Crime
Ontario Provincial Police

Ministry of the Solicitor General

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Update on the Phased Implementation of the *Towing and Storage Safety and Enforcement Act***

DATE OF ISSUE:	December 29, 2023
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	23-0088
PRIORITY:	Normal

At the request of the Ministry of Transportation, I am sharing an update to All Chiefs Memorandum 23-0059, distributed on July 31, 2023, to provide an update on the phased implementation of the *Towing and Storage Safety and Enforcement Act* (TSSEA) that impacts the towing and vehicle storage sectors.

For further information on these changes, including legislative and regulatory amendments, the application process and certificate fees, and public complaints, please review the attached memo from Marcelle Crouse, Associate Deputy Minister, Transportation Safety Division, Ministry of Transportation.

If you have any further questions, please contact Kim MacCarl, Manager, Transportation Safety Division, at Kim.MacCarl@Ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

Attachments

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c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ministry of Transportation

Transportation Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto ON M3M 0B4
Tel: (647) 535-6208

Ministère des Transports

Division de la sécurité en matière de transport

87, avenue Sir William Hearst
bureau 191
Toronto ON M3M 0B4
Tél: (647) 535-6208



MEMORANDUM TO: Ken Weatherill
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Marcelle Crouse
Associate Deputy Minister
Transportation Safety Division
Ministry of Transportation

DATE: December 29, 2023

SUBJECT: Towing and Vehicle Storage Oversight

This memorandum is to provide an update from the July 27th, 2023 memorandum on the implementation of the *Towing and Storage Safety and Enforcement Act* (TSSEA) and regulation amendments that impact the towing sector.

Oversight of the towing and vehicle storage sector will fully transition to provincial oversight as of January 1, 2024, replacing municipal regimes.

The TSSEA establishes a provincial oversight framework for the towing and vehicle storage sector. The Act requires tow operators, tow truck drivers, and vehicle storage operators to have a provincial certificate to operate.

The Ministry of Transportation (MTO) operationalized the TSSEA by implementing requirements in several phases:

- **January 1, 2023** (in effect):
 - New *Highway Traffic Act* (HTA) [requirements](#) that apply to other commercial motor vehicles and establish vehicle requirements for tow trucks (i.e., daily and annual inspections and use of a safety vest).
- **July 1, 2023** (in effect):
 - Introduction of three certificate types: Tow Operator, Tow Truck Driver and Vehicle Storage Operator. On July 4, 2023, the [online application portal](#) launched and industry can apply for a certificate at no cost (until July 2024).

- **January 1, 2024:**
 - Tow operators, vehicle storage operators and tow truck drivers must now comply with the TSSEA customer protection requirements and industry standards.
 - [New TSSEA requirements](#) related to rates charged for towing and vehicle storage services.
 - Tow operators and vehicle storage operators must have a certificate to operate.
 - The provincial framework under TSSEA will replace municipal regimes so operators and tow truck drivers only have to comply with the provincial regime.
- **January 15, 2024:**
 - Maximum Rate Schedule portal open to tow and vehicle storage operators, allowing operators to submit their maximum rates to the ministry.
 - Complaints portal opens for customers, law enforcement, municipal authorities, and stakeholders.
- **Late March 2024:**
 - Published maximum rates schedule launch to allow public viewing of an operator's certificate status and their maximum rates for tow and vehicle storage services.
- **April 1, 2024:**
 - All tow trucks must enter truck inspection stations (TISs) for the purposes of commercial motor vehicle inspection (additional information below).
 - Period of TSSEA education and awareness ends and full TSSEA enforcement begins on April 1, 2024.
- **July 1, 2024:**
 - Tow truck drivers must have a certificate to drive a tow truck.
 - Tow truck drivers applying for a TSSEA certificate on or after July 1st, 2024, must complete training requirements prior to receiving a certificate.
 - Certificate fees come into effect:
 - \$575 per year for tow operators
 - \$575 per year for vehicle storage operators
 - \$195 every three years for tow truck drivers

Extended Education and Awareness Period

The Ministry of Transportation recognizes that the transition to its provincially led oversight is a significant change to industry. To support the industry in adjusting to the new legislation, when possible, the ministry encourages our enforcement partners to educate the towing sector on the changes coming into effect and direct them to [Towing and Vehicle Storage Requirements](#) to learn more.

While most tow and vehicle storage operator applications have been processed and their TSSEA certificates issued, there remains a number of outstanding applications currently under review and have not been processed.

As a result, policing partners are advised that:

- Tow and vehicle storage operators who have applied for their TSSEA certificate that has not yet been issued will be able to present officers with proof of application through their application receipt (Appendix A).
- Sector specific requirements are available on Ontario.ca to better inform industry of their obligations under TSSEA.
- The ministry will be providing TSSEA education with municipal and provincial police officers who are responsible for their service's tow programs in early January 2024.
- In late January, officers with access to the Inquiry Services System (ISS) will be able to view the status of an operator or driver's TSSEA certificate.

The ministry appreciates your support in providing education when appropriate.

Tow trucks Entering Truck Inspection Stations (TISs)

Currently, by ministry policy, tow trucks are not required to enter a TIS by direction from a highway signboard with flashing lights activated unless they are operating under an oversize/overweight permit, and it is a condition of that permit to enter a truck inspection station when directed.

As of April 1, 2024, this policy exemption will be removed, and tow trucks will be required to enter a TIS as do other commercial motor vehicles when the flashing lights on a TIS signboard are activated.

The tow industry was first introduced into the Commercial Vehicle Operator's Registration (CVOR) program in January 2017. At that time, it was communicated that further requirements for tow trucks, including the requirement to enter a TIS, would be phased in over time. The ministry has been raising awareness of this upcoming change with industry stakeholders and will broadly communicate this new requirement to TSSEA certificate holders.

This change will support the ministry goal of road safety compliance and contributes to TSSEA oversight.

Short-form Wordings and Set Fines

While the ministry is encouraging officers to take an educational approach to TSSEA, short form wording and their sets fines are available, including additional *Highway Traffic Act* short form wordings and set fines that are not captured by this additional education and awareness period.

Amendments to Regulation 950 (Proceedings Commenced by Certificate of Offence) were made under the Provincial Offences Act (POA) to enable short-form wordings for tow and vehicle storage sector offences under TSSEA and the HTA.

Short-form wording and set fines will be available to police and appointed TSSEA inspectors for offences under the [Towing and Storage Safety and Enforcement Act](#).

Short form wordings and set fines for offences under HTA regulations that will be available to police and MTO Transportation Enforcement Officers (TEOs) include:

- Offences related to tow truck equipment requirements under [Regulation 587 \(Equipment\)](#)
- Restricted towing zone related offences under [Regulation 325/21 \(Pilot Project- Restricted Towing Zones\)](#).

When available, reference the [Ontario Court of Justice](#) for the complete list of short form wordings and set fines. See appendix B, attached to this email, for the consolidated list of new short form wordings and set fines.

Towing and Vehicle Storage Complaints

Customer Complaints

All towing specific provisions of the *Consumer Protection Act, 2002* will be repealed as of December 31, 2023. Jurisdiction over consumer protection provisions will fall under TSSEA starting January 1, 2024.

As provincial oversight begins January 1, 2024, the MTO can only address concerns in respect if events happen after that date.

Customers who have a concern about the towing and vehicle storage services they have received, or the conduct of a tow truck driver, tow or vehicle storage operator, may report the complaint to the MTO using the [TSSEA Complaints Portal available January 15th](#).

Questions, comments or complaints about the Tow Zone Pilot or the public's experience receiving towing services within any of the restricted towing zones, should continue to be directed to the [Tow Zone Pilot](#).

Police Services, Municipal Authority and Other Stakeholder Complaints

The ministry has designed a portal to intake and prioritize complaints, issues of non-compliance and intelligence gathered from police and municipal partners. The portal can be used to submit a complaint about a tow company, tow truck driver, or vehicle storage operator for events that occur after January 1, 2024.

Example of some of the complaints that the ministry will investigate are:

- Dangerous or unsafe driving;
- Driver behaviour (aggression, intimidation, etc.);

- Non-registered operators or drivers; and
- Customer protection (pricing, code of conduct, releasing of vehicles, etc.).

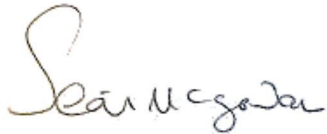
Once a complaint is received, the ministry will investigate and determine if action should be taken against the operator or driver's certificate.

Your service members may submit a complaint using the [TSSEA Complaints Portal available January 15th](#).

To learn more about Ontario's tow and vehicle storage requirements, customer rights and rates, the following reference materials are available:

- [Ontario.ca/towstoragecertificate](#)
- [Towing and Vehicle Storage Requirements](#)
- [Know Your Rights When Getting a Tow](#)

If you have any further questions, please contact Kim MacCarl, Manager, Transportation Safety Division at Kim.MacCarl@Ontario.ca.



Sean McGowan for Marcelle Crouse
Associate Deputy Minister
Transportation Safety Division

c: Barbara Duckitt, Assistant Deputy Minister, Consumer Services Operations,
Ministry of Public and Business Service Delivery

Jennifer Elliott, Director, Commercial Safety and Compliance Branch,
Transportation Safety Division

Sean McGowan, Director, Commercial Inspection and Enforcement Branch,
Transportation Safety Division

Appendix A – TSSEA Certificate Application Receipt

Ministry of Transportation
Commercial Safety & Compliance Branch

3rd Floor, 301 St. Paul Street
St. Catharines ON L2R 7R4
1 800 387-7736, 416 246-7166
towing@ontario.ca

Ministère des Transports
Direction de la sécurité et de la conformité en
matière de transport commercial

3e étage, 301 rue Saint-Paul
St. Catharines ON L2R 7R4
1 800 387-7736, 416 246-7166
towing@ontario.ca



TOW AND OR VEHICLE STORAGE OPERATOR NAME

APPLICATION
DATE

Payment Receipt/Reçu Paiement

THANK YOU FOR YOUR PAYMENT/ MERCI DE VOTRE PAIEMENT

Your payment has been received and your order has been placed in the queue for processing.
Votre paiement a été reçu et votre demande a été placée dans la file d'attente pour être traitée.

Transaction Details/Détails de l'opération

Order Number/N° de commande	1-2345678901
Product Name/Nom du produit	Tow Operator Certificate/Certificat d'exploitant de services de remorquage
Quantity/Quantité	1
Payment Total/Montant total du paiement	\$0.00 CAD

Payment Details/Détails de paiement

Payment Amount/Montant du paiement	\$0.00 CAD
Payment By/Paiement par	Cash/En espèces
Payment Mode/Mode de paiement	Online/En ligne

1-2345678901

Ontario Court of Justice

Last Updated: January 1, 2024

Schedule 48Regulation 587 of Revised Regulations of Ontario, 1990 under the *Highway Traffic Act*

Item	Offence	Section	Set Fine
30.	Drive tow truck - fail to comply with lamp requirements	clause 21 (2) (a)	\$250.00
31.	Cause or permit operation of tow truck - fail to comply with lamp requirements	clause 21 (2) (a)	\$250.00
32.	Drive tow truck without required flares, lamps or lanterns	clause 21 (2) (b)	\$250.00
33.	Cause or permit operation of tow truck without required flares, lamps or lanterns	clause 21 (2) (b)	\$250.00
34.	Drive tow truck - fail to take adequate visibility measures	clause 21 (2) (c)	\$250.00
35.	Cause or permit operation of tow truck - fail to take adequate visibility measures	clause 21 (2) (c)	\$250.00
36.	Drive tow truck- fail to wear required apparel	clause 21 (2) (d)	\$250.00
37.	Cause or permit operation of tow truck - fail to wear required apparel	clause 21 (2) (d)	\$250.00
38.	Drive tow truck- equipment, components or devices not in good working order	subclause 21 (2) (e) (i)	\$250.00
39.	Cause or permit operation of tow truck - equipment, components or devices not in good working order	subclause 21 (2) (e) (i)	\$250.00
40.	Drive tow truck - load on elevating part exceeds working load limit or weight rating	subclause 21 (2) (e) (ii)	\$250.00
41.	Cause or permit operation of tow truck - load on elevating part exceeds working load limit or weight rating	subclause 21 (2) (e) (ii)	\$250.00
42.	Drive tow truck - chain or strap not compliant	subclause 21 (2) (e) (iii)	\$250.00
43.	Cause or permit operation of tow truck - chain or strap not compliant	subclause 21 (2) (e) (iii)	\$250.00
44.	Drive tow truck - towed motor vehicle not secured as required	subclause 21 (2) (e) (iv)	\$250.00

45.	Cause or permit operation of tow truck - towed motor vehicle not secured as required	subclause 21 (2) (e) (iv)	\$250.00
46.	Cause or permit operation of tow truck - driver's assistant fails to wear required apparel	subsection 21 (3)	\$250.00

Schedule 52.1.2

Ontario Regulation 325/21 under the *Highway Traffic Act*

Item	Offence	Section	Set Fine
1.	Provide towing services in a restricted towing zone not in accordance with regulation	subsection 3 (1)	\$250.00
2.	Offer to provide towing services in a restricted towing zone not in accordance with regulation	subsection 3 (1)	\$250.00
3.	Provide towing services not specified in a restricted towing zone	subsection 3 (2)	\$250.00
4.	Unauthorized towing services provider - provide towing services in a restricted towing zone	subsection 3 (3)	\$500.00
5.	Unauthorized towing services provider - offer to provide towing services in a restricted towing zone	subsection 3 (3)	\$500.00
6.	Towing services provider - tow truck not marked as required	subsection 5 (1)	\$250.00
7.	Drive or operate tow truck displaying specified information in a restricted towing zone when not providing towing services for that provider	subsection 5 (2)	\$500.00
8.	Fail to carry and surrender authorization on demand in a restricted towing zone	subsection 6 (1)	\$250.00
9.	Fail to provide information in a restricted towing zone to person as required	subsection 6 (2)	\$250.00

Schedule 84

Towing and Storage Safety and Enforcement Act, 2021

Item	Offence	Section	Set Fine
1.	Hold more than one tow certificate	clause 5 (4) (a)	\$350.00
2.	Hold more than one tow driver certificate	clause 5 (4) (b)	\$300.00
3.	Hold more than one vehicle storage certificate	clause 5 (4) (c)	\$350.00
4.	Fail to comply with certificate conditions	subsection 6 (4)	\$350.00
5.	Fail to respond promptly to inquiry from Director about eligibility	section 10	\$300.00
6.	Tow operator- fail to comply with prescribed requirements and standards	clause 11 (1) (a)	\$350.00
7.	Tow operator - fail to ensure workers comply with Act and regulations	clause 11 (1) (b)	\$350.00
8.	Tow operator- fail to ensure truck meets prescribed requirements	subsection 11 (3)	\$350.00
9.	Tow truck driver-fail to comply with prescribed requirements and standards	section 12	\$300.00
10.	Fail to surrender required documents or information	section 13	\$300.00
11.	Vehicle storage operator - fail to comply with prescribed requirements and standards	clause 15 (1) (a)	\$350.00
12.	Vehicle storage operator - fail to ensure workers comply with Act and regulations	clause 15 (1) (b)	\$350.00
13.	Vehicle storage operator - fail to ensure yard facility meets prescribed requirements	subsection 15 (2)	\$350.00
14.	Tow operator- provide or offer services without required insurance	subsection 16 (1)	\$700.00
15.	Vehicle storage operator - provide or offer services without required insurance	subsection 16 (2)	\$700.00
16.	Tow truck driver- engage in prohibited practice	section 17	\$300.00
17.	Tow operator- engage in prohibited practice	section 17	\$350.00
18.	Vehicle storage operator - engage in prohibited practice	section 17	\$350.00
19.	Fail to keep records as required or surrender them on demand	subsection 18 (1)	\$350.00

20.	Fail to submit reports to Director as required	subsection 18 (2)	\$350.00
21.	Tow operator-fail to provide information or documents about collision or incident involving tow truck	subsection 18 (3)	\$350.00
22.	Tow operator-fail to meet prescribed requirements and standards for services	section 19	\$350.00
23.	Tow truck driver-fail to meet prescribed requirements and standards for services	section 19	\$300.00
24.	Vehicle storage operator - fail to meet prescribed requirements and standards for services	section 19	\$350.00
25.	Tow truck driver - provide or attempt to provide services without consent	clause 20 (1) (a)	\$300.00
26.	Tow truck driver- charge or demand payment without consent	clause 20 (1) (b)	\$300.00
27.	Tow operator- charge or demand payment without consent	clause 20 (1) (b)	\$350.00
28.	Tow truck driver - fail to document consent	subsection 20 (3)	\$300.00
29.	Tow truck driver - fail to provide copy of consent	subsection 20 (3)	\$300.00
30.	Tow operator-fail to document consent	subsection 20 (3)	\$350.00
31.	Tow operator - fail to provide copy of consent	subsection 20 (3)	\$350.00
32.	Alter documented towing consent	subsection 20 (4)	\$500.00
33.	Tow truck driver - interfere with prior consent given to another tow truck driver	subsection 20 (5)	\$300.00
34.	Tow truck driver- fail to provide required information to vehicle storage operator	subsection 21 (2)	\$300.00
35.	Vehicle storage operator - fail to maintain record of vehicles towed and removed	subsection 22 (1)	\$350.00
36.	Vehicle storage operator - fail to notify of vehicle location	clause 22 (2) (a)	\$350.00
37.	Vehicle storage operator - fail to provide required information	clause 22 (2) (b)	\$350.00
38.	Vehicle storage operator - fail to obtain consent	subsection 23 (1)	\$350.00

39.	Vehicle storage operator - fail to document consent	clause 23 (4) (a)	\$350.00
40.	Vehicle storage operator - fail to provide copy of consent	clause 23 (4) (b)	\$350.00
41.	Alter documented vehicle storage consent	subsection 23 (5)	\$500.00
42.	Tow truck driver - fail to permit reasonable access	subsection 24 (1)	\$300.00
43.	Vehicle storage operator - fail to permit reasonable access	subsection 24 (2)	\$350.00
44.	Tow truck driver- fail to comply with prescribed access requirements	subsection 24 (4)	\$300.00
45.	Vehicle storage operator - fail to comply with prescribed access requirements	subsection 24 (4)	\$350.00
46.	Tow truck driver - allow prohibited person to be a passenger	section 25	\$300.00
47.	Tow operator- charge or demand payment for services without first providing invoice	subsection 27 (1)	\$350.00
48.	Tow truck driver- charge or demand payment for services without first providing invoice	subsection 27 (1)	\$300.00
49.	Vehicle storage operator - charge or demand payment for services without first providing invoice	subsection 27 (2)	\$350.00
50.	Tow operator- fail to comply with Director's notice re charges	subsection 28 (8)	\$500.00
51.	Vehicle storage operator - fail to comply with Director's notice re charges	subsection 28 (8)	\$500.00
52.	Give, receive or offer inducements in relation to towing services	subsection 29 (1)	\$500.00
53.	Give, receive or offer inducements in relation to vehicle storage services	subsection 29 (1)	\$500.00
54.	Give, receive or offer inducements in respect of motor vehicle repair, appraisal or wrecking	clause 29 (2) (a)	\$500.00
55.	Give, receive or offer inducements in respect of a referral for services	clause 29 (2) (b)	\$500.00
56.	Prohibited referral	subsection 30 (1)	\$500.00
57.	Tow truck driver - fail to disclose interest	subsection 31 (1)	\$500.00

58.	Tow operator- fail to disclose interest	subsection 31 (1)	\$500.00
59.	Vehicle storage operator - fail to disclose interest	subsection 31 (1)	\$500.00
60.	Tow truck driver- charge or demand payment for services before disclosing interest	subsection 31 (2)	\$500.00
61.	Tow operator - charge or demand payment for services before disclosing interest	subsection 31 (2)	\$500.00
62.	Vehicle storage operator - charge or demand payment for services before disclosing interest	subsection 31 (2)	\$500.00
63.	Fail to provide information to person as required	subsection 35 (1)	\$350.00
64.	Tow truck driver - fail to post or display information as required	subsection 35 (2)	\$300.00
65.	Tow operator- fail to post or display information as required	subsection 35 (2)	\$350.00
66.	Vehicle storage operator - fail to post or display information as required	subsection 35 (2)	\$350.00
67.	Fail to comply with prescribed requirements and standards re representations	subsection 36 (1)	\$350.00
68.	Misleading, inaccurate or false representation	subsection 36 (2)	\$350.00
69.	Fail to provide Director with information regarding complaint	subsection 37 (3)	\$300.00
70.	Provide or offer towing services within 200 metres of collision, apparent collision or collision vehicle	subsection 38 (1)	\$500.00
71.	Park or stop a tow truck within 200 metres of collision, apparent collision or collision vehicle	subsection 38 (1)	\$500.00
72.	Tow truck driver-fail to comply with reasonable direction	subsection 39 (1)	\$500.00
73.	Tow truck driver-fail to comply with direction to leave or stay away from scene of collision	subsection 39 (2)	\$500.00
74.	Fail to assist with inspector's examination of tow truck	subsection 54 (3)	\$350.00
75.	Fail to produce document, record or thing to inspector	subsection 54 (10)	\$350.00

76.	Fail to provide inspector with assistance to interpret document or record	subsection 54 (10)	\$350.00
77.	Fail to cooperate with inspector conducting an inspection	subsection 54 (13)	\$350.00
78.	Hinder, obstruct or interfere with inspector conducting an inspection	subsection 54 (14)	\$500.00

Schedule 84.1

Ontario Regulation 162/23

under the *Towing and Storage Safety and Enforcement Act, 2021*

Item	Offence	Section	Set Fine
1.	Fail to submit an updated maximum rate schedule	subsection 3 (3)	\$350.00
2.	Tow operator- charge for service time increased by tow truck defect or operator or driver inefficiency	paragraph 1 of section 6	\$350.00
3.	Tow operator - charge for unnecessary services	paragraph 2 of section 6	\$350.00
4.	Vehicle storage operator - charge for access to or release of vehicle when yard facility is open for business	subsection 7 (4)	\$350.00
5.	Vehicle storage operator - charge for preparing or cleaning storage space	paragraph 1 of subsection 7 (5)	\$350.00
6.	Vehicle storage operator - charge for moving a motor vehicle not requested to be moved	paragraph 2 of subsection 7 (5)	\$350.00
7.	Vehicle storage operator - charge for administrative services	paragraph 3 of subsection 7 (5)	\$350.00
8.	Fail to accept prescribed payment method	subsection 10 (1)	\$350.00
9.	Pressure person to use one payment method over another	subsection 10 (2)	\$350.00

Schedule 84.2

Ontario Regulation 167/23

under the Towing and Storage Safety and Enforcement Act, 2021

Item	Offence	Section	Set Fine
1.	Tow operator-fail to ensure copy of certificate is in tow truck	clause 12 (1) (a)	\$350.00
2.	Tow operator-fail to ensure name and certificate number displayed on tow truck as required	clause 12 (1) (b)	\$350.00
3.	Tow operator - fail to include required information on website or social media	subsection 12 (3)	\$350.00
4.	Tow certificate holder- fail to keep records in relation to business	subsection 13 (1)	\$350.00
5.	Tow certificate holder- fail to keep required records for each towing service	subsection 13 (2)	\$350.00
6.	Tow certificate holder- fail to make record as soon as practicable	subsection 13 (4)	\$350.00
7.	Tow certificate holder - fail to keep required records for at least two years	subsection 13 (5)	\$350.00
8.	Tow certificate holder- fail to keep records at business address	subsection 13 (6)	\$350.00
9.	Tow certificate holder - fail to ensure required information on stationary and documents	subsection 13 (7)	\$350.00
10.	Tow operator - fail to notify Director of name change within 15 days	clause 14 (1) (a)	\$350.00
11.	Tow operator - fail to notify Director of address or email change within 15 days	clause 14 (1) (b)	\$350.00
12.	Tow operator - fail to notify Director of change of officer or director within 15 days	clause 14 (1) (c)	\$350.00
13.	Tow operator - fail to notify Director of change of business relationships within 15 days	clause 14 (1) (d)	\$350.00
14.	Tow operator - fail to confirm or update information on Director's request	subsection 14 (2)	\$350.00

15.	Tow certificate holder- fail to provide records or documents to Director after cancellation	subsection 14 (3)	\$350.00
16.	Tow operator - fail to notify Director before ceasing to do business	subsection 14 (4)	\$350.00
17.	Tow truck driver - fail to keep complete run sheet	subsection 19 (1)	\$300.00
18.	Tow truck driver - fail to give documents to tow operator as required	subsection 19 (2)	\$300.00
19.	Tow truck driver - fail to notify Director of change of name, address or email within 15 days	clause 20 (1) (a)	\$300.00
20.	Tow truck driver - fail to notify Director of change of business relationships within 15 days	clause 20 (1) (b)	\$300.00
21.	Tow truck driver - fail to confirm or update information on Director's request	subsection 20 (2)	\$300.00
22.	Tow truck driver - fail to present certificate on request of person requesting or receiving services	subsection 21 (2)	\$300.00
23.	Tow truck driver- fail to tow using most direct route	subsection 21 (3)	\$300.00
24.	Tow truck driver - fail to tow in the most efficient manner	subsection 21 (3)	\$300.00
25.	Tow truck driver- fail to inform person of changed towing location	subsection 21 (4)	\$300.00
26.	Tow operator - fail to inform person of changed towing location	subsection 21 (4)	\$350.00
27.	Tow truck driver - fail to inform person of reasons for changing towing location	subsection 21 (4)	\$300.00
28.	Tow operator- fail to inform person of reasons for changing towing location	subsection 21 (4)	\$350.00
29.	Tow truck driver - tow to repair business without consent	subsection 21 (5)	\$300.00
30.	Tow truck driver-tow vehicle with person inside	subsection 21 (7)	\$300.00
31.	Tow truck driver - fail to provide vehicle storage operator with information	subsection 21 (8)	\$300.00
32.	Tow truck operator - fail to provide vehicle storage operator with information	subsection 21 (8)	\$350.00
33.	Tow truck driver- fail to take required photographs	subsection 22 (1)	\$300.00

34.	Tow truck driver- fail to record date and time of photographs on run sheet	subsection 22 (2)	\$300.00
35.	Alter photographs	subsection 22 (3)	\$300.00
36.	Tow truck driver - fail to provide photographs to Director upon request	subsection 22 (4)	\$300.00
37.	Vehicle storage operator - fail to maintain email address and telephone number for use when business not open	subsection 27 (1)	\$350.00
38.	Vehicle storage operator - fail to post required information outside yard facility	subsection 27 (2)	\$350.00
39.	Vehicle storage operator - fail to make reasonable efforts to release vehicle upon request	subsection 27 (3)	\$500.00
40.	Vehicle storage operator - require a person other than attending person to access or retrieve vehicle	subsection 27 (4)	\$350.00
41.	Vehicle storage operator - fail to inform owner or operator of vehicle location and retrieval information	subsection 27 (5)	\$350.00
42.	Vehicle storage operator - permit human habitation in stored vehicle	subsection 27 (6)	\$350.00
43.	Vehicle storage operator- fail to post required information on website or social media	subsection 28 (2)	\$350.00
44.	Vehicle storage operator - fail to keep records in relation to business	subsection 29 (1)	\$350.00
45.	Vehicle storage operator - fail to make required record for each motor vehicle stored as soon as practicable	subsection 29 (2)	\$350.00
46.	Vehicle storage operator - Fail to keep required records for at least two years	subsection 29 (4)	\$350.00
47.	Vehicle storage operator- Fail to keep records at business address	subsection 29 (5)	\$350.00
48.	Vehicle storage certificate holder - fail to ensure required information on stationary and documents	subsection 29 (6)	\$350.00
49.	Vehicle storage operator - fail to notify Director of name change within 15 days	clause 30 (1) (a)	\$350.00

50.	Vehicle storage operator - fail to notify Director of address or email change within 15 days	clause 30 (1) (b)	\$350.00
51.	Vehicle storage operator - fail to notify Director of change of officer or director within 15 days	clause 30 (1) (c)	\$350.00
52.	Vehicle storage operator - fail to notify Director of change of business relationships within 15 days	clause 30 (1) (d)	\$350.00
53.	Vehicle storage operator - fail to confirm or update information on Director's request	subsection 30 (2)	\$350.00
54.	Vehicle storage operator - fail to inform Director within 15 days of commencing use of vehicle storage premises	subsection 30 (3)	\$350.00
55.	Vehicle storage certificate holder - fail to provide records or documents to Director after cancellation	subsection 30 (4)	\$350.00
56.	Vehicle storage operator - fail to notify Director before ceasing to do business	subsection 30 (5)	\$350.00
57.	Vehicle storage operator - fail to make arrangements for stored vehicles after cancellation or suspension	subsection 30 (6)	\$350.00
58.	Tow truck driver - fail to inform police of particulars and location of vehicle	subsection 32 (2)	\$300.00
59.	Tow operator-fail to inform police of particulars and location of vehicle	subsection 32 (2)	\$350.00
60.	Fail to provide Schedule 2 wording before asking for consent for towing services	subsection 33 (3)	\$300.00
61.	Fail to provide maximum rate schedule when consent is requested	section 34	\$300.00
62.	Request payment before providing services	clause 35 (3) (a)	\$300.00
63.	Fail to provide a receipt to payor at time of payment	subsection 35 (4)	\$300.00

Ministry of the Solicitor General

Public Safety Division

25 Grosvenor St.
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Ministère du Solliciteur général

Division de la sécurité publique

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MEMORANDUM TO:

All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM:

Kenneth Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT:

**Ministry of the Solicitor General Five-Year Review of
the *Missing Persons Act* – Feedback Survey**

DATE OF ISSUE:	January 9, 2024
CLASSIFICATION:	For Action
RETENTION:	February 5, 2024
INDEX NO.:	24-001
PRIORITY:	Normal

I am sharing the attached communication distributing an online survey seeking input on the *Missing Persons Act, 2018* (MPA) which can be accessed at the following link: <https://forms.office.com/r/bBqBPGTr29?origin=lprLink>. The survey takes 15-30 minutes and should be completed by a person familiar with the MPA and its tools and forms. We would appreciate if submissions can be provided by **February 5, 2024**.

For further information, please review the attached memo from Sarah Caldwell, Assistant Deputy Minister, Strategic Policy Division, Ministry of the Solicitor General. If you have any questions regarding the submission requirements or any technical questions, you may contact MPreporting@ontario.ca.

Sincerely,

K. Weatherill

Kenneth Weatherill
Assistant Deputy Minister, Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

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Creed Atkinson
Chief of Staff, Ministry of the Solicitor General

Ministry of the Solicitor General

Strategic Policy Division
Office of the Assistant Deputy Minister

25 Grosvenor Street, 9th Floor
Toronto ON M7A 1Y6
Tel: 416 212-4221

Ministère du Solliciteur général

Division des politiques stratégiques
Bureau du sous-ministre adjoint

25, rue Grosvenor, 9^e étage
Toronto ON M7A 1Y6
Tél. : 416 212-4221



MEMORANDUM TO: Kenneth Weatherill
Assistant Deputy Minister
Public Safety Division

FROM: Sarah Caldwell
Assistant Deputy Minister
Strategic Policy Division

SUBJECT: **Ministry of the Solicitor General Five-Year Review of the
*Missing Persons Act – Feedback Survey***

On July 1, 2019, the *Missing Persons Act, 2018* (MPA) came into force, providing police services with new tools to effectively investigate missing persons occurrences where there is no evidence that a crime has been committed.

I am writing to request your assistance in notifying the policing community that a survey seeking input on the MPA's effectiveness, efficiency and level of overall satisfaction with the MPA's current framework, has been developed by the Ministry of the Solicitor General (ministry) for voluntary completion.

Five-Year Review

Under Section 9 of the MPA, the ministry is required to conduct a review of the MPA within five years of it coming into force, i.e., by July 1, 2024. The mandatory legislative review is an opportunity for the ministry to examine whether and how the MPA is fulfilling its intent and identify any potential areas of improvement.

The ministry is seeking the voluntary completion of an **online survey** by police officers regarding their experience using the MPA, its tools (e.g., urgent demands), associated forms (e.g., Form 7 regarding annual reporting) and training. The ministry will use this information to gain insight on whether the MPA is working to help rapidly locate missing persons and how well MPA-related tools are working for police services. The information will be a critical input to the review process and help determine recommendations and next steps.

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Survey

The survey can be accessed online at the following link: <https://forms.office.com/r/bBgBPGTr29?origin=lprLink> and should be completed by a person familiar with the MPA and its tools and forms. The person completing the survey may also consult with others within their police service familiar with the MPA to assist with completion of the survey. Multiple survey responses per police service are welcome, but not required. The survey takes about 15-30 minutes to complete. We would appreciate if submissions can be provided by **Monday, February 5, 2024**.

Instructions to support the completion of the survey can be found at the same link. If members of the law enforcement community have any questions regarding the submission requirements, or any technical questions, they may contact MPReporting@ontario.ca.

All responses will remain confidential and will be aggregated at a group level. The collection, retention, and disclosure of information will be carried out in accordance with all applicable legislation.

The ministry greatly appreciates the policing community's support as we continue to explore ways to improve outcomes for missing persons in Ontario.

Thank you for your assistance in communicating this.

Sincerely,
readde



Sarah Caldwell
Assistant Deputy Minister
Strategic Policy Division

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Ministry of the Solicitor General

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
Assistant Deputy Minister
Public Safety Division

SUBJECT: **Thibault v Attorney General of Ontario**

DATE OF ISSUE:	January 9, 2023
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	24-002
PRIORITY:	Normal

At the request of the Ministry of the Attorney General's Civil Law Division, I am sharing this communication with police services given your enforcement of the *Towing and Storage Safety and Enforcement Act, 2021*.

Please review the attached memo and signed order for more information. If you have any questions, please reach out to Waleed Malik, Counsel, Constitutional Law Branch, Ministry of the Attorney General by email at waleed.malik@ontario.ca.

Sincerely,

K. Weatherill

Ken Weatherill
Assistant Deputy Minister
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety

Creed Atkinson, Chief of Staff
Ministry of the Solicitor General

Ministry of the Attorney General

Constitutional Law Branch
Civil Law Division

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Ministère du Procureur général

Direction du droit constitutionnel
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Email: Waleed.Malik@ontario.ca



MEMORANDUM

DATE: January 9, 2024

TO: Kenneth Weatherill, Assistant Deputy Minister, Public Safety
Ministry of the Solicitor General


FROM: Waleed Malik
Counsel, Constitutional Law Branch

RE: **All Chiefs Memo: *Thibault v Attorney General of Ontario***

I am counsel acting on behalf of the Attorney General of Ontario in *Thibault v Attorney General of Ontario*. Please find enclosed an Order dated January 4, 2024, made by the Superior Court of Justice in that proceeding. Paragraph 2 of the Order provides that the Attorney General of Ontario shall bring the Order to the attention of persons involved in enforcement of the *Towing and Storage Safety and Enforcement Act, 2021*, SO 2021, c 26, Sched 3 (the "Act"). We understand that, among others, police services across Ontario may be involved in enforcing the Act. Therefore, I am writing on behalf of the Attorney General of Ontario to ask that you please arrange for the Order to be disseminated through an All-Chiefs Memo.

If you have any questions, please reach out to Waleed Malik (waleed.malik@ontario.ca), counsel at Constitutional Law Branch.

Thank you for your assistance.

 Digitally signed by
Waleed Malik
Date: 2024.01.09
15:32:24 -05'00'

Waleed Malik
Counsel
Civil Law Division
Constitutional Law Branch

Encl.

Court File No. _____

ONTARIO
DIVISIONAL COURT

THE HONOURABLE) THURSDAY, THE 4th
JUSTICE K.A. JENSEN) DAY OF JANUARY 2024

B E T W E E N:

ANDRE THIBAUT
Applicant

and

ATTORNEY GENERAL OF ONTARIO
Respondent

ORDER

THIS MOTION, made by the parties on consent, which consent is without prejudice to the Attorney General of Ontario's position on the merits of an interlocutory injunction and the merits of the Applicant's application, was heard in writing this day at the courthouse, 161 Elgin Street, Ottawa ON K2P 2K1.

ON READING the notice of motion;

1. THIS COURT ORDERS that anyone involved in the enforcement of the *Towing and Storage Safety and Enforcement Act, 2021*, SO 2021, c 26, Sched 3 ("Act"), including the Director of Towage and Vehicle Storage Standards, the Director's inspectors, and Ottawa-area law

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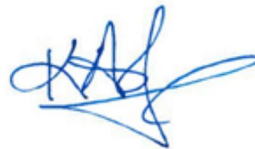
enforcement, shall not enforce the requirements to have a tow certificate or tow driver's certificate, under ss. 2 and 3 of the Act, against

- (a) the applicant Mr. Thibault, and
- (b) his employer, IAA Holdings LLC dba Impact Auto Auction, in respect of Mr. Thibault,

pending the determination of a motion by the applicant for injunctive relief, to be filed by the applicant and set down for hearing without delay.

2. THIS COURT ORDERS that the respondent Attorney General of Ontario shall bring this order to the attention of the Director, the Director's inspectors, Ottawa-area law enforcement, and all other persons involved in the enforcement of the Act.

3. THIS COURT ORDERS that the respondent shall pay the applicant his costs of this motion in the amount of \$5,000.



Court File No.: _____

ANDRE THIBAUT
v
ATTORNEY GENERAL OF ONTARIO

ONTARIO
DIVISIONAL COURT

PROCEEDING COMMENCED AT OTTAWA

ORDER

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Counsel for the applicant