

Proposed Amendments to The Impounding Bylaw, 2007

ISSUE

This report is requesting approval to amend [Bylaw No. 8640, The Impounding Bylaw, 2007](#) (Impounding Bylaw).

RECOMMENDATION

That the Standing Policy Committee on Transportation recommend to City Council:

1. That the proposed amendments to Bylaw No. 8640, The Impounding Bylaw, 2007, as outlined in this report, be approved; and
2. That the City Solicitor be requested to make the necessary amendments to Bylaw No. 8640, The Impounding Bylaw, 2007.

BACKGROUND

The purpose of this report is to obtain approval to amend the Impounding Bylaw. The proposed amendments align with previous direction from City Council to implement efficiencies with the City's Impound Lot operations.

City Council, at its Regular Business Meeting, on December 2021, resolved:

- “1. That Council Policy C03-003, Reserves for Future Expenditures, be amended to provide for an Impoundment Program Stabilization Reserve; and
2. That the City Clerk be instructed to make the necessary amendments to Council Policy C03-003, Reserves for Future Expenditures.”

City Council, at its Regular Business [Meeting](#), on February 28, 2022, resolved:

“that the current Impound Lot continue to operate business as usual with an increased focus on identifying operational efficiencies, with further reporting to be provided after two full years of operation, post-pandemic”.

Vehicle owners are provided notice of any vehicle seizures. In accordance with the Impounding Bylaw, once a minimum of 30 days passes, the City may sell the vehicle with the proceeds being applied to any outstanding impoundment charges, costs, fines, etc. Where the sale amount of a vehicle exceeds the charges owing, the vehicle owner has one year from the date of the sale to make arrangements to have the funds transferred or the amount is otherwise claimed by the City.

DISCUSSION/ANALYSIS

The following list identifies proposed amendments to the Impounding Bylaw:

1. Amend Section 7(4) to Direct Excess Proceeds to the Impound Lot Program

The Impounding Bylaw currently allocates excess revenues from unclaimed vehicle sales to the City's general revenue. As this work occurs through the Impound Lot operating costs, it is suggested that directing the excess proceeds to the City Impoundment Lot is appropriate and aligns with recent direction from City Council. To facilitate the ability to direct the excess revenue to the Impound Lot program, an amendment to the Impounding Bylaw is required. This is anticipated to result in approximately \$11,000/year being allocated to the City's Impound Lot program, noting that this revenue stream fluctuates from year to year.

2. Amend Section 5 to Add a Provision to the Impounding Bylaw Deeming Notice of Seizure After 30 days

Currently, the Impounding Bylaw requires notice to be provided to the owner of an impounded vehicle before the City can sell the vehicle as unredeemed. There are, however, situations where the City is unable to provide notice. For example, the City is not able to determine who owns a vehicle that is registered outside of Saskatchewan. This can lead to a situation where notice cannot be provided, and the vehicle cannot be addressed. This situation can lead to the vehicles remaining in the Impound Lot for longer than desirable and additional efforts by Impound staff that do not typically lead to finding the registered owners, ultimately creating inefficiencies.

To address situations where it is not possible to identify the owner of an impounded vehicle, it is proposed that the Impounding Bylaw be amended to deem that the owner of an impounded vehicle has received notice 30 days after their vehicle is impounded regardless of whether actual notice is provided. The Impound Lot will continue to send notices to owners where possible, but this amendment addresses a gap with respect to vehicles where notice cannot be provided.

The proposed amendment complies with [The Cities Act](#), which does not require that notice be provided to the owner of an impounded vehicle. This is a process adopted by the City through bylaw.

3. Amend Section 6(2) to Expand the Scope of Persons Permitted to Redeem a Seized Vehicle

Pursuant to Section 6(2), upon providing proof of ownership and payment of any outstanding charges, a seized vehicle may be redeemed by the owner of the vehicle, or anyone authorized, in writing, by the owner. It is necessary to expand the scope of persons permitted to redeem a vehicle to accommodate situations where the vehicle owner cannot be identified, but where other parties have valid legal interests and may wish to retrieve the vehicle; for example, a financing company.

4. Amend Section 7(2) to Clarify that Notice Must Only be Provided Where Reasonably Practicable

Section 7(2) requires that a vehicle owner be provided notice of excess amounts recovered from the sale of a seized vehicle after the payment of any outstanding charges. Similar to the notice issues described above, it can sometimes prove challenging to provide notice, and the proposed amendment would provide some flexibility to forego notice, where necessary.

FINANCIAL IMPLICATIONS

The proposed amendment related to auctioned vehicle proceeds would result in an anticipated \$11,000 per year being directed to the Impound Lot Program, as opposed to general revenue.

OTHER IMPLICATIONS

There are no privacy, legal, social or environmental implications identified.

NEXT STEPS

Should City Council approve the proposed recommendations, the City Solicitor will draft the necessary bylaw amendments to be tabled at a future meeting of City Council.

REPORT APPROVAL

Written by: Mitch Nemeth, Parking Policy and Permitting Manager
Reviewed by: Wayne Sum, Parking Services Manager
Matt Grazier, Director of Community Standards
Approved by: Lynne Lacroix, General Manager, Community Services

SP/2022/CS/Transportation/Proposed Amendments to The Impounding Bylaw, 2007/cm