DISCLAIMER: In accordance with the *Community Safety and Policing Act* and the *Freedom of Information and Protection of Privacy Act*, the summary below has been de-identified to remove the personal information of individuals, including public complainants and persons who were the subject of the investigation.

DE-IDENTIFIED SUMMARY UNDER SECTION 167(2) OF THE CSPA

Original Police Service: Date of Complaint: 08/09/2024

Type of Investigation:

Referred to Same Service: ◉ Referred to Other Service: ○ Retained by LECA: ○

Service Investigations Referred to:

De-identified Summary of Complaint

On July 22, 2024, a uniform member of the XXXXXX , was on patrol in the XXXXX, Ontario, when he was dispatched to investigate an abandoned vehicle complaint initiated by the municipal bylaw enforcement office. Upon arrival, he located an unplated vehicle with visible damage and scratches, parked directly in front of a "No Parking" sign. The vehicle was unoccupied and appeared to have been parked there for several days.

The officer obtained the Vehicle Identification Number (VIN) and received information from the Ministry of Transportation (MTO) identifying the last known registered owner and noted that the MTO response included a status of “sold.” The officer attempted to contact the previous registered owner but was unsuccessful. While still with the vehicle, the officer was approached by a local resident who identified the current owner/operator, referred to as CW#1.

Given the condition of the vehicle and the absence of licence plates, the officer was satisfied that the vehicle was abandoned. Under the provisions of the Highway Traffic Act (Section 221), he took lawful custody of the vehicle, which was subsequently towed to a local storage facility. The officer made multiple attempts to notify CW#1 of the tow and provide retrieval information by attending his residence, but there was no response.

On July 23, 2024, CW#1 contacted the officer and inquired about the vehicle. During their conversation, CW#1 explained that they had lost the keys and was no longer interested in retaining ownership. They also stated that he intended to speak with the tow company regarding the possibility of scrapping the vehicle. The officer updated the incident report accordingly and concluded the matter.

The tow company notified the previous owner of the vehicle that they were responsible for any tow/impound fees. The previous owner does not feel that they are responsible for any financial obligations related to the vehicle and believes that the CW#1 or the XXXXXX should intervene. It is clear that the financial dispute between the previous registered owner and the tow company is a private matter and does not involve the police.

Unsubstantiated Code of Conduct Allegations

Section 10 - undermine public trust
Section 19 - failure to perform duties

Decision and Reasons

The officer was dispatched to an abandoned vehicle complaint generated by the Town bylaw officer.

The officer located an unplated vehicle parked in front of a no parking sign and it was evident that the vehicle had been there for a period of time.

The officer queried the licence plate and the MTO response identified the previous owner and listed the vehicle status as 'sold'.

The officer, utilized provisions under the Highway Traffic Act (section 221) to tow the vehicle.

The vehicle was towed to a local storage facility.

The officer received information that CW#1 had been seen driving the vehicle and was believed to be the owner. The officer confirmed that CW#1 was involved in at least two previous Highway Traffic Acti investigations where they were charged with various HTA offenses.

The officer had reasonable grounds to believe that CW#1 was the lawful owner of the vehicle.

CW#1 contacted the officer the next day and advised that they would be speaking with the tow company and make arrangements to surrender the vehicle to them.

The previous owner of the vehicle did contact police about this incident, but only after they were contacted by the local tow company and told that they would be responsible for any tow/impound fees. The previous owner stated that they spoke with an unknown officer who advised that the 'driver' would be responsible for the fees associated to the tow.

The previous owner believes that the XXXX should be paying for the tow/impound fees or speaking to the tow company to have them remove the fees.

The officer lawfully towed the vehicle, any dispute between the costs of the tow/impound are strictly between CW#1/the previous owner and the tow company and does not involve the police.