



CENTRAL YORK FIRE SERVICES

December 20, 2019

FIRE SERVICES REPORT 2020-01

To: Joint Council Committee

Origin: Central York Fire Services - Deputy Chief Rocco Volpe

Subject: **Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program**

Recommendations

1. That Fire Services Report 2020-01 titled Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program dated December 20, 2019 be received; and,
2. That the Joint Council Committee (JCC) recommend to Newmarket and Aurora Town Councils that amendments to Newmarket By-law 2019-60 be adopted in accordance with Attachment 1 to this report; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Comments

The purpose of this report is to provide JCC with a recommendation to amend By-law 2019-60 with respect to how invoicing is processed and revenue is collected through the Motor Vehicle Collision (MVC) Cost Recovery Program.

Fire Services Report 2019-03 MVC Cost Recovery Program recommended to Council that the at-fault driver be directly invoiced. Instead of invoicing the at-fault driver directly, which By-law 2019-60 states, it was recommended by the Finance Department to invoice the insurance company of the vehicle owner who was determined to be "at-fault" (via the police report).

Background

Subsequent to the passing of the By-law, further consultation was undertaken with Financial Services regarding the process to manage the invoicing and collection of the fees.

Finance staff had conferred with their colleagues in other municipalities and the general consensus is that when insurance companies are invoiced, rather than individuals, the invoices are paid in a shorter time frame with less Town intervention. It appears in practice that even if the incorrect insurance company is billed (due to fault being amended) the companies will simply forward the invoice on to the other party's insurer and payment is made.

Process for invoicing at-fault drivers involved in an MVC

After attending the scene of a collision, CYFS will record licence plates and document what services were rendered at the scene. The licence plate number will allow CYFS to access a police report through the Ministry of Transportation's database. Once the police report has been obtained, CYFS will work with the Town of Newmarket's Finance Department to issue an invoice directly to the "at-fault" party's insurance company.

If the at-fault party's insurance company does not pay, CYFS will have the ability to invoice the Registered Owner of the vehicle who was deemed "at-fault" by the police. The Registered Owner information will be obtained through the Ministry of Transportation's database. If the Registered Owner does not pay the invoice, it will be collected through a collection agency.

If there is no police report filed, CYFS will not issue an invoice, but will track these occurrences for a report back to a future JCC meeting.

Comparator Fire Services

Staff have completed a comparison of other Fire Services in York, Simcoe, Peel and Durham Regions and have determined that the following municipalities, Vaughan, Georgina, New Tecumseth and Orillia also directly bill insurance companies.

Financial Impact

Staff are expecting a positive financial impact from this change due to a reduced collection time and possibly lower collection costs.

Conclusion

CYFS supports the recommendation from Finance to move forward with invoicing insurance companies directly.

Consultation

The Senior Fire Management Team consulted with the Town of Newmarket Finance and Legal Department.

Impact on the Master Fire Plan

This report has no impact on the Master Fire Plan.

Contact

For more information regarding this report contact Deputy Chief Rocco Volpe at rvolpe@cyfs.ca

Attachments

Attachment 1 – Draft revisions to By-law 2019-60 (invoicing insurance companies directly)

Attachment 2 – Draft Corporation of the Town of Newmarket By-law 2019-60



Rocco Volpe, Deputy Chief
Central York Fire Services



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law 2019-60, a By-law to establish and require payment of fees and charges for certain services provided by Central York Fire Services for emergency or non-emergency incidents.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That section 4 of By-law 2019-60 be amended as follows:

When a fee is imposed pursuant to this By-law, the amount of the fees owed to the **Corporation** shall be invoiced by the **Corporation** for the fees owed to (a) the insurance company of the vehicle owner who was determined to be at fault, or (b) if the payment is not made by the said insurance company or there is no insurance, payment shall be made by the owner of the vehicle who was determined to be "at-fault."

Enacted January 20, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Corporation of the Town of Newmarket

By-law 2019-60

A By-law to establish and require payment of fees and charges for certain services provided by Central York Fire Services for emergency or non-emergency incidents.

Whereas The Corporation of the Town of Newmarket and The Corporation of the Town of Aurora have established a consolidated fire and emergency services department known as Central York Fire Services through By-law 2001-146 to deliver emergency and non-emergency services; and,

Whereas subsections 210(31) and (32) of the Municipal Act R.S.O. 1990, c. M.45, as amended, authorize a municipality to enact by-laws imposing fees and charges for services provided directly by the municipality to a user of services and to vary such fees and charges as the municipality considers appropriate; and,

Whereas section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality; and,

Whereas the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it; and,

Whereas the Town of Newmarket has enacted a Fees and Charges By-law 2018-64, as amended from time to time, to establish fees or charges for services or activities provided by or done on behalf of it.

Therefore the Municipal Council of the Corporation of the Town of Newmarket enacts as follows:

Definitions

Note: definitions have been bolded for convenience purposes.

1. In this By-law,
 - a) “at fault” means the motor vehicle deemed to be at fault in a motor vehicle collision by the police or by the Central York Fire Services attending at the motor vehicle collision;
 - b) “Central York Fire Services” means the consolidated fire department established for the Corporation of the Town of Newmarket and the Corporation of the Town of Aurora within the meaning of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and is deemed to include any member of the Central York Fire Services;
 - c) “Corporation” means The Corporation of the Town of Newmarket;
 - d) “Deputy Fire Chief” means the person who has been appointed by Council to act in the place of the Fire Chief of the fire

department in their absence or in the case of a vacancy in the office;

- e) “Fire Chief” means the person who is ultimately responsible to Council for the delivery of fire protection services;
- f) “firefighting and/or emergency services” includes all services related or incidental to the prevention, control, and suppression of fires and the protection of lives and property;
- g) “motor vehicle” as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- h) “motor vehicle collision ” means Central York Fire Services attending the scene of a motor vehicle collision on any property in the Town of Newmarket or Town of Aurora;
- i) “owner” means the registered owner of property, or any person, firm or corporation having control over or possession of the property or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- j) “police” means the York Regional Police or Ontario Provincial Police;
- k) “vehicle owner” means the registered owner of vehicle, or any person, firm or corporation having control over or possession of the vehicle or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

Motor Vehicle Collisions

- 2. When **Central York Fire Services** attend at the scene of a **motor vehicle** collision on a King’s Highway, Regional or Municipal road, or a private road and provide **firefighting and/or emergency services**, the **vehicle owner** of the **motor vehicle** deemed to be **at fault** in the **motor vehicle collision** shall pay to the **Corporation** the fees outlined in **Corporation’s** Fees and Charges By-law, as amended.
- 3. In the event that it is determined by **Central York Fire Services** or the **police** that a **vehicle owner** deemed to be **at fault** is not **at fault**, then **Central York Fire Services** reserves the right to deem another **motor vehicle** involved in the **motor vehicle collision** to be **at fault**, and as such that **vehicle owner** shall pay to the **Corporation** the fees as established by the Fees and Charges By-law, as amended.

Administration and Enforcement

- 4. When a fee is imposed pursuant to this By-law, the amount of the fees owed to the **Corporation** shall be invoiced by the **Corporation** for the fees owed to (a) the insurance company of the vehicle owner who was determined to be at fault, or (b) if the payment is not made by the said insurance company or there is no insurance, payment shall be made by the owner of the vehicle who was determined to be at fault.

5. Payment terms shall be net 30 days from the date of the invoice, after which time a finance charge of 1.25% per month (15% per annum) is applied to the outstanding balance monthly.
6. The fees imposed by this By-law may be waived or reduced where circumstances warrant with the approval of the **Central York Fire Services' Fire Chief** or **Deputy Fire Chief**.

Severability

7. Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being served here from and the remainder of the By-law shall continue in full force and effect.

Enacted this 30th day of September, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk