

**BYLAW OFFICER STATEMENT**

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Thursday July 29, 2021
<b>Time</b>	01:30 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>Location</b>	760 Queens Ave.
<b>File</b>	179133

On Thursday July 29, 2021, 01:28 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 945 SLEIGHTHOLME. GOLDSMITH and SLEIGHTHOLME attended 760 Queens St to attempt personal service of a letter on John MUELLER doing business as I-Tow Towing Group. The letter is notification of immediate suspension of MUELLER's business licence under s. 15 (2)(c ) and (d) of the *Business Licence Bylaw*.

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present which said "I-TOW 250-383-4869." A sign, "City of Victoria Towing Rates" was also present.

GOLDSMITH and SLEIGHTHOLME were then approached by an unknown male who was speaking into a cell phone and walking a medium sized brown and black dog. The male approached GOLDSMITH and SLEIGHTHOLME and could be heard speaking into the phone "they're here right now." GOLDSMITH advised officers were here to speak with "John" regarding his business licence and provide him with a letter. The male advised he was speaking to John MUELLER by phone and that all MUELLER wanted all communication from the city to go through his lawyer and that he would not speak to GOLDSMITH or SLEIGHTHOLME. The male refused to identify himself and said "I just work here I have nothing to do with that." The male provided SLEIGHTHOLME with the lawyer's name and contact information.

The male is approximately 50 years of age, light complexion, 5'10", thin build with dark brown/grey hair, goatee facial hair, with many tattoos on his hands and neck, with tanned skin.

The male entered the gated area and GOLDSMITH and SLEIGHTHOLME departed the area.

BO 1005 Chris GOLDSMITH

## BYLAW OFFICER STATEMENT

<b>Officer Rank/Number/Rank</b>	Goldsmith/Bylaw Officer/1005
<b>Date</b>	Tuesday, July 20, 2021
<b>Time</b>	12:00 PM
<b>Subject</b>	John MUELLER (I-TOW)
<b>File</b>	179133

On June 25, 2021, BO Goldsmith was assigned the file regarding John MUELLER doing business as I-Tow Group. The purpose of the file was to confirm compliance with the provincial court order requiring compliance with s.16, 8(6) and 10(2) of the *Towing and Immobilizing Companies Bylaw*. GOLDSMITH reviewed previous files, read the consent order and towing and *Towing and Immobilizing Companies Bylaw*. GOLDSMITH reviewed city records which included John MUELLER's business license for I-Tow Towing Group and past files regarding I-Tow. GOLDSMITH was aware of the requirements for compliance and that the City of Victoria believed MUELLER was not in compliance with requirements of marking of the towing vehicles under s.16 and display of schedule of fees specified under s.8(6) of the *Towing and Immobilizing Companies Bylaw*.

On July 2, 2021, at 1:50 PM- BO 1005 GOLDSMITH and BO 1003 LUNDIN attended 675 Wilson Street in full uniform and a marked City of Victoria Bylaw Services vehicle. Prior to attending, GOLDSMITH had checked City records which showed 675 Wilson as the business location for I-Tow Towing Group. GOLDSMITH and LUNDIN observed no signage for I-Tow Towing Group, or indication I-Tow Towing Group is doing business on the property. There appeared to be no towing vehicles or indications that I-Tow was doing business at the location. GOLDSMITH took six photos with his City of Victoria issued Iphone.

At 1:57 PM GOLDSMITH and LUNDIN then proceeded to 1924 Store Street. GOLDSMITH had searched I-Tow on google search, the search showed 1924 Store Street as the location for I-Tow.

On arrival GOLDSMITH and LUNDIN observed a chain-link fence surrounding a number of vehicles. A small tan colored out building was inside the fence. Attached to the fence was signage reading "I-TOW 250-383-4869" in orange lettering which was approximately 2 feet by 2 feet. The phone number is the same listed for MUELLER's business licence for I-Tow Towing Group. The sign said "1924 Store Street," beneath "I-TOW." GOLDSMITH observed another sign which was the same size and with the same font was observed which said "I-Tow reserved for Jack," was also observed. GOLDSMITH observed a plastic white approximately standard letter paper size sign (8 x 14 inches) labelled "City of Victoria Tow Rates." The photo taken by GOLDSMITH did not capture the rates displayed or details and GOLDSMITH did not observe if the sign was compliant with s. 8 (6) of the *Towing and Immobilizing Companies Bylaw*. GOLDSMITH and LUNDIN also observed a black and red sign on a small out building believed to be the main office labelled "City of Victoria Tow Rates," and that the first hour is free. This sign did include rates consistent with *Schedule A* of the *Towing and Immobilizing Companies Bylaw* but did not contain the entire fee schedule. It did not appear that the business was compliant with s. 8 (6). Although detail regarding the white 8 x 14 inch sign was not captured in the photograph GOLDSMITH took, the fee schedule was partially blocked by the chain link fencing, not clearly visible and therefore not displayed prominently. It could not be confirmed if the business was compliant with s.16 as no tow vehicles were

present. The property was compliant with section s.10 (2) as sign stating the first hour was free was observed and captured in the photograph labelled photograph\_1924 Store Street\_I-TOW-Goldsmith\_210702(6).jpg.

On July 4, 2021- 07:28 AM- BO 1005 GOLDSMITH attended a parking lot in the area of 515 CHATHAM Street. The parking lot containing a sign is located just to the west of 515 Chatham St. An I-Tow Towing sign was located in the parking lot. The signage contained the name and phone number of the company, as well as fees for Basic impound rate, daily storage, hourly and drop charge. The address appeared to have been taped over and read 1924 Store St.

At this time the signage appeared to be compliant with the restrictions on towing vehicles in s.5(a)(ii) of the *Towing and Immobilizing Companies Bylaw* as the address of the signage was 1924 Store St.

On Tuesday July 14, 2021 at 9:42 AM GOLDSMITH emailed John MUELLER a notice of inspection and copy of the provincial court order requiring MUELLER to comply with the *Towing and Immobilizing Companies Bylaw*. Both were contained in the email as attachments. The inspection was scheduled for 1924 Store Street on Monday, July 19th, 2021, at 1:30pm. The email, titled "Notice of Inspection- I-Tow Towing Group 1924 Store Street," was sent to [itow@shaw.ca](mailto:itow@shaw.ca) which is the email listed in MUELLER's business licence for I-Tow Towing Group. The body of the email read:

"Good Morning,

Please find the attached notice of inspection letter for I-Tow Towing Group at 1924 Store Street, Monday, July 19th, 2021, at 1:30pm. The purpose of this inspection is to confirm that the property and the activity conducted upon this property comply with the court order, city bylaws and document the conditions.

Attached is a notice of inspection letter and court order.

Thank you,"

On July 18, 2021 at 7:08 AM GOLDSMITH attended the area of 515 CHATHAM Street with the intention of confirming if the signage had been changed to reflect the new business location at 760 Queens Street. GOLDSMITH had spoken to LUNDIN and confirmed that I-Tow Towing had moved to 760 Queens St. On arrival an I-Tow Towing sign was located in the parking lot. The parking lot containing the sign is located just to the west of 515 Chatham St. The signage address remained 1924 Store St. There appeared to be no change from the signage when it was observed on July 4, 2021, despite the business relocating. Two photos taken using GOLDSMITH's City of Victoria issued Iphone.

The signage was not compliant with the restrictions on towing vehicles detailed in s.5(a)(ii) of the *Towing and Immobilizing Companies Bylaw* as the address of the signage was 1924 Store Street and does not reflect the address where the vehicle would be stored. Had a vehicle been towed from this lot it would be an offence under s.5.

On Monday, July 19, 2021, 01:30 PM BO 1005 GOLDSMITH, VBLS was working in full uniform, on duty with BO 1003 LUNDIN. GOLDSMITH and LUNDIN attended 760 Queens St to conduct an inspection of I-Tow Towing Group to confirm that the property and the activity conducted on it comply with Provincial Court Order and City Bylaws. There had been no response to the notice of inspection email sent by GOLDSMITH, GOLDSMITH was aware of efforts to deliver a notice of inspection by LUNDIN.

On arrival, GOLDSMITH observed the gate which accesses the north parking area of the building was closed and locked. No towing vehicles were present in the area, or were behind the gate. Signage was present on the front which said "I-TOW 250-383-4869," in orange lettering which was approximately 2 feet by 2 feet. GOLDSMITH observed a plastic white approximately standard letter paper size sign (8 x 14 inches) labelled "City of Victoria Tow Rates." The sign did not comply with the requirements of s. 8 (6). The fee schedule was partially blocked by the chain link fencing, not clearly visible and therefore not prominently displayed. Additionally part of the sign is labelled "Early Release-without specialized equipment- \$45.00" Schedule A of the *Towing and Immobilizing Companies Bylaw* shows "Early Release- \$45.00" and makes no mention of specialized equipment. It could not be confirmed if the business was compliant with s.16 as no tow vehicles were present. The property was compliant with section s.10 (2) as the plastic "City of Victoria Tow Rates" sign did specify "first hour of storage – free" (although this was partially obstructed by the chain link fence).

At 01:37 PM GOLDSMITH called 250-383-4869. Up until this point there had been no persons present in the area or any indication MUELLER would be attending the inspection. The person answered "Dispatch," GOLDSMITH asked for John MUELLER, the person said, "speaking." GOLDSMITH advised MUELLER that he was a City of Victoria Bylaw Officer and was outside the I-Tow lot at 760 Queens Ave for an inspection. MUELLER said no one is at the office unless the business requires it. MUELLER said he had spoken to LUNDIN and directed all communication to be through his lawyer on Friday (July 16, 2021). MUELLER said we could call his lawyer and he would come and GOLDSMITH and LUNDIN could inspect. GOLDSMITH asked MUELLER if he was refusing the inspection, MUELLER said he's "not refusing anything," but he was suing the city for harassment and he never received any notice of inspection. GOLDSMITH advised MUELLER he heard his concerns and ended the call.

Three vehicles were observed in the yard, and a camping trailer were observed in the towing yard. No vehicles which appeared to be related to towing were observed. LUNDIN took photos of the area on his City of Victoria issued Iphone of the yard from the front entrance and an adjacent property. No tow vehicles were with present it could not be confirmed if MUELLER was compliant with s.16 of the *Towing and Immobilizing Companies Bylaw*.

GOLDSMITH later check city computer records and noted the property to be zoned "C1-N-Q." Towing does not qualify as a permitted use under the *Zoning Regulation Bylaw* and the use of the property as such is an offence under s. 16(1). Based on the observations of both the 1924 Store Street property and 760 Queens Street property, John MUELLER doing business as I-Tow Towing Group was not compliant

with the provincial court order, specifically section 8 (6) of the *Towing and Immobilizing Companies Bylaw*.

BO 1005 Chris GOLDSMITH