

## SECTION 2 — COMMERCIAL LIENS ACT



### Module 8 — Special Scenarios for Tows

*Police-directed tows, abandoned vehicles, private property tows, bailiffs, repossessions, and complex lien situations under the CLA*

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#### Opening Narration

**Narrator:**

Not all tows are the same.

Different situations create different lien rights, obligations, and risks.

In this module, we will walk through the most common — and most complicated — towing scenarios where lien rules operate differently under the Commercial Liens Act (CLA).

We'll cover police tows, private property removals, abandoned vehicles, accident scenes, bailiff and repo interactions, out-of-province vehicles, and more.

Understanding these scenarios protects your business, your licence, and your legal standing.

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## Lesson 1 — Police-Directed Tows

Police orders are one of the strongest forms of **owner's authority**, even when:

- The owner is not present
- The driver is incapacitated
- The driver refuses towing
- The vehicle is part of an investigation

### **You gain a valid lien when:**

- ✓ Police direct you to tow a vehicle
- ✓ You take possession of the vehicle
- ✓ You provide services (tow, storage, recovery)

### **But: Police involvement may limit your rights**

Police may later require:

- Release of the vehicle
- Transfer to another location
- Preservation for evidence

### **Key rule:**

If police lawfully seize or remove the vehicle, **possession is lost** → lien may be extinguished.

### **Best practice:**

Document every police instruction or seizure event.

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## Lesson 2 — Accident Scene Tows

Accident tows present unique challenges because:

- Drivers may be unconscious or injured
- Police may issue orders
- Vehicles often block traffic
- Towing is necessary for safety

### **Lien validity in accident cases is strong**

Because towing is necessary, and police often act with lawful authority.

### **But: Be cautious about repair authorizations**

An injured driver is not in a position to authorize repairs.  
Never assume that a tow authorization = repair authorization.

### **Lien priority:**

Tow liens from accidents almost always outrank lenders.

### **Storage considerations:**

Storage begins when the vehicle reaches your lot.  
Daily rates must be reasonable and consistent.

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## **Lesson 3 — Private Property Tows (Strata, Municipal, Commercial Lots)**

This is one of the most common areas of misunderstanding.

A lien is valid if:

### **✓ The property owner/manager had lawful authority**

Examples:

- Strata manager
- Business owner
- Commercial parking lot operator
- Municipal bylaw authority

### **✓ The property was properly signed and regulated**

Improper signage may undermine authority.

### **✓ The tow request was lawful and documented**

Always retain:

- Tow authorization

- Photographs of signage
- Photographs of violation
- Time-stamped evidence

**Risk:**

If the caller **did not** have authority, the lien may be invalid.

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## Lesson 4 — Trespass Towing and Unauthorized Parking

Trespass tows often trigger disputes.

**Lien validity depends on:**

- Lawful authority of the caller
- Your documentation
- Local bylaws
- Signage compliance
- Whether the vehicle was actually trespassing

**You must maintain possession**

If the owner arrives during the tow:

- ✓ You must allow the owner to pay and take the car
- ✗ You are not permitted to create conflict or refuse release

**No “fees” outside bylaw allowances**

Follow municipal bylaws strictly.

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## Lesson 5 — Abandoned Vehicles

Abandoned vehicles create strong lien circumstances.

**You generally have a valid lien if:**

- ✓ Police or bylaw direct removal
- ✓ Property owner requests removal

- ✓ You tow and store the vehicle lawfully
- ✓ You follow proper notice procedures

More of this in module 3. Claiming compensation through the Transportation Act section 68 & 69.

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## Lesson 6 — Interactions with Bailiffs and Repo Agents

This is one of the most dangerous scenarios for lien loss.

### **Critical rule:**

If a bailiff or repo agent removes the vehicle **without your objection**, courts may consider this a **voluntary surrender** → lien extinguished.

### **✓ You *may* refuse release until paid**

Unless the bailiff presents:

- A court order
- A police seizure order
- A writ of possession

### **✓ You *may* demand payment of your lien**

Before releasing the vehicle.

Avoid confrontation.

### **Best practice:**

- Request documentation
  - Inform the bailiff that a valid lien exists
  - Document the interaction
  - Call police if unauthorized removal is attempted
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## Lesson 7 — Repossessions and Secured Lenders

**You have priority if:**

- ✓ Proper notice was sent
- ✓ Possession maintained
- ✓ Tow was lawful
- ✓ Storage charges reasonable

**You may lose priority if:**

- ✗ You did not send notice to the lender
- ✗ You allowed the repo agent to take the vehicle
- ✗ Your charges are unreasonable
- ✗ Possession was lost accidentally

**Key insight:**

Most repo agents rely on operators not understanding lien rights.  
Knowledge = power.

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## Lesson 8 — Vehicles Held for Police Investigation

Police may:

- Examine the vehicle
- Hold it as evidence
- Require it to be moved or secured
- Require photographs or forensic access

**Two important rules:**

**✓ 1. You maintain possession as long as the vehicle stays in your lot**

Even if police access it.

**✓ 2. You lose possession if police remove the vehicle**

If police seize it under lawful authority, the lien may be:

- Suspended
- Compensated later
- Extinguished
- Subject to new instructions by the detachment

Best practice:

Ask officers to document the seizure in writing (email is sufficient).

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## Lesson 9 — Out-of-Province or Unregistered Vehicles

Lien rights remain valid even when:

- Vehicle is from out-of-province
- Owner cannot be located
- Plate is expired
- Vehicle is unregistered

### **Required steps:**

- ✓ Contact jurisdiction of registration if known
- ✓ Send notice to last known address
- ✓ Conduct reasonable searches for ownership
- ✓ Document efforts to identify owner/lender

Lien remains valid even if registration is unclear — but sale procedures require careful documentation.

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## Lesson 10 — Disputed Authority / Fraudulent Callers

Sometimes the caller requesting a tow:

- Does not own the vehicle
- Is not lawfully in possession
- Is attempting to cause harm
- Is attempting to move a vehicle for concealed reasons

### **Best practice:**

- ✓ Get name and contact information
- ✓ Document who called
- ✓ Take photos of the vehicle in place
- ✓ Identify the property owner if a trespass tow
- ✓ Use signed authorizations whenever possible

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## Lesson 11 — Summary

**Narrator:**

To recap:

- Police tows create strong lien rights, but police can override possession.
- Accident tows generate necessary services, strengthening lien validity.
- Private property and trespass tows require proper authority, documentation, and bylaw compliance.
- Abandoned vehicles often progress to lien sale; documentation is essential.
- Bailiffs and repo agents do not automatically outrank tows — possession and notice control priority.
- For investigative holds, possession remains until police remove the vehicle.
- Out-of-province vehicles still create lien rights but require careful notice.
- Disputed authority scenarios rely on reasonableness and documentation.

These special scenarios are where lien law becomes real — and where operational knowledge protects your business.

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