

## Convictions that make you ineligible

This guide has been provided to assist tow or vehicle storage operators and tow truck drivers to determine potential disqualifications from the Towing and Vehicle Storage Oversight program. Please note this is a guide only, if you believe you may have a disqualifying conviction refer to Section 2 of [Ontario Regulation 167/23](#) or seek a legal professional for advice.

### Glossary

**Section:** Refers to the conviction code section that is affiliated with the offence under the Criminal Code of Canada, or the Controlled Drug and Substances Act.

**Disclaimer:** Conviction codes are subject to change without notice, if you have been convicted or found guilty of an equivalent offence, you may still be ineligible for a certificate. Seek a legal professional for clarification.

**Description of Offence:** Provides a brief description of the offence, for more details of the offence please view the Criminal Code of Canada or the Controlled Drug and Substance Act.

**Disqualifying Period:** Refers to the amount of time the conviction disqualifies the applicant. Please note that the disqualification period starts from the date of conviction (not the day of the offence).

### Resources:

- [Towing and Storage Safety and Enforcement Act, 2021, S.O. 2021, c. 26, Sched. 3 | ontario.ca](#)
- [O. Reg. 167/23 GENERAL | ontario.ca](#)
- [Get a towing or vehicle storage certificate | ontario.ca](#)
- [Criminal Code](#)
- [Controlled Drugs and Substances Act](#)

## Controlled Drugs and Substances Act

| Section | Description of Offence                                               | Disqualifying Period |
|---------|----------------------------------------------------------------------|----------------------|
| 5       | Trafficking in substance / possession for the purpose of trafficking | 10 years             |
| 6       | Importing and exporting / possession for purpose of exporting        | 10 years             |
| 7       | Production of substance                                              | 10 years             |

|     |                                                                              |          |
|-----|------------------------------------------------------------------------------|----------|
| 7.1 | Possession, sale, etc., for use in production of or trafficking in substance | 10 years |
|-----|------------------------------------------------------------------------------|----------|

## **Criminal Code of Canada**

### **Part II.1 – Terrorism Offences**

| <b>Section</b> | <b>Description of Offence</b>                                                 | <b>Disqualifying Period</b> |
|----------------|-------------------------------------------------------------------------------|-----------------------------|
| 83.02          | Providing or collecting property for certain activities                       | Indefinite                  |
| 83.03          | Providing, making available etc., property for service for terrorist purposes | Indefinite                  |
| 83.04          | Using or possessing property for terrorist purposes                           | Indefinite                  |
| 83.08          | Freezing of property                                                          | Indefinite                  |
| 83.1           | Disclose knowledge of property and transactions (terrorism)                   | Indefinite                  |
| 83.11          | Determine possession or control of property (terrorism)                       | Indefinite                  |
| 83.18          | Participation in activity of terrorist group                                  | Indefinite                  |
| 83.181         | Leaving Canada to participate in activity of terrorist group                  | Indefinite                  |
| 83.19          | Facilitating terrorist activity                                               | Indefinite                  |
| 83.191         | Leaving Canada to facilitate terrorist activity                               | Indefinite                  |
| 83.2           | Commission of offence for terrorist group                                     | Indefinite                  |
| 83.201         | Leaving Canada to commit offence for terrorist group                          | Indefinite                  |
| 83.202         | Instructing to carry out activity for terrorist group                         | Indefinite                  |
| 83.21          | Instructing to carry out terrorist activity                                   | Indefinite                  |
| 83.22          | Instructing to carry out terrorist activity                                   | Indefinite                  |
| 83.221         | Counselling commission of terrorism offence                                   | Indefinite                  |
| 83.23          | Concealing person who carried out terrorist activity                          | Indefinite                  |
| 83.231         | Hoax - terrorist activity                                                     | Indefinite                  |

### **Part III – Firearms and other weapons**

| <b>Section</b> | <b>Description of Offence</b> | <b>Disqualifying Period</b> |
|----------------|-------------------------------|-----------------------------|
|----------------|-------------------------------|-----------------------------|

|       |                                                                            |         |
|-------|----------------------------------------------------------------------------|---------|
| 85    | Using firearm (or imitation firearm) in commission of offence              | 5 years |
| 86    | Careless use of firearm, etc. / contravention of storage regulations, etc. | 5 years |
| 87    | Pointing a firearm                                                         | 5 years |
| 88    | Possession of weapon for dangerous purpose                                 | 5 years |
| 89    | Carrying weapon while attending public meeting                             | 5 years |
| 90    | Carrying concealed weapon                                                  | 5 years |
| 91    | Unauthorized possession of prohibited weapon or restricted weapon          | 5 years |
| 92    | Possession of firearm knowing its possession is unauthorized               | 5 years |
| 93    | Possession at unauthorized place                                           | 5 years |
| 94    | Unauthorized possession in motor vehicle                                   | 5 years |
| 95    | Possession of prohibited or restricted firearm with ammunition             | 5 years |
| 96    | Possession of weapon obtained by commission of offence                     | 5 years |
| 98    | Breaking and entering to steal firearm                                     | 5 years |
| 98.1  | Robbery to steal firearm                                                   | 5 years |
| 99    | Weapon trafficking                                                         | 5 years |
| 100   | Possession for purpose of weapons trafficking                              | 5 years |
| 101   | Transfer without authority                                                 | 5 years |
| 102   | Making automatic firearm                                                   | 5 years |
| 102.1 | Possession of computer data (firearm)                                      | 5 years |
| 103   | Importing or exporting knowing it is unauthorized                          | 5 years |
| 104   | Unauthorized importing or exporting                                        | 5 years |
| 104.1 | Altering cartridge magazine                                                | 5 years |
| 105   | Losing or finding                                                          | 5 years |
| 106   | Destroying                                                                 | 5 years |

|        |                                                                      |                                                           |
|--------|----------------------------------------------------------------------|-----------------------------------------------------------|
| 107    | False statements                                                     | 5 years                                                   |
| 108    | Tampering with serial number                                         | 5 years                                                   |
| 109    | Mandatory prohibition order                                          | Ineligible for<br>as long as<br><br>order is in<br>effect |
| 110    | Discretionary prohibition order                                      | Ineligible for<br>as long as<br><br>order is in<br>effect |
| 117.01 | Possession contrary to order / failure to surrender<br>authorization | 5 years                                                   |

#### **Part IV – Offences Against the Administration of Law and Justice**

| <b>Section</b> | <b>Description of Offence</b>              | <b>Disqualifying<br/>Period</b> |
|----------------|--------------------------------------------|---------------------------------|
| 129            | Obstruct a public officer or peace officer | 2 years                         |
| 139            | Attempt to obstruct justice                | 2 years                         |

#### **Part V – Sexual Offences**

| <b>Section</b> | <b>Description of Offence</b>                                                                   | <b>Disqualifying<br/>Period</b> |
|----------------|-------------------------------------------------------------------------------------------------|---------------------------------|
| 151            | Sexual interference                                                                             | Indefinite                      |
| 152            | Invitation to sexual touching                                                                   | Indefinite                      |
| 153            | Sexual exploitation                                                                             | Indefinite                      |
| 153.1          | Sexual exploitation of person with disability                                                   | Indefinite                      |
| 155            | Incest                                                                                          | Indefinite                      |
| 160            | Bestiality / compelling the commission of bestiality / bestiality<br>in presence of or by child | Indefinite                      |
| 161            | Did not comply with order of prohibition                                                        | Indefinite                      |
| 162            | Voyeurism                                                                                       | Indefinite                      |
| 162.1          | Publication, etc., of an intimate image without consent                                         | Indefinite                      |
| 162.2          | Prohibition order                                                                               | Indefinite                      |

|       |                                                                                                                                     |            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------|------------|
| 163   | Obscene materials                                                                                                                   | 5 years    |
| 163.1 | Making child pornography / distribution, etc., of child pornography / possession of child pornography / accessing child pornography | Indefinite |
| 167   | Immoral theatrical performance                                                                                                      | 5 years    |
| 168   | Mailing obscene matter                                                                                                              | 5 years    |
| 170   | Parent or guardian procuring sexual activity                                                                                        | Indefinite |
| 171   | Householder permitting prohibited sexual activity                                                                                   | Indefinite |
| 171.1 | Making sexually explicit material available to child                                                                                | Indefinite |
| 172   | Corrupting children                                                                                                                 | Indefinite |
| 172.1 | Luring a child                                                                                                                      | Indefinite |
| 172.2 | Agreement or arrangement - sexual offences against child                                                                            | Indefinite |
| 173   | Indecent acts                                                                                                                       | 5 years    |

#### **Part VII – Offering, providing or obtaining sexual services for consideration**

| <b>Section</b> | <b>Description of Offence</b> | <b>Disqualifying Period</b> |
|----------------|-------------------------------|-----------------------------|
| 213            | Stopping or impeding traffic  | 5 years                     |

#### **Part VIII – Offences against the person**

| <b>Section</b> | <b>Description of Offence</b>              | <b>Disqualifying Period</b> |
|----------------|--------------------------------------------|-----------------------------|
| 219            | Criminal negligence                        | Indefinite                  |
| 220            | Causing death by criminal negligence       | Indefinite                  |
| 221            | Causing bodily harm by criminal negligence | Indefinite                  |
| 222            | Homicide                                   | Indefinite                  |
| 235            | Punishment for murder                      | Indefinite                  |
| 236            | Manslaughter                               | Indefinite                  |
| 239            | Attempt to commit murder                   | Indefinite                  |

|         |                                                                                          |            |
|---------|------------------------------------------------------------------------------------------|------------|
| 240     | Accessory after fact to murder                                                           | Indefinite |
| 241     | Counselling or aiding suicide                                                            | Indefinite |
| 244     | Discharging firearm with intent                                                          | Indefinite |
| 245     | Administering noxious thing                                                              | Indefinite |
| 246     | Overcoming resistance to commission of offence                                           | Indefinite |
| 248     | Interfering with transportation facilities                                               | Indefinite |
| 264.1   | Uttering threats                                                                         | 5 years    |
| 265     | Assault                                                                                  | 5 years    |
| 266     | Assault                                                                                  | 5 years    |
| 267     | Assault with a weapon or causing bodily harm                                             | 5 years    |
| 268     | Aggravated assault                                                                       | Indefinite |
| 269     | Unlawfully causing bodily harm                                                           | 5 years    |
| 269.1   | Torture                                                                                  | Indefinite |
| 270     | Assaulting a peace officer                                                               | 5 years    |
| 270.01  | Assaulting a peace officer with a weapon causing bodily harm                             | 5 years    |
| 270.02  | Aggravated assault of a peace officer                                                    | 5 years    |
| 270.1   | Disarming a peace officer                                                                | 5 years    |
| 271     | Sexual assault                                                                           | Indefinite |
| 272     | Sexual assault with a weapon, threats to a third party or causing bodily harm            | Indefinite |
| 273     | Aggravated sexual assault                                                                | Indefinite |
| 273.3   | Removal of child from Canada                                                             | 5 years    |
| 279     | Kidnapping / forcible confinement                                                        | Indefinite |
| 279.01  | Trafficking in persons                                                                   | Indefinite |
| 279.011 | Trafficking of a person under the age of eighteen years                                  | Indefinite |
| 279.02  | Material benefit – trafficking / material benefit – trafficking of person under 18 years | 5 years    |

|        |                                                                                                                                     |         |
|--------|-------------------------------------------------------------------------------------------------------------------------------------|---------|
| 279.03 | Withholding or destroying documents – trafficking / withholding or destroying documents –<br>trafficking of a person under 18 years | 5 years |
| 279.04 | Exploitation / organ or tissue removal                                                                                              | 5 years |
| 279.1  | Hostage taking                                                                                                                      | 5 years |
| 280    | Abduction of person under age of 16, 17, 18                                                                                         | 5 years |
| 281    | Abduction of person under age of 14, 15, 16                                                                                         | 5 years |
| 282    | Abduction in contravention of custody or parenting order                                                                            | 5 years |
| 283    | Abduction                                                                                                                           | 5 years |
| 286.1  | Obtaining sexual services for consideration                                                                                         | 5 years |

#### **Part VIII.1 – Offences relating to conveyances**

| <b>Section</b> | <b>Description of offence</b>                                                                                 | <b>Disqualifying period</b> |
|----------------|---------------------------------------------------------------------------------------------------------------|-----------------------------|
| 320.13         | Dangerous operation / operation causing bodily harm / operation causing death                                 | 5 years                     |
| 320.14         | Operation while impaired / operation causing bodily harm / operation causing death                            | 5 years                     |
| 320.15         | Failure or refusal to comply with demand / accident resulting in bodily harm / accident<br>resulting in death | 5 years                     |
| 320.16         | Failure to stop after accident / accident resulting in bodily harm / accident resulting in death              | 5 years                     |
| 320.17         | Flight from peace officer                                                                                     | 5 years                     |
| 320.18         | Operation while prohibited                                                                                    | 5 years                     |
| 320.36         | Authorized use of bodily substance / unauthorized use or disclosure of results                                | 5 years                     |

#### **Part IX – Offences against rights of property**

| <b>Section</b> | <b>Description of Offence</b>           | <b>Disqualifying Period</b> |
|----------------|-----------------------------------------|-----------------------------|
| 322            | Theft                                   | 5 years                     |
| 323            | Oysters (theft)                         | 5 years                     |
| 324            | Theft of bailee of things under seizure | 5 years                     |

|        |                                                                                |         |
|--------|--------------------------------------------------------------------------------|---------|
| 326    | Theft of telecommunication device                                              | 5 years |
| 327    | Possession of device to obtain use of telecommunication facility or service    | 5 years |
| 330    | Theft by person required to account / effect of entry in account               | 5 years |
| 331    | Theft by person holding power of attorney                                      | 5 years |
| 332    | Misappropriation of money held under direction                                 | 5 years |
| 333.1  | Motor vehicle theft                                                            | 5 years |
| 335    | Taking motor vehicle or vessel or found therein without consent                | 5 years |
| 336    | Criminal breach of trust                                                       | 5 years |
| 338    | Fraudulently taking cattle or defacing brand                                   | 5 years |
| 339    | Taking possession etc., of drift timber / dealer in second-hand goods          | 5 years |
| 340    | Destroying documents of title                                                  | 5 years |
| 341    | Fraudulent concealment                                                         | 5 years |
| 342    | Theft, forgery, etc., of credit card / unauthorized use of credit card         | 5 years |
| 342.01 | Instruments for copying credit card data or forging or falsifying credit cards | 5 years |
| 342.1  | Unauthorized use of computer                                                   | 5 years |
| 342.2  | Possession of device to obtain use of computer system or to commit mischief    | 5 years |
| 343    | Robbery                                                                        | 5 years |
| 344    | Robbery                                                                        | 5 years |
| 345    | Stopping mail with intent                                                      | 5 years |
| 346    | Extortion                                                                      | 5 years |
| 347    | Criminal interest rate                                                         | 5 years |
| 348    | Breaking and entering                                                          | 5 years |
| 348.1  | Aggravating circumstance – home invasion                                       | 5 years |
| 349    | Being unlawfully in dwelling-house                                             | 5 years |



|       |                                                                                        |         |
|-------|----------------------------------------------------------------------------------------|---------|
| 351   | Possession of break-in instrument / disguise with intent                               | 5 years |
| 352   | Possession of instruments for breaking into coin-operated or currency exchange devices | 5 years |
| 353   | Selling, etc., automobile master key                                                   | 5 years |
| 353.1 | Tampering with vehicle identification number                                           | 5 years |
| 354   | Possession of property obtained by crime / obliterated vehicle identification number   | 5 years |
| 355   | Possession of property (punishment)                                                    | 5 years |
| 355.2 | Trafficking in property obtained by crime                                              | 5 years |
| 355.3 | In rem prohibition                                                                     | 5 years |
| 355.4 | Possession of property obtained by crime – trafficking                                 | 5 years |
| 356   | Theft from mail                                                                        | 5 years |
| 357   | Bringing into Canada property obtained by crime                                        | 5 years |
| 362   | False pretense or false statement / presumption from cheque issued without funds       | 5 years |
| 363   | Obtaining execution of valuable security by fraud                                      | 5 years |
| 364   | Fraudulently obtaining food, beverage or accommodation                                 | 5 years |
| 366   | Forgery                                                                                | 5 years |
| 368   | Use, trafficking or possession of forged document                                      | 5 years |
| 368.1 | Forgery instruments                                                                    | 5 years |
| 369   | Exchequer bill paper, public seals, etc.                                               | 5 years |
| 372   | False information / indecent communication / harassing communications                  | 5 years |
| 374   | Drawing document without authority, etc.                                               | 5 years |
| 375   | Obtaining. etc. by instrument based on forged document                                 | 5 years |
| 376   | Counterfeiting stamp, etc. / counterfeiting mark                                       | 5 years |
| 377   | Damaging documents                                                                     | 5 years |
| 378   | Offences in relation to registers                                                      | 5 years |

**Part X – Fraudulent transactions**

| <b>Section</b> | <b>Description of Offence</b>                                                                      | <b>Disqualifying Period</b> |
|----------------|----------------------------------------------------------------------------------------------------|-----------------------------|
| 380            | Fraud / affecting public market                                                                    | 5 years                     |
| 381            | Using mail to defraud                                                                              | 5 years                     |
| 382            | Fraudulent manipulation of stock exchange transactions                                             | 5 years                     |
| 382.1          | Prohibited insider trading / tipping                                                               | 5 years                     |
| 383            | Gaming in stocks or merchandise                                                                    | 5 years                     |
| 384            | Broker reducing stock by selling for their own account                                             | 5 years                     |
| 385            | Fraudulent concealment of title documents                                                          | 5 years                     |
| 386            | Fraudulent registration of title                                                                   | 5 years                     |
| 387            | Fraudulent sale of real property                                                                   | 5 years                     |
| 388            | Misleading receipt                                                                                 | 5 years                     |
| 389            | Fraudulent disposal of goods on which money advanced                                               | 5 years                     |
| 390            | Fraudulent receipts under bank act                                                                 | 5 years                     |
| 391            | Trade secret / trade secret – prior knowledge                                                      | 5 years                     |
| 392            | Disposal of property to defraud creditors                                                          | 5 years                     |
| 393            | Fraud in relation to fares, etc. / fraudulently obtaining transportation                           | 5 years                     |
| 394            | Fraud in relation to valuable minerals / sale of valuable minerals / purchase of valuable minerals | 5 years                     |
| 394.1          | Possession of stolen fraudulently obtained valuable minerals                                       | 5 years                     |
| 396            | Offences in relation to mines                                                                      | 5 years                     |
| 397            | Falsification of books and documents                                                               | 5 years                     |
| 398            | Falsifying employment record                                                                       | 5 years                     |
| 399            | False return by public officer                                                                     | 5 years                     |
| 400            | False prospectus, etc.                                                                             | 5 years                     |

|       |                                                                                       |         |
|-------|---------------------------------------------------------------------------------------|---------|
| 401   | Obtaining carriage by false billing                                                   | 5 years |
| 402.2 | Identity theft / trafficking in identity information                                  | 5 years |
| 403   | Identity fraud                                                                        | 5 years |
| 405   | Acknowledging instrument in false name                                                | 5 years |
| 407   | Offence (forging trademark)                                                           | 5 years |
| 408   | Passing off (forging trademark)                                                       | 5 years |
| 409   | Instruments for forging trademark                                                     | 5 years |
| 410   | Other offences in relation to trademarks                                              | 5 years |
| 411   | Used goods sold without disclosure                                                    | 5 years |
| 415   | Offences in relation to wreck                                                         | 5 years |
| 417   | Applying or removing marks without authority / unlawful transactions in public stores | 5 years |
| 418   | Selling defective stores to her majesty                                               | 5 years |
| 419   | Unlawful use of military uniforms or certificates                                     | 5 years |
| 420   | Military stores                                                                       | 5 years |
| 422   | Criminal breach of contract                                                           | 5 years |
| 423   | Intimidation                                                                          | 5 years |
| 423.1 | Intimidation of a justice system participant or a journalist                          | 5 years |
| 423.2 | Intimidation – health services                                                        | 5 years |
| 424   | Threat against internationally protected person                                       | 5 years |
| 424.1 | Threat against united nations or associated personnel                                 | 5 years |
| 425   | Offences by employers                                                                 | 5 years |
| 425.1 | Threats and retaliation against employees                                             | 5 years |
| 426   | Secret commissions                                                                    | 5 years |

## **Part XI – Willful and forbidden acts in respect of certain property**

| Section | Description of offence                                                                   | Disqualifying period |
|---------|------------------------------------------------------------------------------------------|----------------------|
| 430     | Mischief                                                                                 | 5 years              |
| 431     | Attack on premises, residence or transport of internationally protected person           | 5 years              |
| 431.1   | Attack on premises, accommodation or transport of united nations or associated personnel | 5 years              |
| 431.2   | Explosive or lethal device (deliver, place, discharge or detonate)                       | 5 years              |
| 432     | Unauthorized recording of a movie / unauthorized recording for purpose of sale, etc.     | 5 years              |
| 433     | Arson – disregard for human life                                                         | 5 years              |
| 434     | Arson – damage to property                                                               | 5 years              |
| 434.1   | Arson – own property                                                                     | 5 years              |
| 435     | Arson for fraudulent purpose                                                             | 5 years              |
| 436     | Arson by negligence                                                                      | 5 years              |
| 436.1   | Possession of incendiary material                                                        | 5 years              |
| 437     | False alarm of fire                                                                      | 5 years              |
| 438     | Interfering with saving of wrecked vessel                                                | 5 years              |
| 439     | Interfering with marine signal, etc.                                                     | 5 years              |
| 440     | Removing natural bar without permission                                                  | 5 years              |
| 441     | Occupant injuring building                                                               | 5 years              |
| 442     | Interfering with boundary lines                                                          | 5 years              |
| 443     | Interfering with boundary marks, etc.                                                    | 5 years              |
| 445     | Injuring or endangering other animals                                                    | 5 years              |
| 445.2   | Cetacean, captivity and breeding                                                         | 5 years              |
| 445.01  | Killing or injuring certain animals                                                      | 5 years              |
| 445.1   | Causing unnecessary suffering                                                            | 5 years              |
| 446     | Causing damage or injury                                                                 | 5 years              |

|       |                                                       |         |
|-------|-------------------------------------------------------|---------|
| 447   | Arena for animal fighting                             | 5 years |
| 447.1 | Breach of order (owning or custody of animal or bird) | 5 years |

## **Part XII – Offences related to currency**

| <b>Section</b> | <b>Description of offence</b>                                                                            | <b>Disqualifying period</b> |
|----------------|----------------------------------------------------------------------------------------------------------|-----------------------------|
| 449            | Making (counterfeit money)                                                                               | 5 years                     |
| 450            | Possession, etc., of counterfeit money                                                                   | 5 years                     |
| 451            | Having clippings, etc.                                                                                   | 5 years                     |
| 452            | Uttering, etc., counterfeit money                                                                        | 5 years                     |
| 453            | Uttering coin                                                                                            | 5 years                     |
| 454            | Slugs and tokens                                                                                         | 5 years                     |
| 455            | Clipping and uttering clipped coin                                                                       | 5 years                     |
| 456            | Defacing current coins                                                                                   | 5 years                     |
| 457            | Likeness of bank-notes                                                                                   | 5 years                     |
| 458            | Making, having or dealing in instruments for counterfeiting                                              | 5 years                     |
| 459            | Conveying instruments for coining out of mint                                                            | 5 years                     |
| 460            | Advertising and dealing in counterfeit money, etc. /<br>fraudulent use of money genuine but<br>valueless | 5 years                     |

## **Part XIII Attempts – Conspiracies – Accessories**

| <b>Section</b> | <b>Description of Offence</b>                          | <b>Disqualifying Period</b> |
|----------------|--------------------------------------------------------|-----------------------------|
| 463            | Attempt to commit offence                              | varies by offence           |
| 464            | Counselling offence                                    | varies by offence           |
| 465            | Conspiracy to commit offence                           | varies by offence           |
| 467.11         | Participation in activities of a criminal organization | Indefinite                  |
| 467.111        | Recruitment of members by a criminal organization      | Indefinite                  |

|        |                                                                |            |
|--------|----------------------------------------------------------------|------------|
| 467.12 | Commit offence for a criminal organization                     | Indefinite |
| 467.13 | Instructs person to commit offence for a criminal organization | Indefinite |