

Motion

Agenda Number: 22.3
Date: May 13, 2021

Moved by Councillor Dasko
Seconded by Councillor

Whereas according to section 75 of the *Highway Traffic Act (HTA)*, every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke and no person shall use a muffler cut-out, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device upon a motor vehicle;

And whereas, the act of modifying the exhaust system of a motor vehicle is not currently an offence under the *HTA* and as a result, muffler and auto-body shops continue to provide such services and individuals modify cars that could lead to unsafe vehicles;

And whereas, Peel Regional Police have been actively laying charges pursuant to section 75 of the *HTA* against motor vehicle operators whose vehicles make excessive or unusual noise or produce excessive smoke from muffler systems that have been modified;

And whereas, on October 28, 2019, the Province of Ontario introduced *Bill 132, Better for People, Smarter for Business Act, 2019* which in part sought to amend the *HTA* to include a new section 75.1 that will make it an offence to tamper with motor vehicles by (a) removing, bypassing, defeating or rendering inoperative all or part of a motor vehicle's emission control system or (b) modifying a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle;

And whereas, section 75.1 of the *HTA* will also prohibit the sale of tampering devices that can create excessive noise or smoke on our streets and in our neighbourhoods;

And whereas, on December 10, 2019, Bill 132 received Royal Assent; however, the Lieutenant Governor has not yet proclaimed section 75.1 of the *HTA* despite over a year having passed since Bill 132 received Royal Assent;

And whereas, on August 5, 2020, the Council for The Corporation of the City of Mississauga passed Resolution 0284-2020 calling on the Province of Ontario to immediately proclaim and bring into force section 75.1 of the *HTA*;

And whereas, on May 5, 2021 the Council for The Corporation of the City of Mississauga passed Resolution 0095-2021 with this similar proposed motion;

Therefore be it resolved, that in recognition of the continuous problem in the Region of Peel and other municipalities related to modified mufflers that create excessive or unusual noise and excessive smoke, an urgent request be made to the Province of Ontario that section 75.1 of the *Highway Traffic Act* be proclaimed and brought into force immediately;

And further, that the Ministry of Transportation be requested to set a measured decibel count that exhaust systems will not be available for sale and will not be permitted in the Province of Ontario if they have the capability of exceeding 80 decibels;

And further, that the Ministry of Transportation be requested to consider further amendments to the *Highway Traffic Act* related to permitted decibel counts for exhaust systems, including stricter penalty provisions such as a fine with a minimum of \$500.00 and a loss of three demerit points;

And further, that the Province of Ontario provide funding for the Police Services in Ontario to be equipped with approved decibel monitor devices in order to enforce effectively and efficiently;

And further, that a copy of this motion be sent to the Minister of Transportation, all Peel area Members of Provincial Parliament, Association of Municipalities of Ontario, Peel Regional Police and the Ontario Provincial Police, for information.

Regional Chair