

Town of Whitby  
575 Rossland Road East,  
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whitby.ca



December 6, 2021

Via Email:

Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable Caroline Mulroney  
Ministry of Transportation  
[caroline.mulroney@pc.ola.org](mailto:caroline.mulroney@pc.ola.org)

Re: Request for Provincial Legislation Related to Excessive Vehicle Noise

Please be advised that at a meeting held on November 29, 2021, the Council of the Town of Whitby adopted the following as Resolution # 314-21:

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 to individuals who choose to modify their vehicles which could negatively impact the safety of the vehicle; and,

Whereas Durham Regional Police Service has 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 Council continues to receive negative feedback about an increase in noise due to modified vehicles on Regional and local roads; 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, as well as prohibit the sale of tampering devices that can create excessive noise or smoke on our streets and in our neighbourhoods; and,

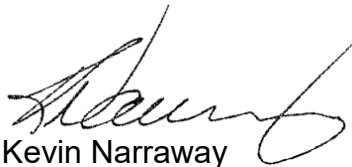
Whereas Bill 132 received Royal Assent on December 10, 2019, however, the Lieutenant Governor has not yet proclaimed section 75.1 of the HTA; and,

Whereas the City of Mississauga, Region of Peel, City of Oshawa and Town of Ajax have already passed motions calling on the Province of Ontario to immediately proclaim and bring into force section 75.1 of the HTA.

Now therefore be it resolved that:

1. That Council urge the Province of Ontario to work with the Lieutenant Governor to expedite the proclamation of section 75.1 of the Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11);
2. That the Ministry of Transportation be requested to set a maximum decibel count for exhaust systems to ensure that exhaust systems with the capability of exceeding 80 decibels will not be available for sale and will not be permitted in the Province of Ontario, and consider reviewing and increasing associated penalties for noncompliance;
3. The Province of Ontario be requested to provide funding for police services in Ontario to be equipped with approved decibel monitor devices to aid in effective enforcement efforts; and,
4. That a copy of this motion be sent to the Hon. Caroline Mulroney, Minister of Transportation, Lorne Coe, MPP Whitby, all Durham Region Members of Provincial Parliament, the Region of Durham, all Durham Region municipalities, Durham Regional Police Service, and the Ontario Provincial Police

Should you require further information, please do not hesitate to contact Enforcement Services at 905-430-4345.



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Manager of Legislative Services/Deputy Clerk

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