



MISSISSAUGA

RESOLUTION 0095-2021
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on May 5, 2021

0095-2021

Moved by: S. Dasko

Seconded by: K. Ras

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, 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;

THEREFORE be it resolved that in recognition of the continuous problem in Mississauga and other municipalities related to modified mufflers that create excessive or unusual noise and excessive smoke, that Council make a second and urgent request to the Province of Ontario that section 75.1 of the Highway Traffic Act be proclaimed and brought into force immediately;

AND THEREFORE be it resolved that Council makes a request for a measured decibel count to the Ministry of Transportation 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 THEREFORE be it resolved that Council requests 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 THEREFORE be it resolved 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 THEREFORE be it resolved that a copy of this motion be sent to all Mississauga area Members of Provincial Parliament, the Association of Municipalities of Ontario, Peel Regional Police, Ontario Provincial Police, Region of Peel Council and the Road Safety Committee for information.

| Recorded Vote | YES | NO | ABSENT | ABSTAIN |
|------------------------|------------|-----------|---------------|----------------|
| Mayor B. Crombie | X | | | |
| Councillor S. Dasko | X | | | |
| Councillor K. Ras | X | | | |
| Councillor C. Fonseca | X | | | |
| Councillor J. Kovac | X | | | |
| Councillor C. Parrish | | X | | |
| Councillor R. Starr | | X | | |
| Councillor D. Damerla | X | | | |
| Councillor M. Mahoney | X | | | |
| Councillor P. Saito | X | | | |
| Councillor S. McFadden | X | | | |
| Councillor G. Carlson | X | | | |

Unanimous (10, 2, 0 – Absent)