

Ministry of
Transportation

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Councillor Eli El-Chantiry
Chair
Ottawa Police Services Board
110 Laurier Avenue West
Ottawa ON K1P 1J1

RECEIVED
June 14/16
OFFICE OF
ELI EL-CHANTIRY

Dear Councillor El-Chantiry:

Thank you for your letter on behalf of the Ottawa Police Services Board requesting amendments to the *Highway Traffic Act* (HTA) to prescribe a specific tint opacity for windows on passenger vehicles and allow for the use of photometric metres by enforcement authorities. I appreciate the opportunity to respond.

As you indicate, the regulation of vehicle window tinting standards is a shared responsibility between the federal and provincial governments. The federal government regulates window tint levels on new vehicles under the *Motor Vehicle Safety Act*, which requires tinted windows to allow 70 per cent of light to pass through the glass. Ontario regulates after-market window tinting under Sections 73 and 74 of the HTA. These provisions prohibit window tinting that either obstructs the driver's view of the highway, or substantially obscures the interior of the vehicle when viewed from the outside.

It is important to note that the HTA does not specify the type of equipment to be used to test the tinting level of a window. Therefore, the use of photometers or some other technology that can produce reliable results may already be used to ascertain the tint level and gather evidence to support a conviction.

I would also like to note that the ministry will be updating its light-duty vehicle standards effective July 1, 2016. These standards will require motor vehicle inspection stations to test window tinting as a part of the safety standards inspection. Any vehicle exceeding the federal tinting standard noted above will not meet the requirements for a safety standards certificate. Without a safety standards certificate, the vehicle cannot be registered. The purchaser of the vehicle would have to correct the issue of the window tint to bring it into compliance with the new standards before a safety standards certificate could be issued.

OTTAWA POLICE
SERVICES BOARD

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While these new standards will address the issue of excessive window tinting in new and resale vehicles, we are aware that there will be vehicles currently owned by drivers that may still be of concern. Although the ministry continues to evaluate its policies in the interests of improving the safety of all road users, the current wording of the HTA window tinting provision was upheld by an appellant court in the case R. v. Belair, 2005 ONCJ 345. It was held to be intelligible and not vague and therefore capable of being enforced.

Beyond this, the existing window tinting law is effective in garnering convictions. Ministry conviction data indicate that charges are being laid regularly and convictions are being obtained. In 2013, there were 1,271 convictions for window colour coating violations obscuring views.

Nevertheless, we welcome suggestions such as yours to achieve our road safety objectives. As we review our policies, we will keep your letter on file as we will continue to explore and implement road safety measures.

Thank you again for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Del Duca', written in a cursive style.

Steven Del Duca
Minister