



## RESOLUTION 2022-04

### Increase Owner Liability in Ontario

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**WHEREAS** penalties and sanctions associated with extreme speed and aggressive driving have progressively become more severe in Ontario in recent years, leading to significant repercussions for those charged and convicted, and

**WHEREAS** the *Moving Ontarians More Safely Act 2021* stipulates that if a driver is convicted of racing or stunt driving offences, the sentence is similar to those imposed on impaired drivers: increased fines and long-term driver's licence suspensions, and

**WHEREAS** drivers are making a conscious choice to not stop when signaled to do so, and instead, make aggressive and dangerous maneuvers to evade police and subsequent sanctions, and

**WHEREAS** vehicle type can be an aggravating factor in fail-to-stop occurrences: motorcycles and high-performance vehicles are virtually track-ready racing machines. These machines, when operated at excessive speeds, literally become missiles that pose an extreme risk to the safety of pedestrians, cyclists, and other vulnerable road users, such as seniors and children, and

**WHEREAS** there are very few counter-measures officers can use to apprehend these types of drivers, and

**WHEREAS** the Provincial Suspect Apprehension Pursuit Regulation 2010 provides clear criteria for police officers to consider when initiating or continuing pursuits, and

**WHEREAS** the Provincial Suspect Apprehension Pursuit Regulation 2010 states that police officers must continually balance public safety risks in situations where a pursuit may be, or has been initiated, and

**WHEREAS** the Provincial Suspect Apprehension Pursuit Regulation 2010 states that after a vehicle has been signaled to stop for a *Highway Traffic Act* offence, if the officer can identify either the vehicle or the driver, the officer cannot continue to pursue the vehicle if it fails to stop, and

**WHEREAS** in instances where the officer is unable to identify the driver, there are no alternate law enforcement mechanisms available to apprehend the offender at the time of the offence, and

**WHEREAS** when a driver cannot be identified, extensive follow-up investigations often prove fruitless, and ultimately leads to the fleeing offender escaping legal culpability, and

**WHEREAS** officers routinely encounter vehicle owners who refuse to assist in follow-up investigations in instances where police are unable to identify the driver at the time of the offence, and

**WHEREAS** current Ontario legislation does not provide any legal obligation for the registered owner of a vehicle to assist police in their investigation, and

**WHEREAS** the *Highway Traffic Act* recognizes that owners have some liability for administrative offences, however that liability does not extend to any driving offences committed while another individual is operating their vehicle, and most moving violations require the identification of the driver before charges can be laid or vehicles seized, and

**WHEREAS** section 207 of the *Highway Traffic Act* provides that owners can be held accountable for offences relating to driver's licences, motor vehicle permits and plates, vehicle safety and equipment, and some commercial motor vehicle offences, and

**WHEREAS** automated enforcement measures, such as red-light cameras and automated speed enforcement, are offences where the owner is accountable for how their vehicle is operated, and

**WHEREAS** section 207 of the *Highway Traffic Act* explicitly excludes owners from any liability for offences such as stunt driving, careless driving, fail-to-stop for police, and most other moving violations. For these excluded offences, only the driver, once identified, can be charged, and

**WHEREAS** other Canadian jurisdictions, including Nova Scotia, Newfoundland and Labrador, and Prince Edward Island have created legislation forcing the registered vehicle owner to identify the driver, or face penalties for the driver's offences themselves, and

**WHEREAS** the *British Columbia Motor Vehicle Act* specifies that an owner of a vehicle is vicariously liable for the negligence of the driver for all offences in contravention to the *Motor Vehicle Act*, and

**WHEREAS** dangerous driving behaviour could be greatly reduced by holding owners accountable for any person who drives their vehicle, and

**WHEREAS** by making the proposed resolutions below, law enforcement would not need to identify the driver in order to have the vehicle impounded and lay charges for driving offences that endanger the public, and

**THEREFORE BE IT RESOLVED** that the Ontario Association of Chiefs of Police (OACP) calls on the Government of Ontario to conduct a review of the *Highway Traffic Act* owner liability for more serious provincial offences, specifically stunt driving, careless driving, and fail-to-stop for emergency vehicle, and

**BE IT FURTHER RESOLVED** that the OACP calls on the Government of Ontario to amend the *Highway Traffic Act* to hold registered owners of motor vehicles accountable for stunt driving, careless driving, and fail-to-stop for emergency vehicle offences when the driver fails to stop and cannot be identified.