

Lights, Camera Infractions: A Review of Ontario's Automatic Enforcement System Offence Regime, the Risks to Commercial Vehicle Carriers and How Operators Can Protect Themselves

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For commercial vehicle carriers in Canada and the USA, day-to-day operations are more challenging than ever. While the industry adapts to the macroeconomic headwinds which have manifested over the past 18 months, carriers with operations across state, provincial and federal borders must continue to monitor and comply with several complex, evolving regulatory frameworks.

Among the greatest challenges for Canadian carriers is managing their safety fitness certificate and safety record, which are administered by the province in which their vehicles are plated. The province monitors the carrier's on-the-road performance in all Canadian jurisdictions in which they operate.

In Ontario, carrier safety profiles and ratings are administered by its Ministry of Transportation (the **"MTO"**) under the Commercial Vehicle Operator's Registration (**"CVOR"**) program. These profiles and ratings are significantly impacted by convictions under Ontario's *Highway Traffic Act*^[1] (the **"HTA"**), and certain other safety-related statutes and regulations.

The *HTA* allows prosecutors to prove certain offences through the use of evidence obtained from automatic enforcement systems (**"AES"**), such as red light cameras (**"AES Offences"**). An AES uses a combination of cameras, sensors and software to automatically create and store records of an offence, which can be used to prove an AES Offence once certified by an officer. Since AES programs do not capture or store photos or other information on drivers, AES Offences are issued to the registered owner of the vehicle involved with a recorded offence.

Due to the unique character of their evidentiary basis for conversion, AES Offences are incredibly difficult to defend, and equally difficult to resolve. In addition, AES Offences carry among the most severe CVOR penalties imposed by the MTO.

Recently, AES Offences have come under scrutiny by Ontario's government. This scrutiny has resulted in Ontario prohibiting the use of AES programs to convict for speeding offences (described in more detail below). However - AES Offences for other driver misconduct remain a significant regulatory risk for any trucking company that travels on Ontario roads. Ontario's recent change in AES Offence policy provides an opportunity to survey AES Offences, their potential harm to a carrier's regulatory standing, and how carriers can implement practices to manage their risk.

Regulating Carrier Safety In Canada

To appreciate the significance of AES Offences, a summary of the carrier safety record regime in Canada and Ontario will be helpful.

Canada's regime for monitoring and assessing the safety record of commercial vehicle operators is administered provincially, and is based on Canada's *National Safety Code*[2] (the "**NSC**"). The NSC imposes nationwide minimum standards for several aspects of commercial vehicle operation and maintenance, including a harmonized minimum requirements for maintaining and assessing carrier safety standards and performance.

Carrier Profiles

Provincial authorities are required to maintain a carrier profile for all of its resident carriers. The NSC requires the following data to be included in a carrier profile:

- I. all reportable accidents;
- II. the results of commercial vehicle inspections;
- III. convictions against the motor carrier and its drivers resulting from violations of applicable highway safety laws and regulations and the Criminal Code provisions relating to the operation of vehicles;
- IV. hours-of-service convictions against the motor carrier and its drivers;
- V. commercial vehicle maintenance convictions against the motor carrier and its drivers;
- VI. commercial vehicle load security convictions against the motor carrier and its drivers;
- VII. motor carrier convictions against the motor carrier and its drivers under the federal *Transportation of Dangerous Goods Act*[3] and Regulations, and other similar provincial or territorial legislation regulating these substances;
- VIII. commercial vehicle weight and dimension convictions against the motor carrier and its drivers;
- IX. results of motor carrier facility audits;
- X. administrative sanctions assessed by a provincial authority for violations of safety laws; and
- XI. information respecting paragraphs (a) to (j) received from another province or territory, from the United States or Mexico, or from a state of the United States or Mexico.[4]

Collectively, the above items are referred to as "**Carrier Data**".

Carrier profiles must maintain Carrier Data for a period of 24 months.[5] In addition to Carrier Data collected on vehicles that a carrier owns, leases and is otherwise responsible for, the MTO tracks Carrier Data for drivers who are employed or otherwise engaged by carriers[6]

Carrier profiles include Carrier Data recorded from outside its home province's borders. A key feature of the NSC's carrier profile regime is the requirement for provincial authorities to cooperate with one another in recording and sharing data. Every provincial authority must forward, as soon as practicable, Carrier Data that they collect on a non-resident carrier with its home jurisdiction, including foreign governments.[7]

Safety Ratings

Provincial authorities use Carrier Data to determine a carrier's safety rating. Provincial authorities are required to take a "weighted value" approach to safety ratings – each Carrier Data entry listed in a carrier profile must be assigned a value, based on its severity and potential safety impact. Those values must then be adjusted, using metrics like fleet size,[8] to account for the carrier's exposure to risk.

Once adjusted – provincial authorities must assign the carrier a safety rating that is determined using the NSC's standard categories,[9] and any additional standards or ratings that the authority wishes to apply.

Ontario's Safety Rating Regime

Ontario's CVOR carrier profile uses four categories of Carrier Data – inspections, collisions, convictions, and facility audits – to determine carrier safety ratings.[10] The first three categories – inspections, collisions and convictions (the "**On-Road Categories**") – measure the on-road safety performance of a carrier using a points system.

Violations under each On-Road Category are assigned penalty points, commonly referred to as "CVOR Points," based on their severity.[11] Carriers are assigned a "threshold" of CVOR Points they can accumulate under each On-Road Category in a given period, which is determined by a carrier's fleet size, number of drivers, and average distance travelled.[12] A carrier's performance in each On-Road Category is measured by calculating the accumulated CVOR Points as a percentage of the corresponding threshold – this metric is called a "Violation Rate." [13]



A safety rating may be impacted by a failed facility audit, or a carrier's affiliation with a poor-performing carrier. For the most part, however, an Ontario carrier's safety rating is based on their "Overall Violation Rate."^[14] An Overall Violation Rate is simply the weighted average of a carrier's Violation Rate across all three On-Road Categories. When calculating a carrier's Overall Violation Rate, the MTO deems CVOR Points accrued from collisions or convictions to be twice as severe as those accrued from inspections.^[15]

Simply put – one of the greatest operational risks to an Ontario carrier's safety rating is the accumulation of CVOR Points from collisions or convictions. With this context, let's now examine how significant a risk AES Offences can pose.

AES Offences – A Brief History

Ontario's AES programs were first authorized in 1998.^[16] A provision was added to the *HTA* which granted officers authority to charge vehicle owners for failing to stop at red lights, using evidence obtained through red light camera systems.^[17] Since then, Ontario has added AES programs to prosecute offences such as speeding, improperly passing a street car, or driving dangerously around a stopped school bus.

When AES Offence legislation was first being debated, Ontario Parliament largely presented evidence-based arguments that AES was correlated with reducing collisions and generally improving public safety.^[18] The same evidence-based policy reasons were reiterated when the Province has sought expansions to the AES offence regime.^[19] The MTO seeks to achieve policy objectives which are in line with these goals in the administration of its CVOR safety rating program.^[20]

For the most part, deployment of AES has been popular with Ontario's municipalities. As one example – between 2007 and 2025, the City of Toronto increased the number of intersections with AES installed from 77 to 320 – a 315% increase. During this period, annual red light AES Offences also grew from 410 to 140,621.

Today, three categories of AES Offences are in force in Ontario:

- Failing to stop at a red light;^[22]
- Improperly passing or overtaking a streetcar;^[23] and
- Improperly passing a school bus while its stop arm or overhead lights are deployed.^[24]

Recent Changes to Ontario's AES Offence Regime

Between 2017^[25] and 2025, Ontario also used an AES program to enforce speeding violations in designated community safety zones.^[26]

On November 14, 2025, Ontario's Bill 56^[27] received royal assent. One of the key provisions of this Bill was an amendment to the *HTA* that effectively removed authority to issue offences for speeding with the use of AES programs. The primary intent of this amendment under Bill 56 was to shift government policy in road safety enforcement, which would eliminate the "cash grab" speed cameras in favour of road safety measures like speed bumps, roundabouts and improved signage.^[28]

It is important to note that the Ontario Government's justification for repealing this authority was not inconsistent with the original policy goals of AES Offences. The Ontario Government has stated that it still aims to enforce road safety in Ontario – it is just trying to do so without "making life more expensive."^[29]

The Impact of AES Offences

AES evidence captures photos and information about the vehicle, but not the driver. AES Offences are therefore issued to the registered owner of the involved vehicle.^[30]

The fines are relatively small – ranging from CAD \$85 to \$400, plus administrative fees and additional surcharges.^[31] For individual vehicle owners, AES Offences do not carry any demerit points to be added on their license, and do not appear on their driving record, meaning they cannot impact insurance premiums. Essentially – AES offences are monetary penalties for individuals. For CVOR carriers – it is a different story.

When a carrier is convicted of an offence under the *HTA*, Canada's *Criminal Code*,^[32] and other road safety-related statutes and regulations, the MTO assigns conviction points to its profile. Points for an offence range between 0 and 5, based on its severity.^[33] In accordance with the *NSC*, a conviction entered against a carrier, or a person driving for the carrier, remains on the carrier's profile for a period of two years from the date of conviction.

All AES Offences in the MTO's *Conviction Table* carry a penalty of 5 CVOR conviction Points.^[34] This is the most severe penalty imposed under the MTO's *Conviction Table* for a single offence. For the purposes of a carrier's safety rating, AES offences are as severe as:

1. A conviction under the *Criminal Code* for driving while intoxicated;^[35]
2. A conviction under the *Criminal Code* for criminal negligence causing death;^[36] and



3. A conviction under the *HTA* for careless driving.[37]

For carriers of all sizes, a few AES Offence convictions in a short period can quickly become a risk to its operations. The MTO automatically begins imposing disciplinary measures when a carrier's Overall Violation Rate exceeds 35% of its threshold. These begin with Interventions, typically a warning letter,[38] but can also include interviews, audits, and/or other measures.[39] If a carrier's Overall Violation Rate increases further, or does not decrease within a reasonable period of time, the MTO has discretion to impose additional measures on carriers, including imposing a conditional safety rating,[40] plate seizures, suspensions or even cancellation of a CVOR license.[41]

Apart from the risk to operational authority – CVOR safety ratings are public, and customers, insurers and other stakeholders (including other provincial agencies) rely on them heavily when dealing with carriers.

In summary – AES systems are only growing in popularity, and AES Offences can create a very serious risk to carriers' operations, insurance and business development in a very short period of time.

Defending AES Offences

For several reasons, it is extremely challenging for carriers to mitigate the impact of an AES Offence once it has been issued.

Challenges with Defending

AES Offences are easy for prosecutors to prove beyond a reasonable doubt, and are very difficult to defend. AES Offences are proven through photographs of the alleged offence,[42] certified written statements from an officer,[43] and a certificate of vehicle ownership. In particular, all that is required is a photo of the offence with certain prescribed information superimposed upon it, and a certificate of ownership for the vehicle involved.[44] Prosecutors do not have to worry about having to summons a witness, the performance of the witness on cross-examination, surprise defence witnesses or arguments, and other inherent risks which typically make proof beyond a reasonable doubt at trial less than a sure thing. A defendant, by contrast, can only practically defend an AES Offence if it proves, at the time of the offence, that the vehicle was in the possession of another person without its consent.[45] Additionally, common law defences, such as due diligence, may not be available to defendants for a red light offence as they are considered to be absolute liability offences. .

Challenges with Resolving

Not only is a prosecutor's burden easily met, the evidence they can admit to secure a conviction on an AES Offence is unique. AES Offences only exist due to statutory exemptions from the general rules of evidence that apply to regulatory and quasi-criminal proceedings under the *HTA*. This makes it practically impossible for defendants to resolve AES Offences by pleading to amended, less severe, charges.

Generally, with provincial offences, a defendant is often able to negotiate an amended offence with prosecutors that carries a lower CVOR penalty. However – the amended charge must typically be supported by the facts underlying the amended offence. Given the unique evidentiary basis for AES Offences – the "facts" on their certificates are generally incapable of matching other *HTA* offences.

Additionally – compared with offences that are proven with traditional forms of evidence, prosecutors are simply not as motivated to resolve AES Offences. These AES Offences are easily proven, and the required evidence is generated automatically by AES software. Ontario's municipalities, who are granted the authority to administer AES Offence programs in the province,[46] generally direct prosecutors not to offer resolutions of AES Offences via pleas to amended, less severe, offences.

Constitutional Challenges Are (Likely) Not an Option

When a government law or policy is found to infringe on an individual's rights under the Canadian *Charter of Rights and Freedoms*, Canadian Courts have developed a framework to determine whether the infringement is justified. Generally, a government must prove that the infringement on the *Charter* right serves a pressing and substantial objective, and that the means chosen were proportionate to that objective.[47] To be proportionate to an infringement, a law must (1) be rationally connected to its objective; (2) minimally impair the right in question; and (3) have a benefit which justifies the negative impact it has on the *Charter* right.[48]

Though the *Charter* can generally only be invoked by an individual, corporations have standing to challenge the constitutionality of a penal provision on the basis that the provision could violate the rights of an individual person.[49] As the AES Offences do not specifically target commercial operators like other provisions,[50] a carrier, who is usually a corporation, would nevertheless have standing to challenge the constitutionality of these offences.



Driving, according to Canadian Courts, is, "a privilege and not a right."^[51] When courts consider a constitutional challenge of an *HTA* penalty, they have historically contextualized said challenges to reflect the fact that a person does not have a fundamental right to operate a motor vehicle on a highway. In this context, courts have found that, "[p]roper laws and regulations are necessary to regulate the privilege of driving a motor vehicle on public thoroughfares."^[52] In enforcing these laws and regulations, a government is therefore justified in imposing on drivers, "...the ordinary stress and anxieties that a reasonable person would suffer as a result of government regulation of that industry."^[53]

In practice, constitutional challenges to *HTA* provisions have proven to be difficult. Constitutional challenges have been advanced against *HTA* offences which carry much more severe penalties than the AES Offence regime, and which also expressly limit certain defences from being raised. Even with these infringements being imposed, these *HTA* offences have generally been found to constitute a proportionate infringement on *Charter* rights for the purposes of serving the objectives of the *HTA*.^[54]

One *Charter* right which has not been invoked to challenge an *HTA* provision is section 12, the right against cruel and unusual punishment. Recently, mandatory minimum economic penalties, like those imposed under the AES Offence regime, have been declared unconstitutional where a reasonable possibility exists that an offender cannot pay the penalty, and where non-payment would result in the threat of imprisonment.^[55] In the case of AES Offences, however, threats of imprisonment and license suspension are expressly prohibited if a convicted person fails to pay their ticket.^[56] Therefore – while monetary penalties under the *HTA* are theoretically open to a challenge under s. 12, it would be difficult to establish that the relatively small penalties imposed for AES Offences may constitute a disproportionate *Charter* infringement.

The limited jurisprudence challenging AES Offence convictions to date has been based on evidentiary issues.^[57] No published decisions have provided judicial guidance on the constitutionality of the AES Offence regime, though it appears that at least one Ontario defendant has been unsuccessful at the first instance in challenging the constitutionality of AES Offences under the *HTA*.^[58]

It is not settled whether AES Offences, with their uniquely low evidentiary standards, create *Charter* infringements which are disproportionate to objectives of the *HTA*. However – based on the current jurisprudence, the compelling policy reasons for AES Offences, and the evidence of AES programs' success in contributing to the *HTA*'s objectives,^[59] challenging the enforceability of the AES Offence regime as a carrier would be very costly, and far from certain. A carrier's resources are much better spent preventing AES Offences from occurring in the first place.

Managing Carrier Risk from AES Offences

Notwithstanding the recent rollback on speed camera AES Offences last November, AES programs, and their potential impact on carriers, do not seem to be going away soon. Carriers need to be proactive with managing AES Offence risk. Effective training; clear policies; and proper and consistent disciplinary action are the best places to start.

Managing AES Offence Risk as an Employer

On the topic of enforcement – a key difference exists between intraprovincial carriers, and interprovincial ones. The former is governed by provincial employment legislation, which permits the termination of employees upon provision of their statutory minimum entitlements.^[60] The latter, by virtue of operating across multiple provincial territories, are subject to the Canada Labour Code, which prevents an employer from terminating a non-managerial employee with at least 12 months of service without just cause, a *bona fide* elimination of position, or shortage of work.^[61] Establishing just cause for termination can be onerous – a clear, written record of discipline for misconduct with warnings is required where an employer is trying to meet the high burden of proving just cause.

If a federally regulated employer cannot establish just cause for a non-unionized, non-managerial employee's termination, the consequences can be extremely costly. Remedies under the *CLC* go far beyond notice pay. An employee in an successful unjust dismissal complaint can obtain extraordinary remedies like reinstatement in the same or a comparable position, and back-pay for the entire time they were unemployed, as a result of their unjust dismissal.^[62]

Of course – though a provincially-regulated employer may not have to worry about these extraordinary remedies, the above approach to documenting driver misconduct is recommended for all carriers.

List of Best Practices

For both types of carriers – the following best practices will help prevent AES Offences, and will help mitigate the adverse impact of repeat offender employees and drivers:

- Prepare and implement Safety Programs for new employees which provide guidance on how to properly comply with AES Offence provisions.



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- Drafting and periodically reviewing termination provisions to ensure compliance with any relevant statutory or common-law requirements.
- Maintaining clear, concise, and proportionate workplace policies, including a discipline policy that includes sanctions for violations of AES Offences which are proportionate to their commission.
- Delivering clear, written notices to employees who commit AES Offences on the job which set out the particulars of an AES Offence; cite relevant sections of workplace and discipline policies; and set out consequences of future violations.
- Implementing and enforcing workplace policies applicable to AES Offences equally against all employees.
- Maintaining current and accurate record-keeping of equipment use – AES does not take photographs of the driver, and discipline will not be effective unless the carrier can prove who was driving the vehicle at the time that the AES Offence was committed. A PDF version is available to download [here](#).

[1] RSO 1990, c H8 [HTA].

[2] Canadian Council of Motor Transport Administrators, *National Safety Code For Motor Carriers* (CCMTA, 2022), online: <<https://www.ccmta.ca/en/national-safety-code>> [NSC].

[3] *Transportation of Dangerous Goods Act, 1992*, SC 1992, c 34.

[4] NSC, *supra*, pp 14-7, 14-8.

[5] NSC, *supra*, pp 14-8.

[6] NSC, *supra*, pp 14-8.

[7] NSC, *supra*, pp 14-8.

[8] As the NSC merely establishes minimum standards on provincial authorities, provinces may use additional metrics to assess overall carrier safety performance. For example – Ontario uses fleet size, number of drivers, and numbers of kilometers to adjust its weighted-average score. See Ontario, Ministry of Transportation, *Commercial Vehicle Operators' Safety Manual* (St Catharines: February 2022), online: <<https://files.ontario.ca/mto-commercial-vehicle-operators-safety-manual-en-2022-03-17.pdf>>, pp 52 [Manual].

[9] NSC, *supra*, pp 14-8 – 14-11.

[10] Manual, *supra*, pp 47-48.

[11] Manual, *supra*, pp 48, 49.

[12] Manual, *supra*, pp 52.

[13] Manual, *supra*, pp 52, 64-65, 69-84.

[14] Manual, *supra*, pp 64. A table of safety ratings based on on-road performance can be found at Manual, *supra*, pp 56.

[15] Manual, *supra*, pp 68.

[16] Bill 102, *Red Light Cameras Pilot Projects Act, 1998*, 2nd Sess, 36th Parl, Ontario, 1998 (assented to 18 December 1998), RSO 1998, c 38, s 3(1);

[17] This offence still remains in force: see *Highway Traffic Act*, RSO 1990, c H8, s 144(18.1) [HTA].

[18] “Bill 102, Red Light Cameras Pilot Projects Act, 1998”, 2nd reading, *Legislative Assembly of Ontario Debates*, 36-2 (17 December 1998) at 18:31 (Hon Tony Clement); See also “Bill 20, An Act to amend the Highway Traffic Act to improve Safety at Highway Intersections by providing for the installation and use of Red Light Cameras”, 2nd reading, 36-2 (4 June 1998) at 11:00 (Mr Mike Colle), who spoke about red light camera projects in Queensland, Australia; San Francisco, CA; and New York City, NY, which resulted in a 30% reduction in collisions at those intersections.



[19] For example, see: "Bill 65, Safer School Zones Act, 2017", 2nd Reading, *Legislative Assembly of Ontario Debates*, 41-2 (29 March 2017), 17:00 (Hon Taras Natyshak), where Mr. Natyshak, speaking about the implementation of speed enforcement camera offences, cited pilot projects in Quebec that took place in 2005-2007, and 2010-2012. These pilot projects resulted in a 59% decrease in accidents resulting in bodily injury and property damage, and a decrease of 23% in overall collisions, in areas with speed camera enforcement.

[20] See *Manual*, *supra*, pp 3.

[21] City of Toronto, "Red Light Camera Annual Charges" (data last refreshed 3 Feb 2026) online: *Open Data Catalogue* <<https://open.toronto.ca/dataset/red-light-camera-annual-charges/>>

[22] *HTA*, *supra*, s 144(18.1).

[23] *HTA*, *supra*, s 166(1)-(4), 206.1.

[24] *HTA*, *supra*, s 175(11)-(12.2), 206.

[25] Bill 65, *Safer School Zones Act, 2017*, 2nd Sess, 41st Parl, Ontario (assented to 30 May 2017, *SO 2017*, c 9.

[26] *HTA*, *supra*, s 128 (1), 207, as amended by Bill 56, *Building a More Competitive Economy Act, 2025*, 1st Sess, 44th Parl, Ontario (assented to 14 November 2025), *SO 2025*, c 11, sched 5, s 10(1).

[27] Bill 56, *Building a More Competitive Economy Act, 2025*, 1st Sess, 44th Parl, Ontario (assented to 14 November 2025), *SO 2025*, c 11, sched 5, s 10(1).

[28] Ontario, Office of the Premier, *Ontario Protecting Taxpayers by Banning Municipal Speed Cameras* (Vaughan: 25 September 2025), online: <<https://news.ontario.ca/en/release/1006534/ontario-protecting-taxpayers-by-banning-municipal-speed-cameras>>

[29] Ontario, Office of the Premier, *Ontario Protecting Taxpayers by Banning Municipal Speed Cameras* (Vaughan: 25 September 2025), online: <<https://news.ontario.ca/en/release/1006534/ontario-protecting-taxpayers-by-banning-municipal-speed-cameras>

[30] *HTA*, *supra*, s 144(18.1)(b), 166(3)(4), 175(19.1)-(20.1), 207(2).

[31] *Administrative Penalties for Contraventions Detected Using Camera Systems*, O Reg 355/22, s 6.

[32] *RSC*, 1985, c C-46.

[33] For the most recent list of CVOR Point penalties published by the MTO, see: Ontario, Ministry of Transportation, *Conviction Code Table* (St Catharines: Carrier Sanctions and Investigations Office, 1 August 2025) [*Conviction Table*].

[34] *Conviction Table*, *supra*, p 29, 31, 32.

[35] *Conviction Table*, *supra*, p 43.

[36] *Conviction Table*, *supra*, p 43.

[37] *Conviction Table*, *supra*, p 23.

[38] *Manual*, *supra*, p 52, 278, 281.

[39] *Manual*, *supra*, p 278.

[40] *Manual*, *supra*, p 55.

[41] *Manual*, *supra*, p 51.

[42] *HTA*, *supra*, s 205.15(4). See also *Street Car Cameras*, O Reg 354/22, s 3; *School Bus Cameras*, O Reg 424/20, s 3.

[43] *HTA*, *supra*, s 205.15(3). See also *Street Car Cameras*, O Reg 354/22, s 4; *School Bus Cameras*, O Reg 424/20, s 4.



[44] *HTA*, *supra*, s 205.18. See also *Street Car Cameras*, O Reg 354/22, s 5; *School Bus Cameras*, O Reg 424/20, s 5.

[45] *HTA*, *supra*, s 207(1).

[46] See *Administrative Penalties for Contraventions Detected Using Camera Systems*, O Reg 355/22, s 4.

[47] *Carter v Canada (Attorney General)*, 2015 SCC 5 (CanLII) at para 94.

[48] *R v Oakes*, 1986 CanLII 46 (SCC), para 70-71.

[49] *R v Wholesale Travel Group Inc*, 1991 CanLII 39 (SCC), [1991] 3 SCR 154.

[50] See, for example, the commercial vehicle inspection regime set out at *HTA*, *supra*, s 82.1.

[51] *R v Transport Robert (1973) Lteé; R v 1260448 Ontario Inc*, 2003 CanLII 7741 (ON CA) at para 22.

[52] *R v Ladouceur*, 1990 CanLII 108 (SCC), [1990] 1 SCR 1257.

[53] *R v Transport Robert (1973) Lteé; R v 1260448 Ontario Inc*, 2003 CanLII 7741 (ON CA) at para 29.

[54] As an example – in *R v Transport Robert (1973) Lteé; R v 1260448 Ontario Inc*, 2003 CanLII 7741 (ON CA), the Ontario Court of Appeal was asked to consider whether an absolute liability standard for an offence under s. 84.1 of the *HTA* (colloquially known as a “wheel off” offence) fell outside the protections afforded under s. 7 and 11(d) of the *Charter of Rights and Freedoms*. Under s. 84.1, a defendant was specifically prohibited from raising a common law due diligence defence, and it was argued that this statutory exemption was unconstitutional. Like AES Offences, this offence carried a penalty of 5 CVOR points. Unlike AES Offences, an offence under s. 84.1 also carried a maximum fine of \$50,000.00, and did not allow a person to defend the charge on the basis of due diligence. The Ontario Court of Appeal nevertheless found that the government was entitled to prohibit a common law defence to “wheel off” offences, and that persons who use public highways, including commercial carriers, must be subject to laws and regulations that promote their safe use.

[55] *R v Boudreault*, 2018 SCC 58 (CanLII), [2018] 3 SCR 599 at para 69-73.

[56] *HTA*, *supra*, s 205.24, 206.1(2)-(4), 175(29).

[57] *York (Regional Municipality) v Rico*, 2015 ONCJ 628.

[58] It appears that in or around early 2020, the Ontario Court of Justice dismissed a defendant's constitutional challenge to s. 144(18.1) of the *HTA*. It seems that this constitutional challenge was largely fact-based, and was borne of specific characteristics of the stoplight where the red light camera system was installed. Based on expert evidence obtained by the defendant, the construction of this stoplight allegedly made it impossible for drivers to comply with the requirements under 144(18) of the *HTA*. Without the benefit of reviewing a published decision, it is not clear how this evidence was treated, or what bearing it ultimately had on the Court's dismissal of the defendant's challenge. Suffice it to say, however – the Court was apparently unpersuaded. This decision was apparently appealed, but no record of the appeal's disposition could be located. See Steve Buist, “Dundas man's red-light camera ticket headed for appeal”, *Hamilton Spectator* (21 February 2020), online: <https://www.thespec.com/news/hamilton-region/dundas-man-s-red-light-camera-ticket-headed-for-appeal/article_c3626ef2-9dc9-574d-ae72-9720f58960c0.html>

[59] As an example, see Howard AW et al, “Automated speed enforcement reduced vehicle speeds in school zones in Toronto: a prospective quasi-experimental study” (24 July 2025), *Injury Prevention*, BMJ Publishing Group Ltd. (published online: doi:10.1136/ip-2024- 045561), which showed that automatic speed enforcement led to a 45% reduction in speeding offences in studied areas across Toronto, Ontario.

[60] *Employment Standards Act, 2000*, SO 2000, c 41, s 54, 57, 61.

[61] *Canada Labour Code*, RSC, 1985, c L-2, s 240 [CLC].

[62] *Canada Labour Code*, RSC, 1985, c L-2, s 240 [CLC].

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