

Dear Mr Tremblay:

I am sending you this message, as per your suggestion, to confirm our phone conversation of this Monday Nov 26th regarding the recent issuance of export notices from the office of the Registrar of Imported Vehicles (RIV).

First and foremost, I would like to thank you for personally reaching out to me to discuss the matter and for your kind and sympathetic words of encouragement. Also, my apologies for writing this in English but you will probably agree based on our conversation that my command of the French language is still to be desired.

I understand from our conversation that you believe that these letters were issued in error by an automated system and that measures were being put in place to suspend any further notices from being issued at least until a decision on the matter regarding the engine immobilizers has been made by your office. You offered me your assurances that for all intents and purposes, I can currently disregard the notice and do not need to act on the export order.

I offered you a brief synopsis of my experience to date regarding my purchase of a 2008 Toyota Sienna up until this latest development: I'd purchased my vehicle in early September when it was deemed admissible; the vehicle arrived on the dealer's lot in mid-October; the vehicle was declared inadmissible on November 1st just days before my scheduled pick-up; on Thursday Nov 15th I received assurances from a RIV agent that an announcement would be made by Transport Canada the next day that would allow me to import my vehicle; I flew out on Nov 16th and imported the vehicle on November 17th; I visited the RIV offices on Monday November 19th and was informed that my file would be placed on "hold" pending a decision by Transport Canada; I received an Export Notice (dated Monday November 19th) from the RIV on Friday November 23rd; Mr Robert Lamb forwarded my email to your attention on November 23rd; you contacted me personally to discuss the matter this past Monday November 26th.

On the subject of when we could expect a resolution to this matter from your office, you could not commit to any fixed timeline due to the apparent complexity of the issue and the many variables involved. You were also of the sound opinion that the matter would not likely be resolved any time sooner than mid-December at the absolute earliest and suggested that I reach out to you again by then if the matter has not yet been resolved.

I thank you for your time and ask that you please provide a brief reply to this message to confirm that I have in fact captured all of the key salient points from our conversation correctly. **Please confirm.**

I would also like to take this opportunity to share with you some of my personal thoughts and comments about this situation with the engine immobilizers and hope that you will share in my objectivity regarding the matter. Please feel free to respond with your thoughts and comments as you see fit.

First of all, I would like to share with you some thoughts regarding how your office may consider resolving the matter with the growing list of vehicles recently declared inadmissible, both in terms of providing short-term relief to those of us who purchased these vehicles, and in terms of sustainable long-term solutions to the problem. I am certain that you have assembled highly-skilled legal and political advisors to identify and explore all the different directions your office can take regarding this matter, yet at the risk of simply listing the obvious, there is that small chance that I may touch on something new here – some new angle – that your team hasn't yet considered. At the very least, sharing my thoughts with you is a good substitute for personal therapy and might allow me to sleep a bit better at night for a change ☺

1. *Status Quo*

To do nothing and simply to enforce the new CMVSS 114 regulation based on a VAFUS that has been manipulated by the OEM's to effectively act as a barrier to trade would not be in the best interests of your office and of vehicle safety in general. The intent of CMVSS 114 when originally drafted some 4-5 years ago must certainly not have been to block trade, and by allowing the OEM's to use it as a tool to do just that, this would certainly be seen in most circles as an embarrassment for Transport Canada – a case of the tail wagging the dog – or that Transport Canada was in fact in collusion with the OEMs to intentionally block trade.

Ironically, the net effect of introducing this new safety regulation and sticking with the status quo in light of the trade restrictions OEM's placed on newer model vehicles would be a flood of older model year vehicles entering our country and lacking some of the latest safety features such as engine immobilizers and electronic stability control that often come standard on newer model-year vehicles. In the few weeks that this immobilizer issue has surfaced, this trend towards buying older-model year vehicles in the US has already increased as more and more new model-year vehicles are being added by the OEM's to the list of inadmissible vehicles in the VAFUS.

The public outrage that would likely ensue if nothing is done to correct this problem would be difficult for your office to ignore. Status Quo will not make the problem go away and should therefore not be given serious consideration by your office.

2. *Grant a period of amnesty for those who've purchased these vehicles at a time when they were deemed admissible*

This is not a long-term solution but it is the just and fair thing to do to provide short-term relief to those who followed all of the rules and purchased these vehicles when they were in fact admissible only to find out at the 11-th hour that their vehicle was no longer deemed admissible. The list of people that have fallen into this unfortunate situation already numbers in the thousands and continues to grow as the list of inadmissible vehicles on the VAFUS continues to grow.

By granting amnesty to this group of people, your office will be delivering on your minister's promise to find a fair solution to this problem, and your office will certainly benefit from the reduced "noise" that this issue has undoubtedly burdened your office with and allow you to direct your full attention to finding a sustainable long-term solution to the problem. But more importantly, you will eliminate the personal and financial hardships, anxieties, and uncertainties that these families are continuing to endure and allow them to move on with their lives.

3. *Defer full implementation of the CMVSS 114 to a future date*

The full implementation of this regulation has already been deferred at least once in the past so it is conceivable that it could be deferred yet again to some future date sufficiently into the future to allow your office enough time to find a sustainable long-term solution to the problem. This could provide short-term relief to those who've purchased vehicles that recently became inadmissible only as a result of the CMVSS 114.

4. *Recognize FMVSS114-compliant engine immobilizers as meeting the "intent" of CMVSS 114*

This would still meet the objective that all vehicles manufactured after September 1st to be equipped with an engine immobilizer yet it would prevent the VAFUS from being manipulated to block trade by recognizing engine immobilizers that meet the US standard as meeting the intent of the Canadian standard. This would effectively provide a partial

harmonization of the US and Canadian standard for a period of time as your office works towards a long-term solution.

5. *Harmonize the Canadian and US vehicle safety standards*

Harmonization of Canadian vehicle safety standards with those of the United States has been touted in many circles as a reasonable objective that would appeal to both OEMs and consumers when you consider that our auto markets and manufacturing facilities are so deeply integrated and our standards for safety are generally in agreement. Where we disagree with our southern neighbors on standards, the distinction to date has been either minimal such as mandating the installation of daytime running lights, or there is on-going discussions to harmonize the standards such as is apparently the case with standards regarding bumpers.

Introducing new Canadian-specific standards such as CMVSS 114 is a regressive step towards harmonization that has been fiercely resisted by both manufacturers and insurance groups and has provided the OEMs with a tool to make a bold statement to that effect by effectively using these differences to justify blocking trade. Your office can still meet the objective of this regulation by still mandating the installation of an engine immobilizer, where this is not yet required in the states, but accepting the US standard of the immobilizer as compliant. This would be a progressive step towards harmonization that would also provide a lasting solution regarding the engine immobilizer issue and still meet the core objectives of the CMVSS 114 – to ensure that all new vehicles are equipped with an engine immobilization system.

6. *Eliminate the dual standard regarding the VAFUS to force voluntary correction to the list*

Few would argue that the OEMs have apparently seized on the opportunity to manipulate the VAFUS as part of an agenda that has little to do with compliance to Canadian vehicle safety standards. By declaring their new vehicles inadmissible to Canada due to the Canadian immobilizer regulation, the OEMs have overstepped their bounds by suggesting that their non-compliant vehicles cannot even be brought into compliance via after-market modifications including the installation of third-party immobilizers that are compliant with CMVSS114. There is even evidence to suggest that some OEMs have in fact installed the exact same equipment in vehicles destined for the Canadian and US market and simply located the device in a harder-to-reach location to comply with the CMVSS114 requirement that it should take at least 5 minutes to defeat the system versus 3.5 minutes in the US. This suggests that in some cases, simply re-locating the existing device would bring it into compliance with the CMVSS 114 standard, yet OEMs continue to insist that even this is not possible by listing their vehicles as inadmissible.

Fair enough, but then one has to wonder how it is possible for these same OEMs to import these inadmissible vehicles into Canada for the purpose of selling them in this lucrative market. Is there a double-standard regarding the VAFUS that allows them to circumvent the system and block trade at the same time? The perception out there is that these OEMs have manipulated the system to the point where they can now have their cake and eat it too.

To reveal this charade for what it truly is, your office can move to enforce the VAFUS whereby if an OEM chooses to declare a vehicle as inadmissible to our country then the vehicle becomes inadmissible PERIOD without exception, to both Joe Public and to OEMs! Such a stance would certainly force the OEMs to re-examine their positions regarding the admissibility of their vehicles to Canada and it would have the ironic side-effect of putting the Canadian dealer networks at odds with their manufacturing counterparts to force a quick resolution to the matter.

The OEMs would likely respond by re-listing their vehicles as admissible yet impose some additional restriction or condition on admissibility such as requiring a compliance letter from the OEM effectively placing consumers once again at the mercy of the OEMs regarding the admissibility of their vehicle. There is already evidence that this practice is in place for many vehicles listed by the OEMs as admissible, but only on the condition that you obtain a letter of compliance from the OEM which either never comes, or comes at a cost ranging anywhere from several hundred to several thousand dollars. This is just one more way the OEMs are manipulating the VAFUS to block trade and/or profit from our higher safety standards. Your office must act to stop this abuse by recognizing the list of admissible vehicles for what it is – vehicles that either fully comply with Canadian safety standards or can be retrofitted by the owner to be brought into compliance, PERIOD, and UNCONDITIONALLY! Such moves would allow your office to regain some degree of control over the VAFUS and maintain the integrity of what it represents.

7. *Institute an appeals process regarding the admissibility or inadmissibility of a vehicle*

Introduce a mechanism whereby any interested third-party may appeal an OEM's questionable declaration of admissibility by providing your office with dependable and verifiable evidence regarding the vehicle's compliance to Canadian safety standards and/or the ability to bring the vehicle into compliance. Following an evaluation of this evidence your office could, at its sole discretion, exercise its right to update the VAFUS accordingly. This would add integrity to the existing process by eliminating the monopoly that OEMs currently hold over updates to the VAFUS and by ensuring that there is a mechanism in place to control suspect abuse of the VAFUS by the OEMs that run counter to the intent of the listing.

8. *Take over complete control of the VAFUS*

The VAFUS is what is wrong today – not the Canadian vehicle safety regulations (although some may argue this last point ☺). The OEMs are manipulating the VAFUS to push their own agenda whether that be to block trade between our countries, to force Transport Canada to harmonize Canadian safety standards with those of the US, or for any other self-serving purpose. What is clear is that the VAFUS in its current form under the exclusive influence of the OEMs no longer serves its intended purpose. Although the VAFUS has dutifully served its purpose for many years under the current regime whereby OEMs voluntarily update the list, there is a new reality today that has left the VAFUS vulnerable to abuse which must be rectified.

Your office must regain control of this list and apply your own standards of admissibility based on information you receive from the OEMs and via inspections where necessary. By limiting the OEM's influence over the VAFUS to reporting which CMVSS standards each vehicle fails to meet – if any – your office can interpret this raw data in the interests of public safety and derive an accurate VAFUS that truly reflects each vehicle's ability to comply with our vehicle safety standards. In so doing, which is well within your rights, your office would be making a bold statement to the OEMs and to the public at large about whose interests your office is there to protect, your CMVSS 114 regulation would survive unscathed and no longer be subject to abuse by the OEMs, you could eliminate deceitful anti-trade practices such as requiring compliance letters from the OEMs, and you would insulate your office from future similar attacks from the OEMs where our standards of safety differ from the US standard. You would be masters of your own domain – as it should be!

I can appreciate your office's possible reluctance to take on such a seemingly daunting task yet what I am suggesting here is simply for your office to take over the task of interpreting the raw data from the OEMs to determine admissibility, not producing this

raw data. I am certain that if need be, your office may also enlist the services of consumer and safety organizations to assist in this task.

9. *Eliminate the VAFUS altogether*

At first glance, this measure may sound extreme but not so if you consider the current state of the VAFUS today and the fact that it has been manipulated to the point of being virtually irrelevant in regards to reflecting its original purpose which is nothing more than a quick summary of which vehicles meet or can be retrofitted to meet Canadian safety standards. Drop the listing and return to basics. Replace the current regime with one that is truly based on compliance rather than admissibility. Armed with raw compliance data from the OEMs (i.e. which CMVSS standards each vehicle fails to meet – if any), replace the VAFUS with a compliance listing for each vehicle (e.g. this vehicle may not meet this and that standard) and leverage your inspection network to verify compliance. This would eliminate the problem in its entirety, insulate you from undue influence by the OEMs and refocus the attention on what really matters – compliance.

10. *Implement reasonable change controls regarding updates to the VAFUS*

Mr Tremblay, I cannot emphasize this enough, whatever measures your office chooses to adopt regarding this issue, please, please ensure that you implement adequate change control measures regarding changes to the VAFUS (or any substitute thereof) to avoid a future repeat of the predicament these recent un-controlled and un-abated changes to the listing have put thousands of families in. You must restore the integrity of your office and that of the RIV in the eyes of those you serve such that anyone who follows the rules every step of the way can rest assured that there will be no surprises in the 11th hour of their import experience.

So there you have it, the musings of one individual who has been personally affected by this problem. If anything, I hope that you do recognize that I have some appreciation for the complexities involved in resolving this matter. Whatever measures your office chooses to adopt in regard to this issue may have potentially serious political, legal, and/or financial consequences, hence the need for your team of advisors to exercise all due diligence in assessing these consequences before adopting any such measures. I work for the Ontario Ministry of Health and have some appreciation for the need to exercise due diligence in such matters yet a very wise observer pointed out to me recently that if the Ministry of Health was just as slow as Transport Canada in resolving such emergencies, people would actually be dying by now – just to put things in perspective! Sorry, just had to get that in there somewhere...

What has frustrated those of us who must wait this out is the lack of transparency in the process and the ever-present feeling that our interests are not being adequately represented in this process. How else are we to think when your office claims to be discussing the matter with all “interested parties” yet I am not aware of anyone within our growing community of people directly affected by this issue, having been consulted to represent our interests in this matter. To that end, I would like to request an audience between representatives of your team and of our community to hold an open discussion on the matter. This can only be beneficial to everyone involved in that:

1. It would introduce some degree of transparency in the process.
2. It would ensure that our community's interests are adequately represented in the matter.
3. It would afford your team the opportunity to explain their progress and what hurdles they were working to overcome in resolving this matter.
4. It would afford our community with the opportunity to better understand the complexities involved.

5. It would afford our team the opportunity to present your team with additional options on how to resolve the matter, for consideration.

In order to ensure that the integrity of the on-going process is not compromised by holding such information exchange session(s), our members would certainly abide by reasonable rules of engagement and confidentiality agreements that you deem necessary. I trust that you will agree with me regarding the need and the benefits to holding such a session and work towards ensuring that it can happen.

On another matter, one member of the online forum community recently claimed to have spoken with an individual at Transport Canada (not RIV) this week who insisted in no uncertain terms that Transport Canada would indeed grant an amnesty of sorts on a case-by-case basis to individuals who could demonstrate that they exercised all due diligence and purchased their vehicle at a time when the vehicle was in fact deemed admissible. Mr Tremblay, if this information is indeed accurate then this would be incredible news for many (albeit not all) of us who are in this exact predicament. Can you please confirm whether this is indeed the policy at Transport Canada and how one would go about pleading our individual cases?

With the recent passing of American Thanksgiving, the traditional holiday shopping season has now begun. For most Canadians, this is a time to rejoice and look forward to the upcoming Christmas holiday celebrations, yet for those of us that continue to be embroiled in this controversy with vehicles they've purchased but cannot legally register, every day that passes is just another day filled with anxiety, hope, uncertainty, depression and ultimate despair. I cannot understate the human impact that these lengthy delays in resolving this matter is having on people's lives. This issue is consuming us from morning till night and is affecting us in everything that we do. It is affecting our physical and mental health and affecting our ability to lead productive lives.

Each of us has a story of hardship and continuing frustration to tell. Mr Robert Lamb as you know purchased a 2008 Honda Civic EXL for his daughter in early October yet some 7 weeks later he continues to wait for a resolution to this matter. I have attached a picture of his daughter with her new vehicle that she still to this day cannot legally register until this matter is resolved. To add to Mr Lamb's frustrations, he is aware of at least two cars like his manufactured in September that have been approved. Despite Mr Lamb's personal health issues, this unresolved matter has consumed his every moment well above dealing with his own personal health matters. Is this really necessary? Is there not something that can be done to provide immediate relief to Mr Lamb and to others? I too have endured similar hardships, albeit not for nearly as long as Mr Lamb, but my biggest disappointment above everything else will be the day that I must break the news to my 2-and 4-year old kids that we've had to cancel our trip to Disneyworld on Dec 21st if I cannot legally register my vehicle by then. And with every day that passes without a resolution to this matter, this is increasingly becoming a real possibility.

Mr Tremblay, with all due respect, waiting an additional 2-3 weeks for a resolution to this matter, as you have suggested in our recent conversation, may not sound like a long time but to those of us who have to endure this continued delay it is more like a lifetime. So I call on you with every ounce of my resolve for you to show some compassion and fairness in this matter by providing immediate relief to those of us who have been inadvertently caught up in this mess, not of our making. With the holiday season upon us, you are in the enviable position to be our real Santa Claus by putting an end to our ordeal. Allow us to get on with our lives and enjoy our plans for the holiday season. I am also asking for you to please refer my case #J444013 and Mr Lamb's case #J149140 to ensure that they get immediate attention by your office.

I thank you for your time and any immediate assistance that you can provide us in this matter.

Respectfully yours,

Carl Paquin

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