

Transport  
CanadaTransports  
Canada

Motor Vehicle Safety Investigations Laboratory  
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Gatineau, QC J8Z 0A1

September 26, 2025

Transport Canada Position

*Subject: Impact of Canada Post strike on notices of defect and/or notices of non-compliance*

Transport Canada is aware of the latest strike by the Canadian Union of Postal Workers which may impact the delivery of notices of defect and/or notices of non-compliance to vehicle owners. Historically, companies have employed Canada Post to deliver these notices and, in some isolated cases, couriers where expedited delivery was required.

Under paragraphs 10(1)(b) and 10.1(1)(b) of the *Motor Vehicle Safety Act* (MVSA), companies who become aware of a defect that affects or is likely to affect the safety of any person, or a non-compliance with the regulations, are required to give a notice of defect or non-compliance to all current owners of affected vehicles or equipment and to other prescribed persons (e.g., dealers). The MVSA and attendant regulations stipulate that owners and prescribed persons are to be notified in writing as soon as feasible, but not later than 60 days after the day the notice is given to the Minister.

A strike may affect Canada Post's ability to deliver notices to owners. Given the requirements of the MVSA and attendant regulations, any delay in delivery of notices beyond the prescribed timeframe would result in the company being in non-compliance with the MVSA. For greater clarity, a postal strike would not absolve a company of its obligations under the MVSA to notify owners and other prescribed persons.

In 2019, the regulations were amended to allow notices of defect or non-compliance to be provided electronically. Therefore, if a company has the email addresses of its vehicle owners or can use direct-to-vehicle or infotainment system notifications, those methods of communication are acceptable. Alternatively, companies may consider using courier services to ensure timely delivery of notices and compliance with the MVSA.

Should you require any clarifications, please do not hesitate to contact the undersigned.

Best regards,

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