



## STAFF REPORT ACTION REQUIRED

### Application for a Noise Exemption Permit 32 Caledonia Road (including 20 Caledonia Road and 1530 St. Clair Avenue West)

<b>Date:</b>	October 15, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Ward:</b>	Ward 17 - Davenport
<b>Reference Number:</b>	ML&S Folder Nos. 07-224254 & 07-252580

#### **SUMMARY**

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This staff report is about an application for a permit for an exemption from the noise limitation provisions in the Noise By-law under Chapter 591 of the Toronto Municipal Code, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

#### **RECOMMENDATIONS**

Municipal Licensing and Standards recommends that the Etobicoke York Community Council refuses this application on the grounds that the hours of operation as requested are in violation of Chapter 591 of the Toronto Municipal Code, Noise.

#### **FINANCIAL IMPACT**

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There are no financial implications resulting from adoption of this report.

#### **ISSUE BACKGROUND**

A noise complaint was filed against the subject property in May, 2007, that the operation started between 6 a.m. and 6:45 a.m. on a daily basis, beyond the permitted hours. A further complaint was received in August, 2007 from another area resident.

The concrete batching plant, operating under the name of New Sabby Concrete and Supplies Inc., is located on the properties municipally known as 20 and 32 Caledonia Road, and 1530 St. Clair Avenue West (Attachments 2 and 3). On the east side of Caledonia Road across the street, it is an established residential neighbourhood consisting of low rise housing. The distance between the plant and these houses is approximately 44.7 metres. On the west side behind the property across the railway tracks there are a number of low rise row houses on Prescott Avenue (Attachment 4). The distance between the plant and these houses is approximately 107.7 metres. The property is within walking distance from St. Clair Avenue West, where the main vehicular access is provided (Attachment 5). The batching plant has been in operation for some time and its use has always been a contentious issue for residents in the neighbourhood over the years.

In response to a letter from Municipal Licensing and Standards notifying the owner about the complaint and the requirements of the Noise By-law, the business owner submitted an application for a Noise Exemption Permit to allow concrete batching and salting operations to operate beyond the permitted hours. Details of the exemption requests relative to the By-law requirements are shown in the following table:

<b>Concrete Batching (Year Round)</b> (involves the operation of construction equipment)	<b>Exemption Requests</b>	<b>Permitted Hours for operation of construction equipment under the Noise By-law</b>
Mondays to Fridays	7 a.m. to <b><i>9 p.m.</i></b>	7 a.m. to 7 p.m.
Saturdays	<b><i>7 a.m.</i></b> to 6 p.m	9 a.m. to 7 p.m.
Sundays (and Statutory Holidays)	<b><i>8 a.m.</i></b> to 3 p.m.	9 a.m. to 7 p.m.
<b>Salting (November to March)</b> (involves loading, unloading delivering, etc., of materials)	<b>Exemption Requests</b>	<b>Permitted Hours for loading, unloading and delivering, etc., of materials under the Noise By-law</b>
Mondays to Fridays	<b><i>24 hours</i></b> during snow storms	7 a.m. to 11 p.m.
Saturdays		7 a.m. to 11 p.m.
Sundays (and Statutory Holidays)		9 a.m. to 11 p.m.

The times shown in bold and italics are in violation of the Noise By-law. While the applicant has requested to extend the concrete batching time to 9 p.m. from Mondays to Fridays, he indicated that this will only happen on rare occasions.

It is understood that the applicant has engaged a consultant to conduct an acoustic assessment of the batching plant operation at this location and reportedly “the worst-case hourly sound levels from the Plant at the receptors did not exceed the established background daytime sound level limits”, which was estimated to be 68.4 dBA.

## **COMMENTS**

Upon receiving the written objection from the Ward Councillor, the Noise Exemption Permit application was denied, and, pursuant to section 591-10 of the Toronto Municipal Code, Noise, the applicant filed an appeal to the Etobicoke York Community Council, (Attachment 1).

In accordance with the Noise By-law, notice of the Etobicoke York Community Council hearing to this Appeal is required to be sent to all residents within 100 metres of the applicant's premises. The Etobicoke York Community Council, under delegated authority, may issue or refuse a permit, and impose conditions on the permit should it be issued.

## **CONTACT**

Chip Au, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
Tel: 416-394-2533 Fax: 416-394-2904  
E-mail: [cau2@toronto.ca](mailto:cau2@toronto.ca)

## **SIGNATURE**

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Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

## **ATTACHMENTS**

Attachment 1: Noise Exemption Request Letter  
Attachment 2: Aerial Photo and Location Plan  
Attachment 3: Photos showing the Concrete Batching Plant at Caledonia Road  
Attachment 4: Photos showing the houses in the vicinity of the Plant  
Attachment 5: Photo showing the main vehicular entrance at St. Clair Avenue West



August 08,2007

Attention: Curtis Sealock  
Manager municipal licensing standards

We are applying for a permit for exemption on the noise for extended hour

We already follow the Monday - Friday hours from 7:00 am to 7:00 pm and occasionally we do have to stay open until 8:00 or 9:00 pm due to a particular large job we may be supplying cement to which cannot be stopped what-so-ever until all the cement has been delivered. This does not happen very often. On Saturdays we open at 7:00 am and close at 6:00 pm and Sunday we open at 8:00 am and close at 3:00 pm. These 2 days are our busiest days of the week due to the fact that we Service many homeowners during this 2-day period.

We also run a salting department, which starts in November and ends in March every year and we are open 24 hours during snowstorms. We have a large clientele for the salting business and we have been running this department for over 11 year now.

We also like to add that we are very thoughtful with our neighbours by making sure our plant is loaded each nigh before we leave and that does is take away from some of the noise by not using any machines for our first 3-4 loads that go out every mornings.

The 3 machines we use are a front-end loader, a bobcat that is very quiet and a forklift, which is also very quiet. In fact, the only machine that actually has any level of real noise would be the front end loader which doesn't get used much in the morning.

Please allow this permit as it is needed for our business to continue to Run properly.

Thank you,

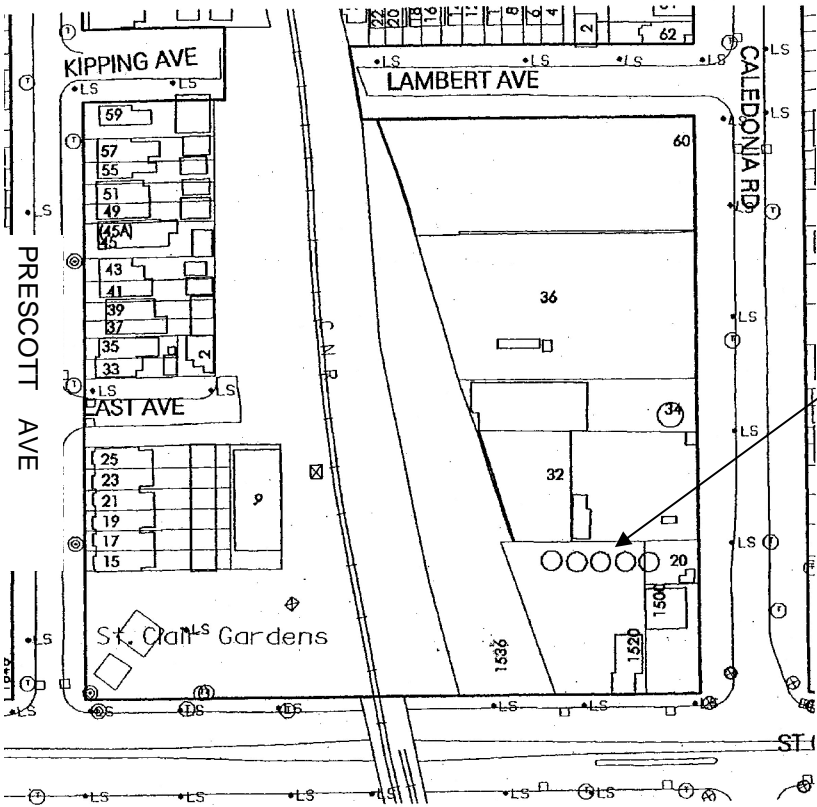
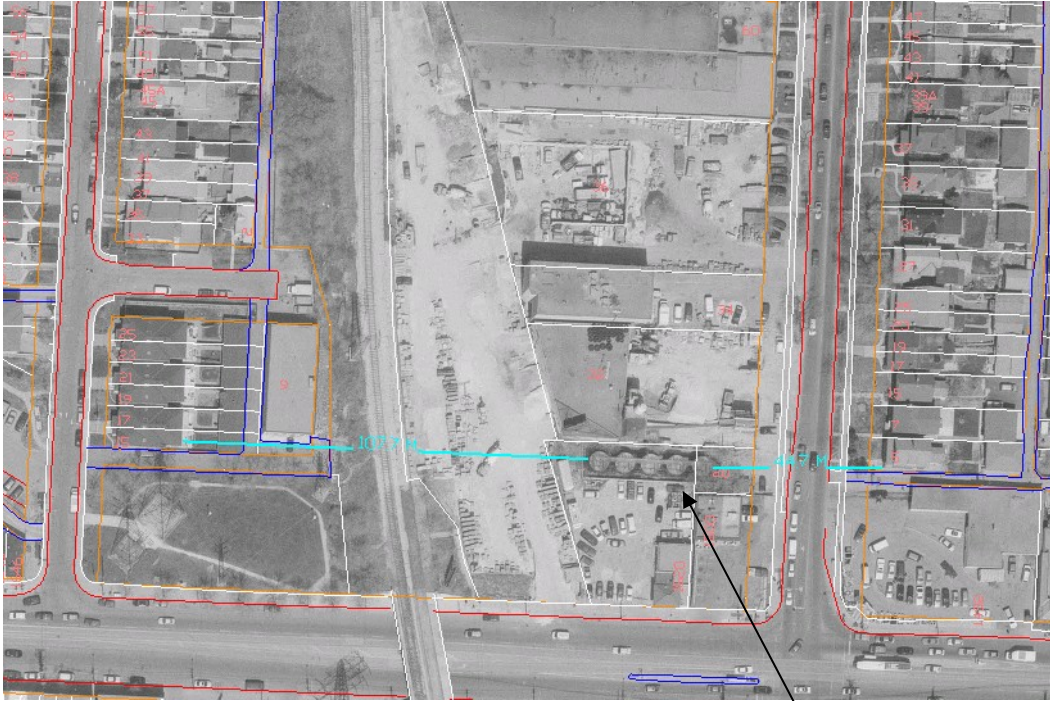
NEW SABBY CONCRETE  
AND SUPPLIES INC.

ROSA GOMES  
*Rosa Maria Gomes*

FILPE FRANCISCO  
*Filipe Francisco*

32 CALEDONIA ROAD, TORONTO, ONTARIO M6E 4S4 PHONE: (416) 652-0377 • FAX: (416) 658-4904

**Attachment 1: Noise Exemption Request**



Concrete Batching Plant

**Attachment 2:**

**Aerial Photo and  
Location Plan**



**Attachment 3: Photos showing the Plant at Caledonia Road entrance**



**Photo showing houses on the east side of Caledonia Road across from the Plant**



**Photo showing houses on Prescott Avenue at the rear of the Plant**

**Attachment 4**



**Attachment 5: Main Vehicular entrance to Plant on St. Clair Avenue West**