



**STAFF REPORT
ACTION REQUIRED**

**Request for a Noise Exemption
18 Spring Garden Avenue**

Date:	March 14, 2007
To:	North York Community Council
From:	Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	IBMS No. 07-105859

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision [provided that it is not amended so that it varies with City policy or by-laws].

The purpose of this report is to consider a request by Rosedale Development Inc. to be exempted from Chapter 591 - Noise, section 591-4B(7). This section states that the operation of construction equipment is prohibited 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, Sundays and statutory holidays.

The subject of this exemption request is to permit ‘cement finishing’ from 7 p.m. to 11 p.m., Monday to Friday, from February 1, 2007 until August 31, 2007. This activity requires the use of gas powered cement trowels to level the cement floors.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends that provisions of Chapter 591 be supported by not granting the exemption request.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

This matter arose as a public complaint about noise. A noise advisory letter was issued. An exemption request was received and circulated to the area Councillor. The Councillor advised that there would not be a recommendation for approval. A refusal letter was sent to the applicant. The noise by-law permits an applicant to appeal that refusal to Community Council. A notice of this hearing was required to be sent to all residents within 100 metres of the location of the activity at the applicant's expense.

COMMENTS

Council may issue or refuse a permit. If Council issues a permit, the applicant is subject to the conditions set out in section 591-10D, unless Council provides otherwise, and to any other conditions respecting health, safety and nuisance as Council considers advisable.

Council may also require, as a condition of approval, that City staff monitor the sound levels from the activity at the expense of the applicant.

CONTACT

Michael Carey, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7012; Fax 416-395-7056; E-mail: mcarey@toronto.ca

SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Noise exemption application
2. Refusal letter