

53 Scarlett Road – Status Report Noise from an Exhaust Fan

Date:	June 17, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock
Wards:	Ward No. 11 – York South-Weston
Reference Number:	ML&S Folder Numbers 07 263636 & 08 157484

SUMMARY

This report provides a status update on the problem of noise generated by a restaurant exhaust fan installed at 53 Scarlett Road and the actions being taken.

Financial Impact

There are no financial implications.

ISSUE BACKGROUND

In consideration of a motion put forward by the local Councillor in its meeting on June 10, 2008 (<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-13727.pdf>), the Etobicoke York Community Council directed the District Manager of Municipal Licensing and Standards to provide an update report on the problem of noise generated by a restaurant exhaust fan at 53 Scarlett Road and the actions being taken.

The property is a two-storey mixed commercial residential building with a restaurant called “Jam-Rock” on the first floor and a dwelling unit on the second floor. There is an exhaust fan for the restaurant installed at the rear of the second floor and when it is in operation, it produces a humming and blowing noise. While the property is backing on to Lydon Avenue to the east, the fan is pointing in the direction of Eileen Avenue on the north side (Attachment 1). The houses in the immediate neighbourhood are approximately 20 to 30 metres away from the fan.

Noise logs have been sent to residents of the immediate neighbourhood and a Notice was issued on February 25, 2008 for violation of the Noise By-law, Chapter 591 of Toronto Municipal Code. The Municipal Standards Officer has been in contact with the Property Manager who promised to arrange for remedial work. As there was no apparent progress, a Property Standards Order was issued on May 8, 2008 requiring the owner to repair the fan. The Order was returned unclaimed and it was finally served in person on June 17, 2008.

COMMENTS

The District Manager of Municipal Licensing and Standards was requested to instruct the property owner of 53 Scarlett Road to turn their fan off immediately, and that the fan must remain off until necessary repairs have been completed.

It should be noted that both the Noise By-law and the Property Standards By-law do not provide the City with the authority to order an owner to turn off a noisy fan and this can only be done through a lengthy Injunction Process. In the interim, charges may be laid under both By-laws which may result in a fine. The Municipal Standards Officer assigned to this case is currently preparing documents for enforcement action, with the aid of the Noise logs provided by the residents in the neighbourhood.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Plan



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