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Toronto, Ontario M5H 2N2

February 12, 2015

Councillor Cesar Palacio, Chair  
Licensing and Standards Committee  
City of Toronto

**Re: Chapter 591, Noise – Construction Noise Offences and Specific Prohibitions Toronto**

Dear Councillor Palacio and Members, Licensing & Standards Committee,

### Summary

On November 21, 2013, I submitted a letter to the Chair and Members of the Licensing and Standards Committee regarding Chapter 591, Noise of the Toronto Municipal Code – Construction Noise Offences and Specific Prohibitions.

Toronto By-Law 591-11 requires that if any person contravenes any provision of the article 591, they are guilty of an offence and subject to a \$5,000 charge, per contravention. This by-law was intended to address noise prohibitions and offences as outlined in Chapter 591-2.1 B. Combined, these by-laws were meant to protect residents of the City from the risk of damages from excessive noise caused by construction equipment and activities.

Though these by-laws have been in place for some time, from my research and discussions with residents, I conclude that the existing by-laws do not offer accurate representations of where residential areas currently exist, especially in dense mix-use urbanize neighbourhoods. Nor do the existing by-laws provide sufficient protection for residents' enjoyment of their homes when excessive construction noise is generated within permitted business hours. Furthermore, I observe that immediate investigation and enforcement of residents' complaints of construction noise when generated within prohibited times and dates, could be sufficiently improved with expanded deterrent tools such as larger fines and stricter penalties.

As a result, I made three recommendations to the Executive Director, Municipal Licensing and Standards, as part of the current review of Chapter 591 Noise in my original letter of November 21, 2013 (attached).

On December 9, 2013, the letter (item 2013.LS25.4) was adopted by the Members of the Licensing and Standard Committee. Over a year has passed since the recommendations were adopted, and a report has not been delivered.

## Recommendation

I request that the "Licensing & Standards Committee direct the Executive Director, Licensing and Standards, to report back on item 2013.LS25.4 in the second quarter of 2015 to the Licensing and Standards Committee, on the original recommendations noted as:

- 1) More broadly protect residents living in zones traditionally considered commercial areas from excessive noise caused by construction equipment and activities,
- 2) Permit the Executive Director, Municipal Licensing and Standards, to increase fines for noise offences by order of magnitude and,
- 3) Permit the Executive Director, Municipal Licensing and Standards, to escalate other penalties, as deemed appropriate, to encourage compliance with the noise by-law.

Since one of the most important obligations of the City is to protect residents in the peaceful enjoyment of their residential properties, receipt of the report is critical to protecting residents.

Respectfully submitted,



Councillor Kristyn Wong-Tam  
Ward 27 Toronto Centre-Rosedale

## ATTACHMENT:

Re: Chapter 591, Noise – Construction Noise Offences and Specific Prohibitions

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November 21, 2013

Councillor Cesar Palacio, Chair  
Licensing and Standards Committee  
City Hall, 100 Queen Street West  
2<sup>nd</sup> Floor, Suite B37  
Toronto, ON M5H 2N2

Dear Councillor Palacio and Members of Licensing and Standards Committee:

**Re: Chapter 591, Noise – Construction Noise Offences and Specific Prohibitions**

Toronto By-Law 591-11 requires that if any person contravenes any provision of the article 591, they are guilty of an offence and subject to a \$5,000 charge, per contravention. This by-law was intended to address noise prohibitions and offences as outlined in Chapter 591-2.1 B. Combined, these by-laws were meant to protect residents of the City from the risk of damages from excessive noise caused by construction equipment and activities.

Though these by-laws have been in place for some time, from my research and discussions with residents, I am not confident that the by-laws offer accurate representations of where residential areas are and I am not confident that it provides sufficient protection for residents to enjoy their homes and neighbourhoods free from specific prohibitions on construction noise within and outside of regular business hours.

Areas traditionally declared commercial areas have become residential and are thus not properly qualified for application of 591-2.1B. Additionally, despite the diligent work of Municipal Standards Officers it is rare that charges are laid promptly and it is rare that warnings and charges entice a ceasing of prohibited noise activities from the construction site. Furthermore, from my research, I am not confident that the penalty of \$5,000 for per violation is significant enough to warrant the ceasing of illegal activities and is instead, often considered a cost of business. Amended, this by-law could be particularly applicable to protect residents from excessive noise within and outside of by-law hours at development sites.

The imposition of construction noise on residents, especially outside of regular business hours, is detrimental in numerous ways. Specifically, it is a disregard for Public Health; it creates undue hardships for residents and; it significantly disrupts sleep and quiet enjoyment of homes. Furthermore, it does not hold development companies accountable for being respectful neighbours, or abiding by the by-law.

Though combined, the by-laws attempt to hold those in violation accountable, the rare occurrence of charges to development and construction companies means that illegal activities continue and residents are burdened by continuous and excessive noise. The City has a duty to protect residents in order for them to enjoy their residential properties. While we must balance this with the change and economic benefits that development adds to our City, an enhancement of the by-law and increase of the charge by order of magnitude would aid residents of Toronto from unnecessary and excessive construction and construction-related noise.

**Recommendations:**

The Executive Director, Municipal Licensing and Standards, as part of the current review of Chapter 591, Noise, report back to Licensing and Standards Committee on by-law amendments that:

1. More broadly protect residents living in zones traditionally considered commercial areas from excessive noise caused by construction equipment and activities.
2. Permit the Executive Director, Municipal Licensing and Standards, to increase fines for noise offences by order of magnitude.
3. Permit the Executive Director, Municipal Licensing and Standards, to escalate other penalties, as deemed appropriate, to encourage compliance with the noise by-law.

Respectfully submitted,



Kristyn Wong-Tam  
Councillor, Ward 27  
Toronto Centre-Rosedale

KWT/sp