

CITY OF TORONTO

Bill 259

BY-LAW -2024

To amend City of Toronto Municipal Code Chapter 591, Noise, and Chapter 441, Fees and Charges, to update noise regulations in the City of Toronto.

Whereas the City has the authority to pass by-laws respecting the health, safety and well-being of persons under section 8 of the City of Toronto Act, 2006; and

Whereas City Council wishes to update the regulations for noise in the City of Toronto;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 591, Noise, is amended by:

- a. adding the following definition to § 591-1.1 in alphabetical order:

EXEMPTION PERMIT SCREENING CRITERIA - Criteria developed by the Executive Director in accordance with 591-3.2I and published by the Municipal Licensing and Standards Division.

- b. adding the following definitions to § 591-1.1 in alphabetical order:

INSTRUMENT SOUND - Sound made by any musical instrument, including the unamplified playing of percussion instruments.

SOUND-INDUCED VIBRATION - The oscillatory motion generated by sound waves that can be felt physically and which may be transmitted through solid structures, liquids, surfaces, or the ground.

WASTE COLLECTION - The collection, transportation or removal of waste, including equipment being used to load, unload and transport containers for handling waste, but does not include the processing or disposal of waste.

- c. deleting the definitions for LARGE CRANE WORK, Leq, MOTOR VEHICLE, PERSISTENT NOISE, POINT OF RECEPTION, POWER DEVICE, STATIONARY SOURCE and UNREASONABLE NOISE in § 591-1.1 and replacing them as follows:

LARGE CRANE WORK - The erection and dismantling of a crane or any other crane work that requires a road closure for the work.

Leq - The continuous sound level which, for a specified time period, produces the same total sound energy as would the actual time-varying sound level. Also

referred to as the energy equivalent sound level.

MOTOR VEHICLE - The same meaning as in section 1(1) of the Highway Traffic Act, 1990. This meaning is noted as follows, for reference purposes only: 'Includes an automobile, a motorcycle, a motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a roadbuilding machine.'

PERSISTENT NOISE - Any noise or sound-induced vibration that is continuously heard or felt for a period of ten minutes or more or heard or felt intermittently for a time totaling ten minutes over a period of one hour.

POINT OF RECEPTION - Any location on the premises of a person where sound originating from other than those premises is received. The following list provides examples of points of reception, and is not exhaustive:

- (1) An outdoor area that is:
 - (a) near the façade of a building, at a height of 1.5 metres above ground, typically in backyards, front yards, terraces or patios; or
 - (b) on a balcony or elevated terrace (for example, a rooftop) provided it is not enclosed; or
- (2) An indoor area that is inside a building.

POWER DEVICE - Any equipment driven otherwise than by muscular power used in the servicing, maintenance or repair of property or lawns, including chainsaws, lawn mowers, leaf blowers, grass trimmers, power or pressure washers, or any other similar equipment. A power device does not include construction equipment as defined in this chapter or equipment used to remove snow or ice.

STATIONARY SOURCE - A source of sound which does not normally move from place to place, including the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance. A stationary source does not include a residential air conditioner or similar residential device.

UNREASONABLE NOISE - Any noise or sound-induced vibration that would disturb the peace, rest, enjoyment, comfort, or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation.

- d. Amending § 591-2.1 so it reads as follows:

§ 591-2.1. Amplified sound or instrument sound.

- A. No person shall emit or cause or permit the emission of amplified sound or

instrument sound, measured with a sound level meter at an outdoor point of reception in a living area:

- (1) That has a sound level (expressed in terms of Leq for a ten-minute period) exceeding 50 dB(A) or 65 dB(C) from 11 p.m. to 7 a.m. or 55 dB(A) or 70 dB(C) from 7 a.m. to 11 p.m.; or
- (2) Where the ambient sound level at a point of reception (expressed in terms of Leq for a ten-minute period) exceeds the maximum sound level permitted under Subsection A(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

B. If, during the course of an investigation, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of amplified sound or instrument sound, measured with a sound level meter at an indoor point of reception in a living area:

- (1) That has a sound level (expressed in terms of Leq for a ten-minute period), exceeding 42 dB(A) or 57 dB(C) from 11 p.m. to 7 a.m. or 50 dB(A) or 65 dB(C) from 7 a.m. to 11 p.m.; or
- (2) Where the ambient sound level at a point of reception (expressed in terms of Leq for a ten-minute period) exceeds the maximum sound level permitted under Subsection B(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

e. Amending § 591-2.3 so it reads as follows:

§ 591-2.3. Construction.

No person shall emit or cause or permit the emission of sound resulting from construction or any operation of construction equipment that is clearly audible:

- (1) from 7 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays; and/or
- (2) all day on Sundays and statutory holidays.

f. Amending § 591-2.5A so it reads as follows:

A. No person shall emit or cause or permit the emission of sound resulting from unnecessary noise from a stationary motor vehicle that is persistent noise, such as the sounding of a horn, revving of an engine, or any like sound that is clearly audible at a point of reception.

g. Amending § 591-2.8 so it reads as follows:

§ 591-2.8. Stationary sources and residential air conditioners.

- A. No person shall cause or permit the emission of sound from a stationary source that, when measured with a sound level meter at an outdoor point of reception in a living area, has a sound level (expressed in terms of Leq for a one-hour period) exceeding:
- (1) 45 dB(A) from 11 p.m. to 7 a.m. or 50 dB(A) from 7 a.m. to 11 p.m.; or
 - (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.
- B. If, during the course of an investigation related to Subsection A, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a stationary source, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding:
- (1) 40 dB(A) from 11 p.m. to 7 a.m. or 45 dB(A) from 7 a.m. to 11 p.m.; or
 - (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.
- C. Subsections A and B do not apply to the emission of sound from a stationary source that is in compliance with a provincial Environmental Compliance Approval (ECA) or is an activity registered on the Environmental Activity and Sector Registry (EASR).
- D. No person shall cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an outdoor point of reception in a living area:
- (1) That has a sound level (expressed in terms of Leq for a one-hour period) exceeding 45dB(A) from 11 p.m. to 7 a.m. or 50 dB(A) from 7 a.m. to 11 p.m.
 - (2) Where the ambient sound level (expressed in terms of Leq for a one hour period) exceeds the maximum sound level permitted under Subsection D(1), that has a sound level (expressed in terms of Leq for a one-hour period) exceeding the ambient sound level.
- E. If, during the course of an investigation related to Subsection D, a By-law

Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding 40 dB(A) from 11 p.m. to 7 a.m or 45 dB(A) from 7 a.m. to 11 p.m.

- h. Amending § 591-2.9C so it reads as follows:
 - C. Where a type of noise or sound is permitted in § 591-2.1 through § 591-2.8 but the noise or sound is also unreasonable and persistent noise, the Executive Director may, despite anything to the contrary in this chapter, require the person causing or permitting the noise or sound to obtain an exemption permit under § 591-3.2, and such person shall obtain and comply with the exemption permit.
- i. Amending the heading to § 591-3.1 so it reads “Public safety, government work, and waste collection.”
- j. Amending § 591-3.2 so it reads as follows:

§ 591-3.2. Exemption permits.

- A. Any person may apply for an exemption permit from a noise prohibition or noise limitation provision in this chapter, in connection with one or more events or activities, by filing the following with the Executive Director at least 28 calendar days prior to the start of the event or activity:
 - (1) An application in the form prescribed by the Executive Director;
 - (2) Reserved; and
 - (3) Any information relevant to the application as requested by and to the satisfaction of the Executive Director including but not limited to:
 - (a) Reasons supporting an exemption permit;
 - (b) A noise mitigation plan;
 - (c) A statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.
- A.1 If an applicant wishes to apply for an exemption permit less than 28 calendar days prior to the proposed event or activity, the applicant must pay a late application fee in addition to the application fee set out in

Chapter 441, Fees and Charges, as part of their application. The late fee requirement shall not apply to a person applying for a permit under 591-2.9C.

- B. Upon receipt of an application under subsection A, the Executive Director shall assess the application in accordance with the Exemption Permit Screening Criteria in order to determine which level the application falls under for the purpose of determining applicable additional conditions under subsection F.1 and applicable fees.
- B.1 After assessment of an application under Subsection B, the Executive Director shall give written notice to the Councillor of any ward where each event or activity is to be held and, where each event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.
- C. The Executive Director shall issue an exemption permit if all of the following conditions have been met:
 - (1) All of the Councillors notified under Subsection B.1 have:
 - (a) within 14 calendar days of the notice where the application is categorized as Level 1 or 2, either not responded or responded indicating that they have no objection to the application being approved; or
 - (b) where the application is categorized as Level 3, responded indicating that they have no objection to the application being approved.
 - (2) The applicant has complied, to the satisfaction of the Executive Director, with the last exemption permit, if any, issued to them.
 - (3) The applicant has provided the following:
 - (a) The applicant's name, address, and telephone number;
 - (b) The date, time and location of each event or activity for which the exemption permit is sought and, where applicable, the number of people expected to attend;
 - (c) The purpose for which the exemption permit is required;
 - (d) The description of any sound equipment or construction equipment to be used;
 - (e) The name, address and telephone number of at least one contact person who will supervise each event or activity;

- (f) A written undertaking that one or more contact persons responsible for supervising each event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the exemption permit; and
 - (g) Any other information or documents that may be required by the Executive Director related to the exemption permit application.
- (4) The applicant has paid all required fees, including the non-refundable application fee set out in Chapter 441, Fees and Charges.
 - (5) The applicant does not have any outstanding fines or fees with respect to this chapter.

D. An exemption permit shall be subject to the following conditions:

- (1) A notice of the exemption permit shall be posted in a visible location determined by the Executive Director where each event or activity will occur 7 days prior to the start of the event or activity. This condition may be altered or waived by the Executive Director and if the applicant is unable to post a notice of the exemption permit at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner;
- (2) If required by the Executive Director, the event or activity shall comply with a noise mitigation plan;
- (3) If required by the Executive Director, the sound levels resulting from each event or activity shall be monitored by City staff with the applicant paying the charges for this monitoring as set out in Chapter 441, Fees and Charges;
- (4) The sound emitted from any equipment shall not exceed a sound level (expressed in terms of Leq for a ten-minute period):
 - (a) For amplified sound, of 85 dB(A) or 105 dB(C) when measured from the lot line of the property where the event or activity is occurring; or
 - (b) For any other event or activity, of 85 dB(A) or 105 dB(C) when measured 20 metres from the source;
- (5) Where the sound level exceeds the limits specified in Subsection D(4), the applicant shall comply with any request made by a police

officer or a Bylaw Enforcement Officer with respect to the volume of sound;

- (6) No equipment other than the equipment approved under the exemption permit shall be used by the applicant;
- (7) Each event or activity shall be restricted to the approved location;
- (8) The permission granted shall be for the date and times for each event or activity as set out by the Executive Director in the exemption permit; and
- (9) If required by the Executive Director, a copy of the exemption permit shall be posted in a visible location determined by the Executive Director for the duration of the event or activity. This condition may be altered or waived by the Executive Director and if the permit holder is unable to post a copy of the exemption permit at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner.

E. Appeal.

- (1) Where the Executive Director refuses to grant an exemption permit under this subsection, the applicant shall be notified in writing and advised that they may appeal the Executive Director's decision to the community council which has jurisdiction for the location of each proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.
- (2) Notice of hearing shall be sent to all residents within 100 metres of the location where each event or activity is proposed to be held as shown on the last revised assessment rolls and at the applicant's expense.
- (3) Where the location of each proposed event or activity under appeal falls on the boundary street of more than one community council, each affected community council shall provide its recommendations to Council for its consideration of the appeal under this Subsection.
- (4) Council, or the community council under delegated authority, may issue or refuse an exemption permit.

- (5) If the community council under delegated authority or Council issues an exemption permit, the exemption permit is subject to the conditions set out in Subsection D, unless the community council under delegated authority or Council provides otherwise, and to any other conditions respecting health, safety and nuisance as the community council under delegated authority or Council considers advisable.
- F. Where an application for an exemption permit is made for continuous concrete pouring or large crane work, only Subsections A, B, B.1, C(2), (3) and (4), G and H apply and the Executive Director may issue the exemption permit subject to the conditions in Subsections D(1), (2), (7) and the conditions that:
- (a) The permission granted shall be for the date and times for each event or activity as set out in the exemption permit with overnight events or activities discouraged;
- (b) Notice for continuous concrete pouring and large crane work shall be distributed by the permit holder to those within a 120 metre radius of the activity at least 7 days prior to the start of such activity; and
- (c) The Executive Director shall provide a final copy of any exemption permit issued under this Subsection to the Councillor of any ward where such activity is to be conducted and, where the activity is to be conducted on a boundary street between wards, to the Councillors of the adjoining wards.
- F.1 In addition to those conditions set out in Subsection D, where the noise described in an exemption permit application is categorized as ‘Level 2’ or ‘Level 3’ under the Exemption Permit Screening Criteria, the Executive Director may impose the following conditions on the exemption permit:
- (1) The permit holder must distribute a notice of the exemption permit, in a form and manner satisfactory to the Executive Director, to those within a 120-metre radius of the activity at least 7 days prior to the start of the event or activity;
- (2) The permit holder must adhere to specific orientation of equipment for the duration of the event or activity, as determined by the Executive Director;
- (3) The permit holder must install sound dampeners or deadeners, or any other noise protection equipment determined by the Executive Director for the duration of the event or activity.

- F.2. In determining which additional conditions under Subsection F.1 are appropriate, the Executive Director will consider criteria, including but not limited to:
- (1) The duration of the event or activity and the hours the event or activity will be occurring;
 - (2) The total number of participants or attendees at an event or activity with amplified sound or the type of construction development;
 - (3) The proximity of the noise to a residential area and the likelihood that the noise for which an exemption is requested may negatively affect persons in that residential area; and
 - (4) The applicant's compliance with this chapter, including any previous exemption permits, if any, issued to them.
- G. Despite anything contained in § 591-3.2., where an application for an exemption permit is made by the City or any of its agencies, boards or commissions:
- (1) The application shall be submitted directly to the Executive Director by the City department, agency, board or commission seeking the exemption permit.
 - (2) The fees in Chapter 441, Fees and Charges, do not apply.
 - (3) Subsections C(3)(e) and (f) do not apply.
- G.1 Despite anything contained in § 591-3.2, where an application for an exemption permit is made by a not-for-profit organization, the not-for-profit organization will not be required to pay the exemption permit application fee in Chapter 441, Fees and Charges.
- H. The Executive Director may revoke an exemption permit, with or without notice, if there is non-compliance any of the exemption permit's conditions.
- I. The Executive Director will develop Exemption Permit Screening Criteria for the purposes of categorizing types of events or activities contained in an exemption permit application and use the Exemption Permit Screening Criteria in the assessment of exemption applications, including determining the applicable conditions and applicable fees. The Exemption Permit Screening Criteria will categorize types of events or activities into levels depending on their impact, considering factors including the duration of the event or activity, the total number of participants expected (if applicable), the hours of the event or activity, the location of the event or activity in relation to a residential zone, the applicant's historical level

of compliance with Chapter 591, and any other criteria determined by the Executive Director, and such Exemption Permit Screening Criteria may be amended by the Executive Director from time to time.

- k. Adding new subsections C and D to § 591-4.5 as follows:
 - C. All prosecutions and other enforcement processes commenced under this chapter between October 1, 2019, and May 31, 2024, which have not been completed on June 1, 2024, shall be completed as if the chapter had not been amended on that date.
 - D. The provisions of this chapter do not apply to exemption permits granted between October 1, 2019, and August 31, 2024, provided that the holder of such permits continues to comply with the conditions of their original permits and that such permits are not revoked, terminated, and do not expire.

2. City of Toronto Municipal Code Chapter 441, Fees and Charges, is amended as follows:

- a. Deleting the following from Appendix C – Schedule 12, Municipal Licensing and Standards:

Delete from: Ref. No.	Delete from: Service	Delete from: Fee Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adj.
59	By-law Exemptions	Appeal application fee	Full Cost Recovery	Per application	\$200	No
60	By-law Exemptions	Monitoring by City staff of sound levels at an event or activity	Full Cost Recovery	Staff/ hour	\$60	No

- b. Adding the following to Appendix C – Schedule 12, Municipal Licensing and Standards:

Add to: Ref. No.	Add to: Service	Add to: Fee Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adj.
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59	By-law Exemptions	Noise exemption permit appeal fee	Full Cost Recovery	Per application for appeal	\$405	Yes
60	By-law Exemptions	Monitoring by City staff (Bylaw Officer) of sound levels at an event or activity	Full Cost Recovery	Per staff per hour	\$79	Yes
508	By-law Exemptions	Monitoring by City staff (Bylaw Officer) of sound levels at an event or activity – overtime coverage or statutory holiday	Full Cost Recovery	Per staff per hour	\$93	Yes
509	By-law Exemptions	Monitoring by City staff (Supervisor) of sound levels at an event or activity	Full Cost Recovery	Per staff per hour	\$87	Yes
510	By-law Exemptions	Monitoring by City staff (Supervisor) of sound levels at an event or activity – overtime coverage or statutory holiday	Full Cost Recovery	Per staff per hour	\$103	Yes

- c. Deleting the following from Appendix C – Schedule 12, Municipal Licensing and Standards:

Delete from: Ref. No.	Delete from: Service	Delete from: Fee Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adj.
58	Property Standards Inspections & Compliance	Permit application fee	Full Cost Recovery	Per application	\$100.00	No

d. Adding the following to Appendix C – Schedule 12, Municipal Licensing and Standards:

Add to: Ref. No.	Add to: Service	Add to: Fee Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adj.
504	By-law Exemptions	Noise exemption permit application fee (General – Level 1)	Full Cost Recovery	Per application	\$110	Yes
505	By-law Exemptions	Noise exemption permit application fee (General – Level 2)	Full Cost Recovery	Per application	\$340	Yes
506	By-law Exemptions	Noise exemption permit application fee (General – Level 3)	Full Cost Recovery	Per application	\$570	Yes
507	By-law Exemptions	Noise exemption permit application fee – continuous concrete pouring or large crane work	Full Cost Recovery	Per application	\$458	Yes
511	By-law Exemptions	Late noise exemption permit application fee	Full Cost Recovery	Per late application	\$85	Yes

- 3.** This by-law shall come into force as follows:
- a. Subsections 1(b) to (i) and (k) and subsections 2(a) and (b) shall come into force on June 1, 2024; and
 - b. all other sections and subsections shall come into force on September 1, 2024.

Enacted and passed on March , 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)