



January 20, 2016

**Attention: City Councillor Cesar Palacio, Chair**

Licensing and Standards Committee (ML&S)

10th floor, West Tower, City Hall

100 Queen Street West

Toronto, ON

M5H 2N2

Dear ML&S Committee Members:

**RE: Proposed Changes to City of Toronto Noise By-Law**

On behalf of our members, we are writing to express our comments with the proposed changes to the City's Noise By-law. We would like to take this opportunity to thank staff for organizing a preliminary consultation meeting in June 2015. City staff recommendations were not discussed at this meeting, as this was our industry's first opportunity to provide feedback on the current state of the by-law.

Therefore, our comments with the proposed changes are based on our reviews conducted since the release of the committee agenda.

**Exemptions for continuous pouring of concrete and large crane work:**

The proposed changes to the noise by-law remove the explicit exemption in 591-2.1 B (2) which states that the prohibited period for construction does not apply to continuous pouring of concrete and large crane work that cannot be performed during regular business hours. We would like to take this opportunity to remind the Committee that these exemptions were originally put in place because these particular construction activities are unique, taking a significant period of time and preparation. In 2007, City Council agreed that an exemption for these activities supported efficient construction practices which helped ensure that the public was not inconvenienced by unnecessary noise for an extended period of time.

The removal of these explicit exemptions would create an additional administrative hurdle which will delay the construction process and extend the noise timeframe – potentially creating even more noise disruptions. Moreover, removing these explicit exemptions will create disruptive and expensive work stoppages, increasing the costs our industry assumes to bring new homes and businesses to market. Taken together, we do not feel this serves the public interest. It has been the experience of our members that it is often better for these pours to begin, and run continuously, in the middle of the night to mitigate the disruption to the surrounding neighbourhood and morning commuting traffic. Indeed, this approach has proven to reduce the overall disturbance timeframe as well as mitigating the impact on the surrounding streets and neighbourhoods.

**In light of the fact that Toronto continues to face an affordable housing supply challenge, we recommend that the Committee maintains these exemptions. We agree that tracking these activities serves the public interest and our industry would welcome an opportunity to work with City staff to**



**ensure mechanisms are in place to allow Council members and residents have the information they need.**

**Approval Timeline:**

The proposed by-law allows 14 days (or more) for the approval of an exemption permit application. Our industry has long advocated for an approval timeline that is more expedient. We believe that a 7-day approval timeline would provide a sufficient period for Council members and staff to provide constructive feedback on a particular exemption application. As previously noted, delays are very costly and disruptive to our industry. Rising costs and delays ultimately work against the public interest.

**We recommend that the Committee amend the approval timeline and encourage staff to implement an exemption application permit approval system based on a 7-day timeframe.**

**Delegated Authority for the Executive Director:**

The proposed changes to the by-law create new powers through delegated authority for the Executive Director of ML&S. These powers would allow the Executive Director to:

- Impose conditions on a noise by-law exemption permit; -
- Refuse a noise by-law exemption permit; -
- And, revoke a noise by-law exemption permit. -

Our members believe that these powers should be kept under Council's discretion. Furthermore, the proposed by-law does not provide sufficient information on the grounds by which the Executive Director would make such decisions and the mechanisms for appeal.

**We recommend that the committee remove these delegated powers.**

The development industry is critical to Toronto's continued economic success. Because of the strong demand for housing in the City, our sector is one of the strongest performing in Ontario. We encourage - your Committee to ensure that new regulations strike the balance between the public interest and market realities. Our industry members would be happy to meet with City staff and Committee members to discuss these issues further. Please contact us if we can be of any assistance. We can be reached by email at [lyall@rescon.com](mailto:lyall@rescon.com) and [Dchin@bildgta.ca](mailto:Dchin@bildgta.ca). Thank you for your consideration. -

Sincerely,

Richard Lyall  
President, RESCON

Danielle Chin MCIP, RPP  
Senior Manager, BILD

CC: *Peter Wallace, City Manager, City of Toronto*  
*Tracey Cook, Executive Director, Municipal Licensing and Standards Division*  
*Mark Sraga, Director, Investigation Services, Municipal Licensing and Standards Division*