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21 January, 2016

Via email: lsc@toronto.ca

Municipal Licensing and Standards Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair and Committee Members,

Re: Licensing & Standards Committee Agenda LS 9.1 Proposed Amendment to Noise By-law

About Mondelēz Canada

Mondelēz Canada, an indirect subsidiary of Mondelēz International Inc., manufactures and markets some of the country's best loved brands. Mondelēz Canada is a major Toronto employer. Our facilities include:

- East York Bakery located 1200 O'Connor Drive / 5 Bermondsey Road,
- Bertrand Plant located at 40 Bertrand Avenue,
- Scarborough Bakery located at 370 Progress Avenue and
- Gladstone Facility located at 277 Gladstone Avenue.

Recently, we were pleased to be able to increase our commitment to Toronto by announcing the planned relocation of our head office to the Bloor and Islington area.

Proposed Noise By-Law Amendment

We applaud city staff's efforts to reduce the overlap and duplication between the regulatory efforts of the City of Toronto and the Ministry of the Environment and Climate Change (MOECC).

In particular, we support the proposal to exempt from municipal noise regulations industrial facilities that are in compliance with provincial standards.

In the course of our review of the draft, we became concerned that certain details of the proposed amendments might actually undermine this goal for industrial facilities in the City.

In conversation with city staff, we were pleased by their open, collaborative approach and willingness to consider minor changes to improve the draft amendments. In that spirit, we make the following observations.



Stationary Source Exemption

Chapter 591-3(C) of the proposed amendment includes an exemption for a stationary source where it has both an Environmental Compliance Approval (ECA) *and* an agreement for noise mitigation.

In practice, agreements for noise mitigation are used only in very limited circumstances. Indeed, none of our facilities in Toronto has such a noise mitigation agreement. Were the current amendment to be passed as drafted, we would remain subject to both municipal and provincial noise standards – contrary to the intent of the amendments.

In our view, this situation could be clarified with a simple amendment. The exemption for stationary sources could be modified so that it applies to any stationary source operating in compliance with an ECA, and not be limited to stationary sources that, in addition to having an ECA, also have an agreement for noise mitigation.

We also note that the term ECA has evolved in provincial legislation in recent years. In order to protect the By-law from evolutionary changes in provincial terminology, it may be useful to substitute ECA with a more generic term denoting provincial approval which includes consideration of noise impacts.

Therefore, we propose the following modification:

591-3. Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound:

...

C. from a stationary source as a result of an activity that is authorized under federal or provincial legislation, such as an activity carried out in accordance with an environmental compliance approval.

While we also had some concerns about the Noise Mitigation plan provisions in clause 591-9, we believe that these would also be addressed by the solution above.

We hope you will consider this proposed amendment favourably. Alternatively, we kindly request that the Committee defer this matter to allow further consultation with industrial stakeholders, so that we may continue to work collaboratively with staff to find an alternative amendment for the Committee's consideration at a later date.

Yours very truly,

MONDELEZ CANADA INC.



Susannah Riggs
Chief Counsel

