



Confederation of Resident & Ratepayer
Associations in Toronto

May 18, 2016

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

Attention: Ms. Dela Ting
Email: lsc@toronto.ca

Dear Chair Cesar Palacio and Members of the Licensing and Standards Committee:

LS11.2: Chapter 591, Noise – Amendments After Further Consultation
Licensing and Standards Meeting No. 11 May 19, 2016

CORRA, the Confederation of Resident and Ratepayer Associations in Toronto, is writing in support of residents, ratepayers and their groups concerned with the issues of noise that include the amending and the establishing of acceptable levels of noise based on local context and situational events to the application and enforcement of these by-laws as found in Chapter 591 of the City's Municipal Code.

Resident and ratepayers are taxpayers, we also are invested in this City, every day. The municipal standards department of the city is a staff department that by and large enforces the activities emanating from activities approved by other City departments.

The costs to apply and enforce these standards should come from these activities at the source and not the other way around. For example, construction activity and more recently arts and music activities in the parks (outdoor concerts) are a couple of examples. The City does not assess opportunity cost, the financial costs across time and does not perform a cost / benefit analysis that includes public interests / common good issues which are generally long term concerns. We are now caught in cycles of short-term decision-making that may be off from the long-term targets.

CORRA cites the following issues among the many concerns raised by others with the City's request to amend the Municipal Code for Noise:

The Business Case has not been met:

(a) Music and Arts in the park activities have not made their case. What city parks are slated for these activities? And, have the surrounding neighbourhoods been notified of this potential change in park use? How will the situational noise and cumulative noise levels be managed? The decision was made with existing laws in

place so how did they justify an activity fee of \$0.00. How did the start-up costs and the enforcement costs factor into this fee, when the City uses a cost-recovery fee setting framework.

Should we be easing noise standards and other requirements as a result of a poor business case, thereby diluting our interests in ensuring a balanced level of enjoyment, urban quiet, and comfort for all who live in this City on a daily basis?

(b) Concrete pour operations and other construction activities. Incentives to ensure construction operations occur during the allowable time frames are encouraged. Would these Incentives be better viewed as fines (that increase over time and with each infraction) rather than exemptions to operate outside stipulated time frames? Again, the permit costs and associated construction fees would need to be assessed over the entire cost of the construction activity and that should include the cost to enforce. This used to be decided at Planning and Growth with Building's Department and ML&S input.

The Municipal Code, Chapter 591 Noise

The City's Municipal Code is made of a series of by-laws that underpin Chapter 591 concerning Noise. It is the amendment to these by-laws and not the overall amendment of the Code that is needed. Each of the by-laws that make up the Noise Chapter underwent a decision making process individually to make up the whole. It appears now there is omnibus overhaul of Chapter 591 without a review of what works to identify the gaps and to make the appropriate pragmatic changes.

For example, the general prohibition that "No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the city during the following time periods..." and then to qualify this objective with specific exemptions, qualified prohibitions, permitted activities and issuance of specific permits to exempt suggests the objective of the Noise By-law is not met.

Enforcement Costs:

These costs should be determined at the source of the activity. If full cost recovery is the framework for assessing permits and permitted activities, then the costs of enforcement is part of these fees and that includes the cost of enforcing the noise by-laws. Municipal Standards should be receiving funds from these departments to carry out the application and enforcement of the standards expected by the public on which the fees were based.

We ask again, should we be easing noise standards and other requirements as a result of a poor business case, thereby diluting our interests in ensuring a balanced level of enjoyment, urban quiet, and comfort for all who live in this City on a daily basis?

Local Democracy and Due Process:

Have the residents, ratepayers, and their groups / associations received Notice of the various changes that are being proposed with this amendments. Have the parks been identified for these outdoor concerts and those affected and impacted given Notice of this change in use? Have residents, ratepayers, and others been given an opportunity to review the materials and to make representations before their Ward Councillor or local Community Council as a forum to make their views known? Did the various departments approving the fees associated with such activities carry out their required processes for decision-making?

CORRA did not receive Notice and neither did many resident groups that may or would be impacted by the amendments being proposed. The City Clerk of each Community Council maintains a list of resident and ratepayer groups – why are we by-passing this resource for robust consultation and feedback?

Summary:

The people of the city should not be asked to sacrifice an expected level of enjoyed urban quiet resulting from short term fixes – the trade-off of fees emanating from outdoor concert concerts and construction – and failed business cases.

CORRA requests that the amendments are premature and the recommendations not advance to Council until each of the Community Councils have considered the proposed changes with full and proper Notice to affected residents, ratepayers, and their groups to make public representations on public record and to have these issues fully considered by policy staff before a decision is made by Council.

Thank you for your consideration.

Sincerely,

Eileen Denny

Eileen Denny, Chair
Confederation of Resident and Ratepayer Associations in Toronto