

Application for Noise Exemption- 3300 Bloor Street West

Date: May 8, 2017
To: Etobicoke York Community Council
From: Kim Kilburn, District Manager Municipal Licensing and Standards
Wards: Ward 5 – Etobicoke - Lakeshore

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the agent for the owner of 3300 Bloor Street West to perform construction activity that will generate construction noise beyond the permitted hours, contrary to the requirements specified in City of Toronto Municipal Code, Chapter 591, Noise.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for a noise exemption, by the agent of the property owner of 3300 Bloor Street West, for the proposed construction activity that will generate construction noise beyond the permitted hours, contrary to the requirements specified in City of Toronto Municipal Code, Chapter 591, Noise.

or
2. Grant the application for a noise exemption by the agent of the property owner of 3300 Bloor Street West, without conditions, thereby allowing the proposed construction activity that will generate construction noise beyond the permitted hours from 7 PM to 11 PM on weekdays, as proposed.
3. Grant the application for a noise exemption by the agent of the property owner of 3300 Bloor Street West, with any conditions the Committee deems appropriate.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is mixed-use high rise building situated at the corner of Bloor Street West and Islington Avenue in Ward 5 (Attachment # 1).

The property owner's agent/contractor is seeking relief from the noise by-law regulations to work on weekdays from 7 PM to 11 PM contrary to Section 591-2.1.B. (1)(a) of Chapter 591, Noise, of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal noise exemption application on or about February 06, 2017 from Albatech Building Restoration Inc. The application requested that from February 21, 2017 to December 31, 2017, construction activity was being proposed from 7 PM to 11 PM on weekdays, which is during prohibited times. The applicant sought this relief from the by-law regulations as it was felt that if the extended work hours would significantly shorten the duration of the construction activity and the length of the project [by approximately 3 months].

As required by Section 591-10.A., Municipal Licensing & Standards notified the Ward Councillor in writing of the noise exemption application, on February 6, 2017 (Attachment #2). The notification advised that if there was no objections to the application, or if there was no response within 14 days, the Municipal Licensing & Standards Division was obliged to issue the noise permit. The Ward Councillor's Office, after some initial discussions and negotiations with the applicant, both during/within and extending to beyond the 14 day period, formally notified the Municipal Licensing & Standards Division on or about March 2, 2017 that his Office could not give his approval for the noise exemption request.

The Municipal Licensing Standards Division notified the applicant in writing on or about March 2, 2017 that the noise exemption application was being refused and any appeals to this decision had to be filed within 21 days (Attachment # 3). On March 17, 2017, The Municipal Licensing Standards Division received a formal letter of Appeal from the applicant along with the required Appeal fee (Attachment # 4).

Pursuant to the Section 591-10.H., this Staff Report is being prepared so that the Council or Community Council, which has the delegated authority to issue or refuse a noise permit, can consider the applicant's appeal of the refusal noted above.

Staff Report for action on Noise Exemption – 3300 Bloor Street West

A review of the proposed construction activity in the noise exemption application, the Municipal Licensing Standards Division has determined that it does not comply with Toronto Municipal Code, Chapter 591- Noise, as follows:

LOCATION	ACTIVITY PROPOSED	DEFICIENCY	BY-LAW SECTION*
3300 Bloor Street West	The applicant is proposing to use heavy construction equipment from 7 PM to 11 PM on weekdays. The proposed equipment includes: Skid Steer, Telehandler, Mini-Excavator with Hammer, Scissor Lift, Compressor with Chipping Guns, Concrete Saws	The applicant was initially proposing to work from 7 PM to 11 PM on weekdays from February 21, 2017 to December 31, 2017. Noise from construction activity is only permitted between the hours of 7 AM to 7 PM on weekdays.	Section 591-2.1.B.(1)(a)

The applicant seeks the exemption to speed up the schedule of the proposed work and to shorten the duration of the project by a projected, 3 months.

We recommend that the all provisions of the City of Toronto's Municipal Code, Chapter 591, Noise by fully complied with and the noise exemption application, be refused.

However, should the Committee decide to grant the noise exemption, such exemption should be subject to any conditions the Committee deems appropriate in recommendations # 2 or 3.

CONTACT

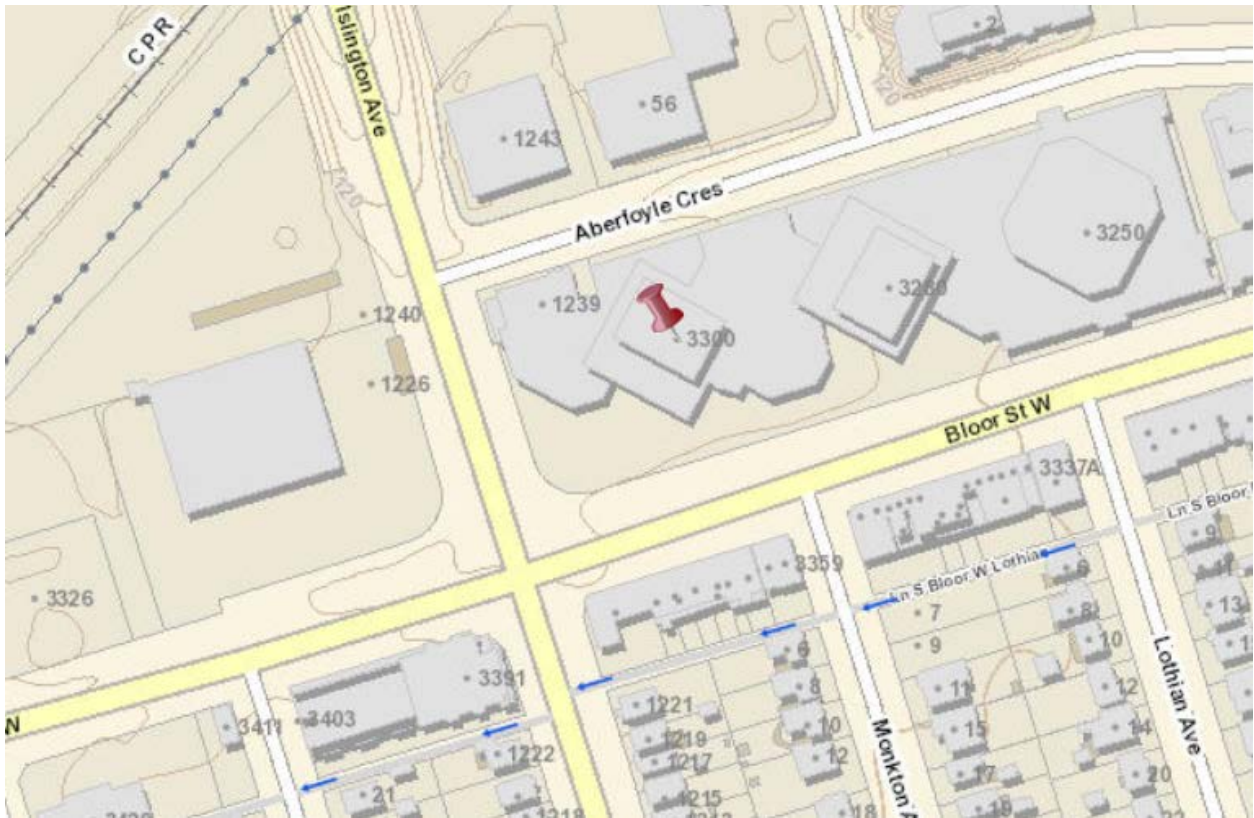
Italo Joe Luzi
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-395-7013 Fax: 416-394-2904
Email: ItaloJoe.Luzi@toronto.ca

SIGNATURE

Kimberley Kilburn, District Manager
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-392-7735 Fax: 416-394-2904
Email: kkilburn@toronto.ca

ATTACHMENTS

Attachment 1: Aerial Map of 3300 Bloor Street West
Attachment 2: Ward Councillor Notification Letter dated February 6, 2017
Attachment 3: Refusal Letter Dated March 2, 2017
Attachment 4: Appeal Letter dated March 17, 2017



Attachment 1: Aerial Map of 3300 Bloor Street West



Scott Sullivan
Acting Director,
Investigation Services

Municipal Licensing and Standards
Tracey Cook, Executive Director

Etobicoke Civic Centre
399 The West Mall
3rd Floor, North Block
Toronto, Ontario M9C 2Y2

Reply to:
Kimberley Kilburn, Manager
Etobicoke York District
Tel: (416)392-7735
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kilbur@toronto.ca

February 6, 2017

Councillor Justin Di Ciano
Toronto City Hall
100 Queen St. W., 2nd Floor Suite C51
Toronto ON M5H 2N2

Dear Councillor Di Ciano;

RE: Application for Noise Exemption Permit - 3300 Bloor Street West

An application for a Noise Exemption Permit has been submitted by Albatech Building Restoration Inc. for the purpose of construction activity that will take place on the following dates & time:


Date: February 21, 2017 through December 31, 2017
Time: Weekdays from 7:00 pm – 11:00 pm

The Noise By-law, being Chapter 591 of the Toronto Municipal Code, as amended, permits construction noise from 7:00 a.m. to 7:00 p.m. Monday to Friday, and 9:00 a.m. to 7:00 p.m. on Saturdays and not permitted on Sunday and Statutory Holidays.

Subsection 10B of the latest amendments to the Noise By-law allows the District Manager of Municipal Licensing and Standards to approve the exemption on behalf of the Commissioner, without going through the Council. It also requires the Ward Councillor in the vicinity of the construction be notified of the application. In this connection, I enclose herewith a copy of the application detailing the type of work to be carried out, the hours of operation and construction equipment to be used.

Pursuant to subsection 10.C of the said Chapter of the Municipal Code, I am obliged to issue the permit if you advise me that you do not have any objection to the application being approved, or if I do not receive a response from you within 14 days of this letter.

Sincerely,


For Kimberley Kilburn
Manager, Investigation Services
Etobicoke York District

Attach.

/sm



Attachment 2: Ward Councillor Notification Letter dated February 6, 2017

Staff Report for action on Noise Exemption – 3300 Bloor Street West



Scott Sullivan
Acting Director
Investigation Services

Municipal Licensing and Standards
Tracey Cook, Executive Director

Investigation Services
Etobicoke York District
398 The West Mall
North Block, 3rd Floor
Toronto, Ontario, M9C 2Y2

Reply to: Kimberley Kilburn
Manager
Etobicoke York District
Tel: (416)392-7735
Fax: (416)394-2804
kkilburn@toronto.ca

March 2, 2017

Albatech Building Restoration Inc.
95 West Beaver Creek, Unit #7
Richmond Hill, Ontario L4B 1H2

Re: Noise Exemption Permit – 3300 Bloor Street West

This is to advise you that your application for a Noise Exemption Permit submitted on February 7, 2017 at the subject location, has been refused.

In accordance with Toronto Municipal Code (TMC), Chapter 591, Noise, you may appeal this decision to the Etobicoke York Community Council. The Etobicoke York Community Council has delegated authority from the City Council to issue or refuse the permit.

Your application to appeal must be filed within 21 days of the date of this letter of notice of refusal with the City Clerk's office at the Etobicoke Civic Centre, 399 The West Mall, Main Floor, Toronto, along with the fee of \$200.00 plus HST. In accordance with TMC, Chapter 591, Noise, all residents living within 100 metres of the subject location shall be notified of the appeal at your expense.

Subject to TMC, Chapter 591, Noise, the appeal will be heard at the forthcoming meeting of the Etobicoke York Community Council.

Please be advised that all construction activity must be in compliance with TMC, Chapter 591, Noise.

The Noise By-law, being Chapter 591 of the Toronto Municipal Code, as amended, permits construction noise from 7:00 a.m. to 7:00 p.m. Monday to Friday, and 9:00 a.m. to 7:00 p.m. on Saturdays and not permitted on Sunday and Statutory Holidays.

Sincerely,

 #6025

For
Kimberley Kilburn
Manager, Investigation Services

cc. Councillor Di Ciano Ward 5

/sm





95 West Beaver Creek, Unit 7
Richmond Hill, Ontario, Canada L4B 1H2
Tel: (905) 763-5704 Fax: (905) 763-6909
www.albatech.ca • info@albatech.ca

Date: March 17, 2017

I, Danny Mastropietro from Albatech Building Restoration Inc., appeal the denial of a noise exemption permit for our 3300 Bloor Street project, to speed up the schedule of said project.

Signed,



Danny Mastropietro

RECEIVED
CITY CLERK'S OFFICE
ETOBICOKE
CIVIC CENTRE
2017 MAR 17 P 3:25

Attachment 4: Appeal Letter dated March 17, 2017