



April 9, 2018

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Re: LS 24.1 Noise Bylaw Review - update

Dear Councillor Cesar Palacio, Chair and Members of the Licensing and Standards Committee,

The Toronto Noise Coalition, formed in 2016 in response to concerns about proposed changes to the City's Noise Bylaw, participated in the Noise Working Group to help develop a better noise bylaw regime. Torontonians face many noise issues as shown in survey results.

- 82.5% of those responding to the City's 2015 noise consultation indicated noise problems in their wards, with the most common effects of noise in addition to general disturbance were loss of sleep/insomnia and stress.
- Construction noise complaints increased 643% (non-residential) and 751% (residential), the highest source of noise complaints. (September, 2015 MLS staff report)
- In 2017 664 noise exemption permits were applied for, with over 90% approved. Whole neighbourhoods of the City, such as Harbourfront and the Toronto Islands, are dramatically affected by the high numbers of exception permits. Residents are being driven out of the waterfront area by the noise.

The TNC was concerned that the Noise Working Group did not have the resources to undertake the review required. We asked for expert advisors and facilitators and for information about best practices. Instead the process was process focused on "tinkering" with the existing by-law. It did not include the critical opportunity for resident representatives to work cooperatively with industry to develop solutions to the issues that meet the objectives of both. Attached is our extensive list of matters still to be resolved.

We are therefore pleased to see the deadline extended and that additional resources will be allocated. We support the undertaking of further consultations, additional research to better understand issues from the public, the hiring of an independent acoustical engineering firm to

provide a technical review of the current and proposed Noise By-law, the study of better best practices of other municipalities, as well as review of the feedback collected from members of the NWG. We support the now essential development of new enforcement procedures and budgetary requirements for ML&S resulting from the reduced role of Police in its Toronto Police Transformational Initiative. We support collaboration with Toronto Public Health, in its development of a Noise Management Action Plan for the City. However, we have concerns that the March 28 staff report disregards the significant noise issues related to leaf blowers, a major problem for many. New quieter leafblowers now are available. Appropriate new regulations for leaf blowers must be developed.

We look forward to further discussions regarding the issues and proposals provided in the many Toronto Noise Coalition submissions to MLS staff during the Noise Working Group process. Our objective is to support the development of a new effective set of regulations, exemption requirements, mitigation measure requirements and enforcement procedures. In addition to the attached list of issues, we further recommend the following principles for the development of a new 2019 Noise By-law regime:

- Clear recognition that the protection of the health and quality of life for all those living, working, studying, and playing must, of course, be the first consideration for the Noise Bylaw.
- Regulations requiring noise makers to be responsible for mitigating the noise at the source.
- Development of new regulations and other provisions resulting from facilitated TNC discussions where industry and residents representatives work co-operatively to help develop regulations and mitigation strategies that meet the needs of both.
- An adequately funded enforcement program that includes escalating fines to discourage offenders.
- Inclusion of the New York City model in the review of best practices across jurisdictions.
- Addition of opportunities presented by new advances in technology that reduce noise from equipment, such as from leaf blowers and mechanical equipment.
- Increased access for the public to complaints processes, and the ability for them to provide advice and receive information about exemptions in their neighbourhoods.

Thank you for the opportunity to submit comments,
Respectfully submitted,

Toronto Noise Coalition members

Ian Carmichael, ABC Residents Association

Cathie Macdonald, Federation of North Toronto Residents Association

CC Mayor Tory, Councillor Wong-Tam, Councillor Josh Matlow, Councillor Joe Mihevc,
Councillor Jaye Robinson, Councillor Lucy Troisi, Councillor Paula Fletcher, Councillor Gord
Cressy

TNC ISSUES AND PROPOSALS

TNC concerns about the Noise Working Group process

- Inadequate resources for the Working Group
- Lack of participation by the music industry in the discussion about amplified sound
- Process of restating old positions and problems, rather than facilitating a co-operative problem solving dialogue between the various sectors to explore new approaches and solutions.

TNC objectives for a noise management system

- **Effective regulations** – a general provision that states its objective to be to protect the public health of citizens from excessive noise, clear and enforceable regulations setting out objective standards for locations, noise levels, applicable time periods, and measurement, all clearly described for the public and for noise emitters to comply;
- **Effective mitigation measures** – with criteria publicly developed and available and related to the activity and its location;
- **Effective exemption process** – with criteria publicly developed, requiring mitigation measures and publicly available, with notice of application and approval provided to neighbouring organizations and locations, and approved exemptions posted on site; and
- **Effective enforcement** – based on the onus being on the noise emitters to comply, with adequate staffing and availability, including an effective offences and penalties program to offset costs, and monitoring of results.

As well, we want to see a improved programs for public access to information about the noise bylaw regime, education, systems for reporting complaints and consultation regarding exemptions and mitigation plans.

The New York experience shows it is possible to support a city's 24/7 business and entertainment life and still protect citizens from unreasonable noise. However, this does require political will and leadership.

TNC concerns with MLS proposals to date

- Deletion of the statement that the purpose of the bylaw is to protect the health and quality of life for all citizens.

- Loss of daytime and evening protection from unreasonable sound as there would be no protection for all citizens (not just the ones listed) for 16 hours each day, between 7am weekdays (or 9am weekends) and 11 pm.
- Deletion of the general provision regarding “vibrations” as otherwise such vibrations from construction activity, amplified sound and mechanical equipment are not covered.
- Increasing permitted decibel levels to levels that can impair hearing. The proposal to allows noise at 85 dB (the loudness level of a passing diesel truck or a snow blower) at such a point of reception. The NYC Noise Code limits noise at the point of reception inside a residence to 42dB.
- No alternative decibel levels or alternative time constraints were discussed at Working Group meetings.
- Measuring noise levels from a “point of reception”, which may be appropriate in some situations, but can also is unfair and intrusive to require complainants to do the measurement and wait for inspectors to visit. (The May 16, 2018 MLS report notes these issues.) With the use of technology, collection of noise logs can be efficient and submitted on line. But the primary location for measuring sound levels must be at their source. The Phoenix Club’s initiatives show measuring noise levels at source can work successfully. The recent proposals for regulating sidewalk cafes include such an approach.
- The proposed “one size fit’s all” approach is not appropriate for measuring noise as both objective and subjective measures are needed. The specific prohibition for loudspeaker and other amplified sound projected on streets, sidewalks and public places including city parks, must not be deleted.
- Any delegated authority for the Executive Director to approve exemptions must be clearly defined and approval must include an acceptable mitigation plan.
- The number of exemptions for amplified sound must be reduced particularly for areas where they are concentrated. Stricter criteria and controls are needed. The current approval process for exemptions does not protect the public well. It must provide for consultation with residents in the affected areas.
- Noise mitigation plans must be approved before an exemption is granted and information about the exemption and its approved mitigation plan clearly posted on the site.
- Series approvals (applications for more than one event in each application) must only be granted to applicants with an established record of good compliance.
- Noise mitigation is not noise management, but a process of preventing or reducing the impact of the noise before it becomes a problem. The Working Group did not

discuss the components of a mitigation plan with the music industry or fully with the construction industry. Public projects must have similar mitigation plans.

- Lack of concern in the March 28, 2018 MLS report about the negative impacts of leaf blowers (noise from a leaf blower can be 115 Db – 85Db can cause deafness - so operators use ear protection) and other garden equipment as well as proposals to allow their use up to 11 pm. flies in the face of ongoing requests to reduce these unnecessary impacts on the public. Public education and new regulations are required for alternatives such as banning loud leaf blowers in areas used by the public and residential neighbourhoods and making use of new technology must be included in further work. Time restrictions in other cities are: New York, 7pm – 8am and Vancouver, 6pm – 8am.
- Clear information must be provided as to regulation and enforcement of rooftop mechanical equipment, increasingly an issue with high density development. While these come under Provincial authority, the City's development approval process could be used to limit their impact through assuring their appropriate location.
- Regulation of emergency generators must be added, with the objective of limiting their use to the extent possible.
- A measurement of 55 dB (A) and "ambient noise plus 5 dB (A)" for residential air conditioners and generators as 55 dB (A) is too high and ambient sound is too difficult to measure and changes depending on the time of day.
- Discussions with the Toronto Police Services regarding their reduced role in enforcement under the Highway Traffic Act must cover their continued role in enforcing regulations for revving of engines, with increased the fines for violations, as well as regulation of noise from motorcycles. Toronto should adopt objective noise limits for vehicles as other Ontario cities have done. .
- The current and proposed standards for enforcement are inadequate. A five day service standard and a 9 to 5 program cannot be not effective for enforcing noise regulations that may require immediate action. Given that ML&S enforcement program will be expanding given the reduction of Toronto Police Services support, there must be sufficient budget to meet the all the new needs. (The TNC and other residents associations recently supported such increases at Budget Committee.)
- Existing penalties for offences must be increased and include escalating fine schedule to more effectively deters offences and repeat offenders. More stringent penalties will also help offset enforcement costs.
- Enforcement Officers must be given the authority to issue tickets and summons.
- The Special Events approval process must be reviewed to ensure noise levels of the events are reasonable for those living and working in nearby areas.