



April 9, 2018

Julie Lavertu
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, On, M5H 2N2
Email: lsc@toronto.ca

Re: LS 24.1 Noise Bylaw Review – update

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

My name is Alan Baker and I am the President of the Greater Yorkville Residents' Association, also known as GYRA. We represent approximately 9,000 residents living in 41 condominium buildings.

GYRA is also a member of the Toronto Noise Coalition and has participated in the Toronto Noise Bylaw Working Group meetings.

Respondents from Toronto residents to a survey conducted in 2015 identified that their most significant noise concerns come from construction, motorcycles, amplified music and small power devices such as leaf blowers.

You have received a written submission from the Toronto Noise Coalition as well as submissions from several other participants of the Working Group, so I will not repeat many of the issues contained in those submissions.

However I do want to address 2 specific noise issues that we feel have not been properly addressed in any of the draft proposals to date. **Amplified patio music after 11 pm and noisy mufflers.** Both are significant causes of sleep disruption to residents, which leads to the health issues detailed in the recent report from the Medical Officer and Board of Health.

Mufflers: On August 25, 2014, City Council adopted motion MM55.71 by Councillor Wong-Tam and seconded by Councillor Matlow “to report to City Council through the Licensing and Standards Committee at its first meeting of the new term, options for improving regulations, management and enforcement of excessive motorcycle noise..”. The motion received very favourable responses from residents and from the media who wrote several articles in support of this motion.

Unfortunately, solutions to this issue have basically been left out of any initial draft proposal. Motorcycles and other motor vehicles should not be permitted to have after-market mufflers whose sole purpose is to simply make louder noise. And then, as if that’s not enough, many ride up and down the streets needlessly revving their engines to create additional disturbances. This activity is especially disturbing late into the

evening and past midnight into the early morning hours. We are not suggesting that all motorcyclists are guilty of causing excessive noise, but those that do are the ones that give that community a bad reputation. Other cities have imposed strict maximum decibel levels that are easily tested and Toronto should be doing the same. Most manufacturers install, as standard equipment mufflers that emit reasonable decibel levels which are supported by the American Motorcycle Association. They are still loud but at least the noise levels are tolerable. There are relatively easy testing methods using hand held noise meters combined with periodic blitz programs much like Toronto Police Services do for seatbelt enforcement and DUIs. And fines must be increased.

Amplified music after 11 pm: Restaurants and bars should not be permitted to play amplified music after 11 pm that can be heard anywhere beyond their property line.....in other words the music must be contained within their premises.

Under the current bylaw, enforcement officers will want to come into the complainant's residence to hear the excessive noise. The problem is that the enforcement officers often respond 24-48 hours later, which is not very helpful. The resident is often asked to keep a noise log. I have samples and also have for your review the very onerous instructions that residents must follow to simply register a complaint. Why is the onus on residents? Why is the onus not on the source of the noise? Once acceptable decibel levels are established, noise measurements must be taken at source, which is also

much easier for the enforcement officers. It's the patio bar that's causing the problem, not the residents.

We must also substantially increase fines in order to make breaking bylaws punitive. A patio bar who by chance is convicted of a noise bylaw offence after a very lengthy legal process pays a very small fine. They often make that back in less than an hour of bar sales. Offenders feel no urgency to rectify their bad behaviour.

In conclusion, clearly more work is required which is why we support the recommendation of the Executive Director, Municipal Licensing and Standards to complete additional research and consultation of the review of Chapter 591 which must also include an increase in the number of enforcement officers.

We look forward to continuing to participate in the Working Group with the goal of developing a strong and enforceable noise bylaw that protects the residents of Toronto.

Thank you.
Alan Baker
President
GYRA

Instructions and forms from Municipal Licensing & Standards to residents below:

I am the Licensing Enforcement Officer assigned to investigate your noise complaint regarding excessive noise from the above location. It has been given the complaint number of B62336. Please use this number for any correspondence related to this matter.

Our Officers will investigate for excessive noise. It is our main goal to achieve compliance between the residents and establishment owners. You do have the option of keeping noise logs; Please record any noise (music/amplified sound) that affect you. You must be able to articulate where the noise is coming from. I have attached noise logs to this email.

The noise logs are kept for a period of 20-30 days and once you have 5 or more entries you may submit them to me for reviewing and I will issue a charge if warranted.

If I do proceed with a charge against them for noise you will be required to attend court and present your evidence of how the noise affects the quality of your life. This is the most effective way to deal with the noise issue as our courts usually issue higher fines when a complainant takes time to complete logs, attends court and tells how the noise affects their quality of life.

The City of Toronto, Municipal Code Chapter 591 Section 2, reads as follows:
“ No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.”

The enforcement process is as follows:

A caution letter is sent to the owner advising them that there is a complaint filed against them.

Officers attend to see if noise is travelling outward into the street, if so a charge will be issued.

If you live next to an establishment and share a wall the noise may all be internal therefore noise logs are required.

The next step is for the complainant to keep noise logs and a charge may be issued based on that evidence.

You will be required to attend court if a charge is issued based on noise logs.

City of Toronto, Municipal Code Chapter 591 Noise Bylaw
(http://www.toronto.ca/legdocs/municode/1184_591.pdf).

Please let me know if you require more information.

Municipal Licensing and Standards

Licensing Enforcement
433 Eastern Ave, Building C
Toronto, ON

Reply to:

July 5, 2016

Investigation Request #

Re: Noise Complaint

An investigation request has been initiated with respect to your complaint pertaining to noise. In order to make a determination if there is in fact a violation to Chapter 591 of the Toronto Municipal Code, we require you to provide your evidence regarding the noise and how it is **affecting your quality of life**. Noise in itself is not illegal but there are times and locations where the noise may be a violation to a Chapter 591.

The City of Toronto's By-law (Toronto Municipal Code Chapter 591- Noise), is in place to deal with excessive noise. Therefore, in order to assist you with your complaint, we require detailed information (written notes) that will allow us to demonstrate to the Courts that the noise you are concerned about is in fact excessive.

Enclosed are forms which have been provided to gather this information. We are requesting that you complete the logs which include a description of the noise, start/finish times, and the date of occurrence. Please review the instructions and upon completion, a copy of the documents should be sent to the Municipal Licensing and Standards Officer.

When assessing whether or not the noise you hear is excessive, address the following when completing the logs:

- Can I identify the noise and **where** it is coming from?
- What is the likelihood of the noise continuing or is the noise necessary due to an unusual set of circumstances and therefore not likely to re-occur?
- Is it possible that the person responsible for the noise does not realize I am being disturbed? Should I first speak to the person and give them an opportunity to correct the problem?

- How is the noise bothering me; is it interfering with my day-to-day lifestyle? Describe.
- Are you aware if the noise is disturbing other people in the neighbourhood? If so, are they prepared to come forward and give evidence in Court, if necessary?

Please review the attached forms and when this information has been gathered, a copy of the information should be sent to our office at the address shown above. You or any witness may be required to attend Court to present your evidence. The decision to prosecute will be based upon a review of the evidence by the Municipal Licensing and Standards Department and the City of Toronto Legal Services.

Respectfully,
Municipal Standards Officer

SCHEDULE A

This information is critical and forms the basis for the prosecution. Important details to be included are as follows:

1. Describe how the noise affected you. Statements like “I was awoken by the noise”, “I was trying to read but could not concentrate”, or “I had to turn the volume to the maximum to hear the television”.
2. The 'Point of Reception' is the specific location in your home or on your property where you are when you hear the noise that is disturbing you.

Your Name:

Your Address:

Home Telephone:

Work:

Cell:

Address where the noise is coming from:

Investigation

Request No:

Have you spoken to the person responsible for the noise?

When:

Who did you speak to?

Please use the following noise log format to capture the occurrences.

Date:		Time From:	
Address where the noise is coming from:			
Type of Noise:			

Please record the full name, phone number (business and home) and address of every person recording noise occurrences on the following form.

Name:					
Address:					
Postal Code:					
Home Telephone:		Work:		Cell:	
Dates not Available:					

Name:					
Address:					
Postal Code:					
Home Telephone:		Work:		Cell:	
Dates not Available:					

Name:					
Address:					
Postal Code:					
Home Telephone:		Work:		Cell:	
Dates not Available:					

Name:					
Address:					
Postal Code:					
Home Telephone:		Work:		Cell:	
Dates not Available:					

Name:					
Address:					
Postal Code:					
Home Telephone:		Work:		Cell:	
Dates not Available:					

SCHEDULE C

The following Witness Consent Form must be signed and dated by the witness.

WITNESS CONSENT FORM	
Investigation Request No:	
Address where the noise is coming from:	
Witness Surname:	
Witness First Name:	
Address:	
Home Telephone:	
Business Telephone:	
Cellular Telephone:	
Source and description of alleged by-law infraction, contrary to Toronto Municipal Code, Chapter 591, Noise Amended:	
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I, the undersigned, hereby consent to appear as a witness on behalf of the City of Toronto, in conjunction with the above alleged violation, and further accept the obligations attached to this form.

Signature

Name (Please Print)

SCHEDULE D

The following information is provided for all witnesses who may be required to attend court.

COMPLAINANT AND WITNESS REQUIREMENTS

1. You are required to complete the noise log at the time of the alleged violations.
2. The specific times, dates and description of the alleged noise infraction and how it has disturbed the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.
3. The noise log should capture a 20 day calendar period as a minimum.
4. At the completion of the 20 day calendar period or longer as necessary, the noise log should be sent to the Municipal Licensing and Standards Division at the address as indicated in this correspondence.

IF/WHEN A PROSECUTION IS COMMENCED

1. The proceedings are presided over by a Justice of the Peace at the Ontario Court of Justice.
2. If the witness does not attend the trial, the case will be withdrawn.
3. The Prosecution and Investigations Support Unit will communicate with the witness regarding any changes with respect to the trial date, including adjournments and other postponements that may affect the witness.
4. The defendant is entitled to representation by Counsel.