

**From:** Spencer Sutherland  
**To:** Licensing and Standards Committee  
**Cc:** Councillor Palacio; Joanna Duarte Laudon  
**Subject:** LS 24.1 Noise Bylaw Update  
**Date:** April 10, 2018 11:38:31 AM  
**Attachments:** Part4\_TMAC Feedback.pdf

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On behalf of the Toronto Music Advisory Council, I have opted to forego deputing on this item in acknowledgement of Councillor Di Giorgio remarks that the item today is only an update and that no decisions will be made at this time. We thank this Committee for their time and attention to this matter.

In August 2015 the music industry encapsulated our recommendations in a formal submission, attached herein, and we look forward to continuing to work with ML&S to improve the Noise Bylaws with a balanced approach to benefit residents and businesses alike.

Sincerely,  
Spencer Sutherland  
Co-Chair, Toronto Music Advisory Council

# NOISE BYLAW RECOMMENDATIONS

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**Prepared by:      The Toronto Music Advisory Council (TMAC), August 2015**

The Toronto Music Advisory Council (TMAC) acknowledges that the review of the municipal bylaws pertaining to noise currently underway by the City of Toronto's Municipal Licensing and Standards Division (MLS) is much needed.

Toronto has officially declared its intention to become a world-leading Music City, and enacted (October 3, 2013) a formal Music City Alliance with the city of Austin, Texas, the self-declared "live music capital of the world." Since positioning itself this way, Austin has experienced impressive growth, and Toronto is keen to follow suit in its own way.

Both Canadian and international cities have joined Toronto in this important movement, recognizing music as a major economic sector, and as a fundamental quality of civic branding and image: Kitchener and Montreal here in Canada; many in the United States such as Seattle, Nashville, Memphis, Austin, New York, and Chicago; Stockholm, Berlin, Cologne, London, Helsinki, and Gothenburg in Europe; Sydney, Melbourne, Brisbane, and Adelaide in Australia; and elsewhere in Malaysia, Bogota, South Africa, and more.

Music is important not only for its direct economic and cultural benefits, but also for creating a progressive and youthful city image critical to retaining talent and investment. Sectors such as technology, media, arts, and fashion are critically dependent on having a youthful and forward-thinking city image.

Toronto is often hailed as the world's most multicultural city, and music plays a vital role across the city by transcending cultural differences, promoting public celebration, and fostering vibrant communities. We all know Toronto as a city of neighbourhoods, but in the age of online retail, local businesses rely on entertainment more than ever to draw people out of their homes and into the community. This reliance is as keenly felt in priority neighbourhoods of the inner suburbs as it is in the fashionable downtown districts already celebrated for entertainment culture.

Toronto is much envied as a leading world-class city. It is crucial to protect and enhance the economic and cultural qualities that make this city desirable to live in or to visit. Music is an essential part of this civic fabric and must be supported city-wide.

## SUMMARY

The purpose of this document is to propose recommendations for changes to structure and wording of Toronto Municipal Code, Chapter 591, Noise (the “Code”) and its enforcement. Each section of this document contains a principal recommendation to Municipal Licensing & Standards on a particular issue or set of issues. All recommendations are designed to balance the interests of residents, businesses and music venues.

TMAC suggests that the recommendations in Sections 1 and 2 of this document (“Property Classifications” and “Noise Limits”) are most important for MLS’s immediate inclusion in its review of the Code. These recommendations are designed primarily for entertainment noise but are also relevant to other types of noise.

## RECOMMENDATIONS TO BENEFIT RESIDENTS

- Properties located in residential neighbourhoods should have greater protection against intrusive noise.
- Developers should be required to produce noise measurements and disclose the location of existing music venues to potential residents before those residents sign purchase or rental agreements.
- Residents should have better protection from noise in new or upgraded residential units through the establishment and enforcement of higher building standards.
- Residents should have access to a dispute resolution process to mitigate noise problems and achieve solutions without legal battles.
- Noise measurements should be standardized to eliminate confusion about what amount of noise is considered a bylaw infraction.
- Noise complaints should be more efficiently investigated by removing anonymous complaints and by MLS working with the music sector to solve and prevent noise issues.
- Noise exemption permits should be more effectively communicated to residents in affected areas, and may be withdrawn if permit guidelines are breached.

## RECOMMENDATIONS TO BENEFIT BUSINESSES

- Vague “clearly audible” verbiage in current bylaws should be replaced with actual decibel limits so that music venue owners and event organizers can better understand the boundaries of legal operation.
- Property Classifications should be created to distinguish purely residential properties from Mixed Use and Special Use areas, providing greater protection to legally operating businesses with limited effect on residents.
- Noise limits should be clearly specified, with consideration given to property type and location. The limits in Entertainment Districts and Heritage

- Conservation Districts should be more lenient than in other areas, allowing for business growth and heritage preservation of these special areas.
- Burden of Proof validation of noise complaints should shift to rest with the complainant.
  - City departments which intake noise complaints from the public (e.g. 311, Toronto Police Service and MLS) should, as a first step, identify whether the complaint concerns industrial or entertainment noise.
  - The Agent of Change principle should be used in specially designated areas of Toronto to determine the responsibility for noise mitigation costs. Developers and building permit applicants should be advised of pre-existing neighbouring music venues and of the responsibility to implement reasonable reduction measures, including appropriate noise insulation.

## 1. PROPERTY CLASSIFICATIONS

**Recommendation: Separate properties into classification groups in order to provide better protection for both residents and neighbouring businesses.**

Residential Properties and Noise Sensitive Spaces that are located within areas dedicated for such use should be better protected from noise. Conversely, Mixed Use and Special Use properties should be permitted more lenient noise levels because increased levels of activity are both desirable and encouraged due to their resultant economic and social benefits. The following classification groups align with, but do not precisely match, the Ministry of Environment (“MOE”) classification system specified in NPC-300. The MOE classifications are primarily intended for the separation of rural and urban properties. The nature of Toronto’s municipality is entirely urban, and therefore the classifications are adapted for highly developed urban areas.

### 1.1. CLASSIFICATION GROUPS

**Class 1A (Standard Residential):** Any residential property entirely surrounded by other residential properties.

**Class 1B (Adjacent Residential):** Any residential property not entirely surrounded by other residential properties.

**Class 2 (Quiet Zone):** An area well removed from any commercial or industrial properties, or any property used as a hospital, retirement home, nursing home, senior citizens home, or other similar use.

**Class 3 (Rural):** A property within a remote area with an acoustical environment that is dominated by natural sounds having little or no urban traffic.

**Class 4A (Mixed Use):** Properties zoned for both residential and commercial usage, or entirely commercial usage.

**Class 4B (Special Use):** Properties located within a municipally recognized Entertainment District, Commercial Heritage Conservation District, or adjacent to any City-owned or Entertainment licensed venue.

**Exemption Permits:** Special events that obtain noise exemption permits shall be temporarily considered Special Use and abide by similar limitations.

These groups closely match relevant property classifications from MOE NPC-300, with the addition of subgroups 1B and 4B that provide special consideration. Zoning changes are not required for classification of these proposed groups.

## 2. NOISE LIMITS

	DAY <sub>(inside)</sub>	DAY <sub>(outside)</sub>	NIGHT <sub>(inside)</sub>	NIGHT <sub>(outside)</sub>
Class 1A (Residential):			40 dBA	50 dBA
Class 1B (Adjacent):			42 dBA	53 dBA
Class 2 (Quiet Zone):			35 dBA	45 dBA
Class 3 (Rural):			35 dBA	40 dBA
Class 4A (Mixed Use):			43 dBA	55 dBA
Class 4B (Special Use):			45 dBA	60 dBA
Exemption Permits:	50 dBA	85 dBA	45 dBA	60 dBA

Highlighted values are adapted from relevant classifications in MOE NPC-300.

**Recommendation: Establish reasonable, defined and objective measurement standards and processes for measuring noise and audible sounds under the Code.**

Indoor measurements should be taken from within a legal sleeping quarter or other noise sensitive space at least 1m from any window or door, 1.5m above floor level, with all windows and doors closed, and with HVAC and appliances running normally to ensure proper background noise readings.

Outdoor measurements should be taken at the exterior pane of any window or door whenever possible, else within 1m of the property line.

Indoor measurements should take precedence over outdoor measurements to determine compliance with the Code.

Noise should be considered illegal if it exceeds the permitted class limit and is measurable against background noise. See Appendix B for case study examples of how these limits would be applied.

In the case of MLS investigation into noise complaints about music emanating from indoor venues, the decibel measurements should be taken from wherever the complaint originated, not from the street or sidewalk outside music venues.

### 2.1. MEASURABLE NOISE

0 – 3 dBA	Not Measurable (due to margin of error)
3 – 6 dBA	Barely Measurable
6 – 10 dBA	Measurable
10+ dBA	Significantly Measurable

### 2.2. COMMON NOISE LEVELS

The following noise levels are from The Center For Hearing And Communication (see Appendix A).

## COMMON NOISE LEVELS (RESIDENTIAL)

40 dBA	quiet room, library
50 - 75 dBA	household appliances, refrigerator, air conditioner
70 dBA	normal conversation
70 - 85 dBA	traffic
90 dBA	loud conversation, shouting
110 dBA	baby crying
135 dBA	noisy squeeze toys

## COMMON NOISE LEVELS (MUSIC INDUSTRY)

85 dBA	busy restaurant
100 dBA	school dance
110 dBA	disco (nightclub)
110 dBA	symphony
112 dBA	MP3 player
120 dBA	live band, rock concert
125 dBA	car stereo
130 dBA	symphony percussion

Common noise levels help to put in perspective that the proposed Noise Limits are quite low. The proposed noise limits for Class 2 and 3 properties are below the noise level of a quiet room or library, and therefore provide residents with a very high level of noise protection. Proposed noise limits for other Classes are below common household appliances, and the outdoor limits proposed are below traffic noise.

The noise levels above reflect customer expectations, and it is important to understand that music venues and event organizers must, by their very character and definition, satisfy these customer expectations. For example, just as theatre goers would not go to movie theatres if the screen size had to be smaller than their home television, music patrons will not attend music venues or events if the sound levels are lower than they normally experience at home.

### 2.3. MEASUREMENT STANDARD

**Recommendation: Use dBA, not dBC, as the appropriate measurement standard for issues concerning the human perception of noise.**

dBA is a measurement of sound that is weighted for human hearing, while dBC is the total amount of sound including frequencies beyond the range of human hearing. Environment Canada uses dBA in the most recent Environmental Noise Guideline NPC-300, published in August 2013. dBA is the most appropriate measurement standard for the application and enforcement of the Code.

**Recommendation: MLS should consult the music industry via TMAC when finalizing decibel level details of the noise bylaw. These levels should also align with the Province of Ontario's decibel recommendations as established by the Ministry of the Environment.**

Toronto's current 85dB limit for outdoor events is lower than national / international industry standards and makes it very difficult for outdoor music festival organizers to work effectively with touring performers to create successful events locally.

Recommendation: The 85 dB decibel measurement at outdoor events should be taken from the property line of surrounding affected residential or commercial properties as opposed to from within the festival site as is current City of Toronto practice.

#### **2.4. TIME OF DAY**

Currently, no noise limitations exist during daytime hours. According to Statistics Canada, more than 25% of employed workers work evening or night shifts, and it is estimated that a further 25% of other adults (notably self-employed, creative class, and students) do not regularly sleep at traditional times. Our current noise bylaws are becoming increasingly outdated by limiting noise only during 11pm-7am and are no longer reflective of the work, play and life routines of a majority of the population.



### 3. BYLAW ENFORCEMENT

Recommendation: **Bylaw enforcement should be standardized using accurate and objective equipment and methods. Bylaw enforcement should emphasize a non-adversarial approach to dispute resolution, striking a balance between the interests of businesses and residents.**

#### 3.1. STANDARDIZED MEASUREMENT

Standardized sound measuring equipment should be used to determine noise levels, so that bylaw enforcement officers and music venues and event organizers are in agreement regarding a measured noise level. Accurate noise measurement can reduce the overall number of noise complaints, by clearly demonstrating legal boundaries to both residents and businesses.

#### 3.2. BURDEN OF PROOF

The burden of proof shall rest with the complainant, with assistance from municipally authorized bylaw investigation officers. In order to ensure complaints are valid and strike a fair balance between residents and businesses, a minimum of two complaints from different street addresses, or three complaints from different residential units at the same street address, should be necessary to establish the burden of proof. Anonymous complaints should not be considered in this process.

#### 3.3. WARNING SYSTEM

A formal warning system, whereby warnings are issued in advance of a fine contrary to Code, should be created to encourage the proactive mitigation of noise issues and discourage escalation. TMAC suggests a three-stage system, as follows:

1. **First complaint:** MLS immediately notifies the venue that a valid complaint (see 3.2 above) has been lodged against it, providing all possible detail to help the venue to quickly address the issue.
2. **Second complaint:** MLS contacts the Film & Entertainment Industries unit (Economic Development & Culture) and TMAC. Working together, MLS, the Film & Entertainment Industries unit, and TMAC assess the particulars, including the number and nature of complaints, and any mitigation steps taken by the venue. Both the complainants and the venue are contacted to reach mutual understanding and compromise if possible. Any possible Agent of Change considerations are also reviewed.
3. **Third complaint:** MLS, the Film & Entertainment Industries unit, and TMAC identify mitigation steps (sound insulation, audio engineering, etc.) for the venue or other party deemed by the Agent of Change, and provide notification of the escalation procedure if these steps are not followed.

### **3.4. DISPUTE RESOLUTION**

A dispute resolution process should be established by Municipal Licensing & Standards in partnership with the Film & Entertainment Industries unit and the Toronto Music Advisory Council.

The Dispute Resolution process would mitigate persistent noise complaints by identifying the source of the problem and leveraging “best-practice” knowledge to the interests of both parties. The goal of this process is to solve noise problems with minimal cost, and to apportion the burden of costs according to the Agent of Change principle.

### **3.5. INCREASED FINES**

By implementing the above additional procedures before charges are issued, i.e. establishing Burden of Proof and initiating Dispute Resolution, it will be reasonable to recommend an increase in fines without undue detriment to music venues, event organizers and the community.

## 4. SPECIAL EVENTS

Recommendation: **Municipal Licensing & Standards should ensure that residents have proper advance notice of permitted events, and the City should review its permitting policy for noise exemptions and liquor license extensions.**

### 4.1. NOTIFICATION

Residents should be notified when special events are occurring nearby for which noise exemption permits or extended liquor licenses have been issued. Residents are less likely to complain if they understand that an event officially designated as municipally significant is legally permitted. The notification system should resemble the process already used by the film industry.

### 4.2. ENDORSEMENT

City officials should approve noise exemption permits and extended-hours liquor license applications unless an infraction charge has been issued. Noise bylaw infraction charges should occur only after Burden of Proof has been established and Dispute Resolution process has been attempted, ensuring that complaints are valid and that enforcement is necessary.

### 4.3. VIOLATION

Objections to noise exemption permits should be subject to Burden of Proof and Dispute Resolution process before a violation is deemed to have occurred. Therefore, if permit conditions have been breached, it will be possible for the City to revoke exemption permits without unfairly affecting music venues and event organizers.

## 5. AGENT OF CHANGE

**Recommendation: Municipal Licensing & Standards should adopt the “Agent of Change” principle within specially designated areas of Toronto for application and enforcement of the Code.**

Specifically, the “Agent of Change” principle should be adopted to protect music venues (both indoor and outdoor) within culturally rich or significant districts from development and gentrification, especially heritage properties and other special use properties such as entertainment establishments and concert halls.

**“The Agent of Change principle determines which party is required to adopt noise mitigation measures in situations of mixed land use.”**

*-- The Mastering of a Music City, page 42*

A music venue is a legally established business that relies on music for its primary operations. If noise issues arise, simply “turning down the music” is often not a feasible option as this can have a rapid adverse effect on reputation and economic viability of the business. Moreover, customers expect and are prepared for certain levels of sound when attending music venues (see Appendix A).

According to the Agent of Change principle, if a music venue is in place before a residential/commercial building, the new building would be responsible for soundproofing costs. Likewise, if a new music venue opens in a residential area, the venue is responsible for soundproofing costs. The Agent of Change principle does not guarantee the successful operation of any business that relies on music for its economic viability; rather, it strives to protect music venues from excessive costs associated with changes that occur around them.

The Agent of Change principle is used to determine whether one party is fully responsible, or if both parties are partially responsible for noise mitigation, and motivates both parties to cooperate toward solutions.

The Agent of Change Principle is a crucially important concept that has been implemented in many cities around the globe to protect music venues (both indoor and outdoor) from development and gentrification, especially heritage properties and other Special Use properties such as Entertainment Establishments and Concert Halls. In Melbourne, Australia, the Agent of Change principle was initiated by a 2012 Industry Position Paper by Music Victoria and took effect in 2014.

### 5.1. PROPERTY DEVELOPMENT

According to the Agent of Change principle, when condominiums or other multi-unit residential buildings are being developed adjacent to or near a park or other pre-existing music venue space, property developers should be required to meet a high

standard of noise insulation and other reduction measures to proactively prevent noise issues from arising.

The Agent of Change principle may be applied retroactively so that property owners and developers who fail to consider noise must cooperate with venues to resolve noise issues.

## **5.2. INSULATION REQUIREMENTS**

The City of Toronto currently has noise insulation requirements inside buildings between condo units, but does not have any such requirements to insulate residential units from external noise. This oversight negatively affects both residents and businesses, and could be corrected by amending building codes to require reasonable noise insulation and reduction measures as applied to the exterior of residential units. Insulation requirements should apply to residential units in Mixed Use areas in order to protect residents from noise issues without impeding commercial activity.

## **5.3. HERITAGE PROPERTIES**

Noise mitigation can be especially difficult for music venues in heritage properties due to older methods of construction, but it is precisely this construction that heritage designation is intended to protect. Therefore, a more tolerant level of noise should be permitted for specially designated properties and in Heritage Conservation Districts.

Importantly, noise mitigation expenses of a permanent nature should be included as eligible costs for heritage protection grants and subsidy programs. Music is a valuable component of heritage that warrants special recognition and protection.

## **5.4. PRIOR USE**

The prior or historical use of a property is important to consider when evaluating the Agent of Change. For example, a change of ownership or lapse of operations should not, in and of itself, rule out Agent of Change priority because it is important to protect music venues beyond the limited lifespan or career-span of its creators, and to encourage ongoing investment and rejuvenation. The Agent of Change principle can be applied retroactively to recover historical music assets and preserve existing music venues from impending closure.

# REFERENCES

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Ministry of Environment (MOE), NPC-300, August 2013.

<http://ontario.ca/document/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning>

The Mastering of a Music City, by Music Canada and IFPI, 2015.

<http://musiccanada.com/resources/research/the-mastering-of-a-music-city/>

The Center For Hearing And Communication

<http://chchearing.org>

Music Victoria, Music industry position paper, July 2012

[http://musicvictoria.com.au/assets/Documents/Music\\_Victoria\\_position\\_paper\\_Li.pdf](http://musicvictoria.com.au/assets/Documents/Music_Victoria_position_paper_Li.pdf)

Amplified Music Venues Local Law 2006, Brisbane, Australia.

# APPENDIX A

## Noise Levels in dBA, from The Center For Hearing And Communication, 2015.

HOME	WORK	RECREATION
50 refrigerator	40 quiet office, library	40 quiet residential area
50 – 60 electric toothbrush	50 large office	70 freeway traffic
50 – 75 washing machine	65 – 95 power lawn mower	85 heavy traffic
50 – 75 air conditioner	80 manual machine, tools	85 noisy restaurant
50 – 80 electric shaver	85 handsaw	90 truck
55 coffee percolator	90 tractor	90 shouted conversation
55 – 70 dishwasher	90 – 115 subway	95 – 110 motorcycle
60 sewing machine	95 electric drill	100 snowmobile
60 – 85 vacuum cleaner	100 factory machinery	100 school dance, boom box
60 – 95 hair dryer	100 woodworking class	110 disco
65 – 80 alarm clock	105 snow blower	110 busy video arcade
70 TV & normal conversation	110 power saw	110 symphony concert
70 – 80 coffee grinder	110 leafblower	110 car horn
70 – 95 garbage disposal	120 chain saw	110 -120 rock concert
75 – 85 flush toilet	120 hammer on nail	112 MP3 player on high
80 pop-up toaster	120 pneumatic drills	117 football game (stadium)
80 doorbell	120 heavy machinery	120 band concert
80 ringing telephone	120 jet plane (at ramp)	125 car stereo (max)
80 whistling kettle	120 ambulance siren	130 stock car races
80 – 90 food processor	125 chain saw	143 bicycle horn
80 – 90 blender	130 jackhammer, power drill	150 firecracker
80 – 95 garbage disposal	130 air raid	156 capgun
110 baby crying	130 percussion at symphony	157 balloon pop
110 squeaky toy close to ear	140 airplane taking off	162 fireworks (at 3 feet)
135 noisy squeeze toys	150 jet engine taking off	163 rifle
	150 artillery fire at 500 feet	166 handgun
	180 rocket launch	170 shotgun

[www.chcheating.org/noise/common-environmental-noise-levels/#sthash.rggV744M.dpuf](http://www.chcheating.org/noise/common-environmental-noise-levels/#sthash.rggV744M.dpuf)

# APPENDIX B

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## NOISE LIMIT CASE STUDY EXAMPLES

Decibel readings of 36 dBA in the sleeping quarters of a property located within a Quiet Zone, with background noise measured at 29 dBA.

RESULT: Not Legal

Decibel readings of 41 dBA in the sleeping quarters of a property located within a Standard Residential Property, with background noise measured at 35 dBA.

RESULT: Not Legal

Decibel readings of 44 dBA in the sleeping quarters of a property located within a Mixed Use area, with background noise measured at 39 dBA.

RESULT: Legal (due to high background noise)

Decibel readings of 46 dBA in the sleeping quarters of a property located within a Special Use area, with background noise measured at 36 dBA.

RESULT: Not Legal

Decibel readings of 41 dBA at the exterior window of a property located within a Quiet Zone, with background noise measured at 29 dBA.

RESULT: Not Legal

Decibel readings of 54 dBA at the exterior window of a property located within an Adjacent Residential property, with background noise measured at 45 dBA.

RESULT: Not Legal

Decibel readings of 61 dBA at the exterior window of a property located within a Special Use area, with background noise measured at 50 dBA.

RESULT: Not Legal



# APPENDIX C

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## **Brisbane City Council**

*Amplified Music Venues Local Law 2006*

The City of Brisbane was one of the first to establish special noise limits for amplified music in Special Entertainment Precincts.

### **Criteria for external emission of noise from amplified music**

<b>Venue Location</b>	<b>Day and Time</b>	<b>Inside</b>	<b>Outside</b>
Entertainment Core A	Weekdays (10am-midnight)	45dBI	90dBC
	Weekdays (midnight-10am)	43dBI	80dBC/73dBI
	Weekends (10am-1am)	45dBI	90dBC
	Weekends (1am-10am)	43dBI	80dBC/73dBI
Entertainment Core B	Weekdays (10am-11:30pm)	45dBI	88dBC
	Weekdays (11:30pm-10am)	43dBI	65dBC/55dBI
	Weekends (10am-midnight)	45dBI	88dBC
	Weekends (midnight-10am)	43dBI	65dBC/55dBI

dBI is LLeqT in any one-third octave band between 31.5Hz and 125Hz

Outside measurements taken at any point 1 metre external to the amplified music venue premises.

Inside measurements taken in a bedroom or living room of a residential or short term accommodation premises that is located in the same building as the amplified music venue, or which is separated from the venue building by a distance of 3 metres or less. This does not apply where a short-term accommodation premises and amplified music venue are within the same building and are owned and operated by the same entity.

# APPENDIX D

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## Music Industry Stakeholder Feedback, July 29<sup>th</sup> 2015

### 1. DATA ANALYSIS

- MLS Analysis of noise complaints is misleading and alarming.

#### Suggestions

- Percentages should be replaced with actual numbers.
- Analysis should be measured against changes in population density.
- Analysis should be discarded because it compares pre-2009 with post-2009, but the 311 service was first introduced in 2009 so there is no valid period to use for comparison. The current analysis is invalid, and results in the false conclusion that noise issues have worsened.

### 2. NOISE LIMITS

- Enforcement of current bylaws is inconsistent and unfair.
- Businesses have no way of objectively knowing if they are operating within legal boundaries concerning noise limits.
- Sidewalk measurements are problematic because most small venues are not separated from the sidewalks and a reasonable amount of noise outside the venue should be permissible, but subject to specific decibel limitations.
- Neighbourhood context is not taken into consideration for noise complaints.

#### Suggestions

- Implement standardized and objective measurements.
- Eliminate subject wording “clearly audible” and replace with actual decibels and a specific method of how and where it is to be measured.
- Property location and context of neighbourhood should be taken into consideration when evaluating noise complaints.
- Background noise must be taken into consideration to achieve objective measurements.
- Measurements should be taken from the residence of the complainant, not from the sidewalk outside venues.

### 3. EXEMPTION PERMITS

- 85 dB limit is unreasonably low and makes it very difficult for outdoor event organizers to create successful events and festivals.

#### Suggestions

- Since the 85 dB limit is taken from Provincial Health and Safety Guidelines intended to protect the residents, then measurements should be taken from the property location of the resident.

### 4. 4AM LIQUOR LICENSES

- Many City Councillors have policies that they will not endorse applications for extended liquor licensing if there is an active noise complaint.

- Residents are not aware of liquor license extensions, and might withhold complaints if they were aware that a legal extension has been granted for a municipally significant event.

#### Suggestions

- Noise complaints should be investigated and subject to dispute resolution before being acted upon by City Councillors.
- Residents should be notified of noise exemptions or liquor license extensions, similar to notifications for film and construction.

### 5. SMOKING BYLAWS

- New smoking bylaws affect noise because it forces patrons onto the street, which in turn creates noise complaints against venues that are otherwise operating legally and responsibly.

### 6. GOOD VENUES vs BAD VENUES

- Responsible music venues are sometimes wrongly “villainized”.
- There are no positive incentives for music venues to act in a responsible, community-minded manner.
- There is no formal warning or escalation system for noise issues. (i.e. Green-Yellow-Red system for restaurants.)

#### Suggestions

- Implement a “Venue Score” system which currently exists in other world cities such as Berlin.
- Music venues should better communicate with neighbours about special events to preempt complaints.

### 7. COMPLAINT VALIDITY

- A single complainant can cause one or more multiple venues to close, such as happened on Peter Street.
- Little or no verification is done to ensure validity of complaints.

#### Suggestions

- A dispute resolution process should be created to mediate noise issues.
- A minimum of three complaints from different properties should be necessary to initiate bylaw infraction charges. First two complaints issue warnings.

### 8. ECONOMIC IMPACT

- The City does not balance the economic contribution of music venues against concerns of residents.
- Financial exposure to small business owners is excessive, and implies that City does not acknowledge the value of music venues.

#### Suggestions

- Music Industry needs to learn to help “sell” the concept of Music City to residents by promoting economic benefits, implementing best practices, and demonstrating good neighbour behaviour.
- Funding should be sought from OMDC or other sources for music venue noise mitigation, subject to the Agent of Change Principle.

### 9. PROHIBITED HOURS

- A large portion of the population, including most music industry personnel, do

not work/sleep traditional hours, and have no protection from noise.

**Suggestions**

- Noise limits or other consideration should be given to daytime periods, especially morning hours past 7am.