

# **City of Toronto Noise Bylaw Review**

## **Public Consultation Report**

January – February 2019

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Written and compiled for the City of Toronto  
Municipal Licensing & Standards by Swerhun Inc.



# Acknowledgements

The feedback reflected in this report is the result of the time and effort that over 200 members of the public contributed through their participation in one or more of the five Noise Bylaw Review public consultation meetings held in January and February, 2019 by the Municipal Licensing and Standards Division of the City of Toronto. We extend a big thanks to all of the participants who took time out of their busy lives to attend the meetings (including in tough weather conditions) to help inform the City's Noise Bylaw Review.

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Public Meeting focusing on potential updates to the Amplified Sound provisions in the City of Toronto Noise Bylaw (Wednesday, January 30, 2019, Scadding Court Community Centre, approximately 110 participants).

# Executive Summary

Between January 28<sup>th</sup> and February 6<sup>th</sup>, 2019 over 200 people participated in five public meetings hosted by the Municipal Licensing and Standards (MLS) Division of the City of Toronto to seek feedback on potential updates to the City's Noise Bylaw. Each meeting focused on a different topic, including (in the following order): power equipment, motor vehicles, amplified sound, construction, and general noise prohibition. In addition to providing in-person feedback, participants were encouraged to send any additional thoughts in writing directly to staff at MLS no later than February 28, 2019.

Participants at the five public meetings expressed considerable support for:

1. **Updating the current bylaw.** Representatives from the construction industry were the exception, who expressed support for the status quo construction provisions.
2. **Using objective measures to measure noise.** This includes introducing specific dB(A) and dB(C) decibel limits, and a defined location of measurement.
3. **Prioritizing the protection of public health.** The impacts of noise on sleep, concentration, and stress levels were repeatedly raised by participants who shared lived experiences with excessive noise in the city. Representatives from the music industry reminded MLS to also consider the public health benefits that come along with a vibrant city filled with activities – like music – that generate noise.
4. **Improving noise-related education.** This was described by several participants as essential to the success of the updated Noise Bylaw. It was envisioned as a City-led effort to increase awareness and understanding of the Noise Bylaw, the health impacts of noise, how to report noise, and strategies for reducing conflicts.
5. **Seeing the City lead by example.** Many participants called for the City to take a leadership role in managing and minimizing noise in the city.
6. **Considering the neighbourhood context.** Consider opportunities to adjust the Noise Bylaw in a way that recognizes the different challenges faced in different areas of the city, including urban versus suburban areas.
7. **Strengthening enforcement.** There was general frustration with current bylaw enforcement, and a number of creative ideas for improvement shared, including increasing the financial consequence to noise generators. Participants said that, where possible, the burden on people impacted by noise should be reduced, and reversed to noise makers.

This report is based on the feedback received verbally and/or in writing at the public meetings. It was written by the third-party facilitation team from Swerhun Inc., who was retained by MLS to facilitate and document the feedback received. It is based on the five individual meeting summaries, also written by the facilitation team and distributed to participants for their review prior to being finalized (attached). All written feedback received after the meetings and by the February 28, 2019 deadline was captured and compiled by MLS separately for consideration in the preparation of their staff report.

Note that this report does not assess the merit or accuracy of any of the perspectives shared during the consultation meetings, nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.

# Introduction

## Background

Municipal Licensing and Standards (MLS) is a City of Toronto division responsible for bylaw administration and enforcement services, including the Noise Bylaw. In 2015, MLS began reviewing the Noise Bylaw. The following year, MLS reported proposed amendments to the Noise Bylaw to the Licensing and Standards Committee. The Committee referred the report back and directed MLS to convene a Noise Working Group (NWG), with stakeholders from resident associations, business improvement areas, the music and entertainment industry, the construction and building industry, and other City divisions and agencies. The NWG met nine times in 2017 to review current and proposed amendments to the Noise Bylaw. In these meetings, the group highlighted outstanding issues that required further exploration.

In April 2018, a report documenting outstanding issues and next steps in the Noise Bylaw Review was brought back to the Licensing and Standards Committee. MLS was then directed by the Committee to deliver additional public consultation supported by independent, professional facilitators. In late 2018, Swerhun Inc. was retained by MLS to support the design, delivery, facilitation, and reporting on the public consultations for the Noise Bylaw Review.

The goal of the Noise Bylaw Review is to develop a bylaw that reflects our growing and vibrant city, while enhancing noise standards that protect the residents of Toronto.

## About This Report

This report was prepared by the third-party facilitation team from Swerhun Inc. The intent of this report is to capture common themes and advice that emerged across all five public meetings. It reflects perspectives discussed verbally, as well as written comments received on worksheets submitted at the meetings. It is not intended to be a verbatim transcript. Responses from MLS are in *italics*.

Note that this report does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.

# Public Consultation Process Overview

Over 200 people participated in the Noise Bylaw Review public consultations hosted by MLS held between January 28<sup>th</sup> and February 6<sup>th</sup>, 2019. Five public meetings were held in different locations across Toronto, each covering specific outstanding bylaw provisions under review, including: **Power Equipment** (held at North York Civic Centre); **Motor Vehicles** (held at Metro Hall); **Amplified Sound** (held at Scadding Court Community Centre); **Construction Noise** (held at the Centre for Social Innovation - Regent Park); and **General Noise** (held at the Centre for Social Innovation - Annex).

Participation at the meetings ranged between 11-110 participants, including members of the public; representatives of residents associations; representatives of the music, entertainment, power equipment, and construction industries and representatives of the Toronto Noise Coalition. Staff from the City of Toronto, including MLS and Toronto Public Health, as well as Mayor John Tory, who attended the final public meeting on General Noise, also attended but are not counted as participants. The meeting on Power Equipment had the fewest attendees (11 total), which was attributed to poor weather conditions, and the meeting on amplified sound was the most attended with over 110 participants.

The purpose of the meetings was twofold: to provide input into the Noise Bylaw Review, which aims to introduce updates to the bylaw that reflect a growing and vibrant city, while enhancing the noise standards that protect the residents of Toronto; and to present and seek feedback on draft potential updates to the Noise Bylaw with a focus on proposals developed by MLS for public consideration. The proposals were organized according to each of the five topic areas (power equipment, motor vehicles, amplified sound, construction noise, and general noise – as well as exemption permits, at applicable meetings).

Each meeting began with a traditional Indigenous land acknowledgement, followed by welcoming remarks by MLS staff. MLS staff then introduced the independent meeting facilitators from Swerhun Inc. The facilitator then reviewed the agenda and facilitated a round of participant introductions. Following introductions, MLS staff delivered an overview presentation on the Noise Bylaw and the developing proposals being considered relevant to each meeting topic. Participants then had the opportunity to ask questions of clarification before engaging in small, facilitated, table discussions focused on the developing Noise Bylaw proposals. The meetings concluded with a full group facilitated discussion where participants reported back to the full room on the feedback shared at each of their tables (see Attachment 2 for the Agenda and Worksheet).

Meeting summaries for each meeting were written by Swerhun Inc. and were shared with participants in draft to ensure they accurately reflected feedback shared at the meeting. Changes were made, where required, to integrate suggested edits from participants.

This consultation report synthesizes feedback from the five public meetings, including verbal feedback shared through full room discussions, written notes from each table's independent facilitator, and written feedback shared on 20 participant worksheets. Feedback shared via [mlsfeedback@toronto.ca](mailto:mlsfeedback@toronto.ca) or with the Swerhun Inc. team outside of the meetings is not included in this summary report. Additional feedback received by the Swerhun Inc. team after the meeting was forwarded directly to MLS to be considered as part of the Noise Bylaw Review.

# Feedback on Draft Criteria

The City's Municipal Licensing & Standards team identified a number of factors to consider when contemplating updates to the current Noise Bylaw. The table below reflects the draft criteria (i.e. factors to consider) that MLS shared and sought feedback on during the public consultation meetings. MLS representatives explained that these draft criteria were important to helping inform recommended updates to the Noise Bylaw. Participants provided feedback on these criteria during all five public consultation meetings, which is summarized below the table.

**Table shared with Public Consultation Meeting Participants:**

CRITERIA	DESCRIPTION
<b>JURISDICTION / LEGAL AUTHORITY</b>	<ul style="list-style-type: none"><li>Falls within the legal and jurisdictional authority of the City of Toronto and more specifically, the Noise Bylaw</li></ul>
<b>REDUCES IMPACT ON RESIDENTS</b>	<ul style="list-style-type: none"><li>Responds to the expectation that residents should be able to live without undue noise</li></ul>
<b>REASONABLE</b>	<ul style="list-style-type: none"><li>Reflects the reality of a growing and vibrant city; such as, densification, infrastructure improvements and the promotion of culture and music</li></ul>
<b>ENFORCEABLE</b>	<ul style="list-style-type: none"><li>Promotes compliance as a first step and considers the City's resources available to reasonably enforce and prosecute the bylaw</li></ul>
<b>ADMINISTRATIVELY FEASIBLE</b>	<ul style="list-style-type: none"><li>Administrative effort is worth the return (e.g. it may be costly and staff intensive, but it is an effective deterrent)</li></ul>
<b>OBJECTIVE</b>	<ul style="list-style-type: none"><li>Reduces the subjective nature of the bylaw, providing more certainty to residents, businesses and MLS</li></ul>

## Feedback on these Criteria:

Overall, participants said that the criteria made sense and that the City should prioritize jurisdiction/legal authority, reducing impact on residents, enforceability, and objectivity. Participants said:

- 1. It's important to update the Noise Bylaw with public health in mind.** As the city becomes more densely populated, many participants said that the public needs to be protected from excessive noise and vibration. Many participants said that they would like to see the City treat noise impacts as a health issue, with some noting that this should be prioritized over economic impact. Several referred to research evidence that noise affects health and mental health (e.g. impact on sleep, concentration and stress levels). Recognizing the economic cost of noise on public health (e.g. impact on provincial health budget) could help strengthen the case for treating noise as a health issue. Several participants requested that the City take immediate actions to reduce the negative impacts noise have on public health, and public education to help people understand the negative impact that noise has on public health. There were participants representing the music and



entertainment industry that urged the City to also consider the positive public health benefits associated with concerns, cultural events, festivals, etc. – all activities that generate noise. *MLS acknowledged there are potential health implications related to excessive noise and noted that Toronto Public Health (TPH) is leading this work. A TPH representative attended all noise public consultation meetings to consider the feedback shared.*

2. **Effective enforcement is key to ensure proper implementation of the bylaw.** Participants said that the criteria presented were a good start, but would require improved enforcement to be effectively realized. Concerns with bylaw enforcement and the City's ability to respond quickly to complaints were heard at all of the public consultation meetings. Some residents requested that the City hold a separate consultation dedicated exclusively to enforcement. *MLS clarified at the meetings that enforcement is always considered when assessing potential updates to the bylaw.*
3. **Establish clear and objective standards.** Many participants said that setting clear, objective, measurable standards (e.g. specific noise levels, times of day, etc.) are important to ensure everyone understands what is allowed and what is prohibited in the bylaw. Both quantitative and qualitative inputs should be considered when establishing objective standards.
4. **Clarify definition of the “reasonable” criterion.** Many participants said that the definition presented is unclear on who determines what is reasonable, for whom, and how limits and standards are determined. Some said that the current definition of the criterion seems to suggest that residents have to put up with all the noise in the city. Others were glad to see reference to the idea that the City needs to accommodate culture, music and entertainment as it grows and tries to cultivate/maintain its vibrancy.
5. **The neighbourhood context is important.** There were a number of participants representing both residents and the music/entertainment industries who indicated that blanket rules may not be appropriate in all areas of the City because neighbourhoods differ in the types of activities happening and levels of associated noise. For example, what's considered as a reasonable rule may differ between downtown areas and the suburbs. Many encouraged the City to consider how the geography of Toronto could be addressed in the Noise Bylaw update.
6. **Clarify the City's jurisdiction/legal authority on addressing noise issues.** The City needs to clearly define what it can and cannot enforce and who has the authority if it is not in the City's jurisdiction. 311 operators should be properly trained on communicating to the public what types of noise the City's bylaw enforcement officers can and cannot enforce.

# Feedback on Power Equipment Proposals

MLS presented the status quo (Option 1) and three potential options (Options 2-4) for updating the Noise Bylaw as it relates to Power Equipment. The options described in the table below were shared with participants. Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
Option 1 <b>Status quo</b>	<p>A. No person shall emit or cause or permit the emission of sound resulting from the operation of any power device below if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area:</p> <p><i>Quiet Zone:</i> 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.</p> <p><i>Residential:</i> 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.</p>
Option 2 <b>New time constraints</b>	<p>A. No person shall emit or cause or permit the emission of sound resulting from any power device, if clearly audible at a point of reception from 7:30 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays).</p> <p>B. Subsection A shall not apply to any power device, tool or device used for snow removal.</p>
Option 3 <b>Leaf blowers – prohibition by distance</b>	<p>Option 2 provisions + No person shall emit or cause or permit the emission of sound resulting from a leaf blower, if clearly audible at a point of reception, XX* m from a residential property.</p> <p>Could provide an exemption for golf courses for the use of any leaf blower.</p> <p><i>*Note that the “XX” in the proposed bylaw means that MLS is open to suggestions from the public on what this number could or should be.</i></p>
Option 4 <b>Leaf blowers – equipment standards and prohibition by distance</b>	<p>Option 3 provisions + No person shall operate a leaf blower unless the leaf blower meets the Category 1 - dB(A) &lt;65 equipment standard of ANSI.</p> <p>Could provide an exemption for golf courses for the use of any leaf blower.</p>

## Feedback on these options:

Although the overall intent of the meeting was to discuss bylaw proposals for power equipment, which includes nail guns, lawn mowers, etc., the conversation almost exclusively focused on leaf blowers because they were identified as the equipment causing the most disturbance to

residents present at the meeting. Participants were most supportive of the options that introduced objective dB(A) limits, as well as updated time of day restrictions. Participants also encouraged the City to recognize that approaches to work have changed over the years, with more people working from home during the day and/or on shifts so it is no longer reasonable to assume that noise during the day will not bother people in residential areas. The following points capture additional participant feedback on the options.

1. **Preference for a combination of Option 2 and Option 4, with suggested edits.** There were participants who said that some modified version of Options 2 and 4 are better than the status quo because of the constraints on the time of day that power equipment can be used and the decibel limits that can be enforced. Suggestions to improve the proposals include:
  - Having a decibel limit lower than 65 dB(A) (measured at 15m away) and prohibiting operation of leaf blowers that could emit noise over 65 dB(A). Members of the power equipment industry flagged that although 65 dB(A) is achievable, it will produce a lower power;
  - Extending the time of day provisions (recognizing that many people work at home);
  - Prohibiting overnight work;
  - Prohibiting use of leaf blowers on small/narrow lots (25 feet) to avoid excessive noise impact on nearby neighbours, apartment building grounds (given disturbance to lower level units), driveways and sidewalks. It was also noted, however, that prohibiting use of leaf blowers on sidewalks may be an issue as removing wet leaves on sidewalks is needed to prevent potential health and safety issue (e.g. slip and fall);
  - Having seasonal use of leaf blowers and banning their use in certain months (e.g. May – August, for example, see Hudson, Quebec) – note that other participants flagged that leaf blowers are needed during these months for general cleaning;
  - Having a limit on the number of hours that someone can use a leaf blower each year (though others said that this would be difficult to enforce);
  - Using less powerful (battery-powered, emission-free) leaf blowers in quiet zones and residential areas (with smaller lots); and
  - Applying the noise provision to all power equipment, not just leaf blowers.
2. **Replace the term “clearly audible” as it is too open to interpretation.** A lot of sounds are clearly audible. Sounds that are overpowering and crossing a threshold become issues.
3. **Measurement of noise should be done at the source.** Measuring at source puts the onus on the noise maker to comply rather than having the residents go through the complaint process.
4. **Other suggested options to consider:**
  - Keep a list of leaf blowers that are in compliance with the City’s Noise Bylaw.
  - Ban all leaf blowers (i.e. both electric and gas powered) in residential and quiet areas.
  - Offer incentives for people to leave leaves to decompose where they fall (to support ecosystem benefits and reduce impacts due to operation of leaf blowers).

### Other feedback on power equipment:

In addition to the points above, residents encouraged the City to educate the public on possible environmental and health impacts of leaf blower use and to consider emissions testing. Participants from the power equipment industry acknowledged the concerns and cited examples of companies that are making efforts to develop lower impact equipment. Participants also suggested that the City connect with the landscape industry to improve education and training of landscape workers regarding the negative impact of power equipment.

# Feedback on Motor Vehicles Proposals

MLS presented the status quo (Option 1) and two potential options (Options 2-3) for updating the Noise Bylaw as it relates to Motor Vehicles. The options described in the table below were shared with participants. Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
<b>Option 1</b> <b>Status quo</b>	<p>No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:</p> <ul style="list-style-type: none"> <li>a) Racing of any motor vehicle...</li> <li>b) The operation of a motor vehicle in such a way that the tires squeal.</li> <li>c) The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device...</li> <li>d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.</li> <li>e) The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.</li> </ul> <p>Vehicle repairs; loading and unloading: prohibited by time and place</p>
<b>Option 2</b> <b>Option for joint enforcement with TPS</b>	<p>No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:</p> <ul style="list-style-type: none"> <li>a) Unnecessary motor vehicle noise, such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds.</li> <li>b) Repairing, rebuilding, modifying or testing a vehicle from 9:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays)</li> <li>c) Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products or materials from 11:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays)</li> </ul>
<b>Option 3</b> <b>Remove provisions enforced under the Highway Traffic Act</b>	<p><i>Same as option 2, except point a:</i></p> <ul style="list-style-type: none"> <li>a) Unnecessary motor vehicle noise, such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds, when vehicle is stationary and located on a private property.</li> </ul>

### Feedback on these options:

Participants were most supportive of updates to the bylaw that include specific time of day restrictions and decibel limits. Many also encouraged the City not to remove provisions under the Highway Traffic Act that enforce the Noise Bylaw on moving vehicles. The following points capture additional participant feedback on the options.

1. **Preference for Option 2 with the addition of specific decibel limits.** Participants agreed with the suggestions made by the Toronto Noise Coalition (TNC) representative, which suggested identifying a decibel limit in the bylaw to ensure objective measurement of noise. A limit of 82 dB(A) was suggested (when measured 50 cm away from the exhaust when idling), and a limit of 86 dB(A) for any RPMs other than idling. Revving of engines should not be permitted. Option 2 is also preferred by residents in attendance because it promotes cooperation and coordination of enforcement efforts between Toronto Police Service (TPS) and bylaw enforcement. *MLS noted that Caledon and Oakville have limits of 92 dB(A) 50 cm from the exhaust when idling, and 96 dB(A) at 2,000 RPM.* However, a participant noted after the meeting that the decibel limits set for Caledon and Oakville should not be applied to Toronto as Toronto has more tall buildings that could permit sound to bounce around.
2. **Option 3 should not be considered because participants are not prepared for the City to abandon this legislative tool supporting Noise Bylaw enforcement on moving vehicles.** With the re-direction of TPS efforts through the Transformational Task Force recommendations (see MLS staff presentation slides), participants are not confident that enforcing the Noise Bylaw under the Highway Traffic Act would be a priority for TPS if it is not included in the City's Noise Bylaw.

### Other feedback on motor vehicles:

In addition to the points above, participants encouraged the City to set an example by limiting the noise from City-employed vehicles (e.g. TTC vehicles, garbage trucks, street sweepers, etc.). It was also suggested that the City ban noise generating equipment that has no utilitarian purpose (e.g. noise from modified mufflers).

# Feedback on Amplified Sound Proposals

MLS presented the status quo (Option 1) and two potential options (Options 2-3) for updating the Noise Bylaw as it relates to Amplified Sound. The options described in the table below were shared with participants. Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
Option 1 Status quo	<p><b>§ 591-2.1.A</b> No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device...into any street or public place.</p> <p><b>§ 591-4.</b> No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device:  <i>Residential:</i> 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.  <i>Quiet Zone:</i> At all times.</p>
Option 2 Time constraints	No person shall emit or cause or permit amplified sounds that are clearly audible at a point of reception, during the prohibited period of: 11:00 p.m. one day to 8:00 a.m. the next day, 9:30 a.m. Sundays and statutory holidays.
Option 3 Decibel limits + relative to ambient	<p>(1) No person shall emit or cause or permit amplified sound...if when measured with an approved sound level meter at a point of reception, the sound level exceeds the following:  Night time (11:00p.m. – 8:00 a.m.)  <b>45 dB(A) and 60 dB(C), indoors</b>  50 dB(A) and 65 dB(C), outdoors</p> <p>Day time (8:00 a.m. – 11:00p.m.)  <b>50 dB(A) and 65 dB(C), indoors and outdoors</b></p> <p>(2) Where the ambient sound level, at a point of reception exceeds the applicable maximum sound level established in subsection (1), the sound level of amplified sound should not exceed the ambient sound level.</p>

## Feedback on these options:

Participants were most supportive of updates to the bylaw that introduced decibel limits. A range of suggestions were shared on where to best measure noise (i.e. at source, at the property line, at the receptor, etc.). Participants were generally not supportive of the proposed time constraints as it is not reflective of the work schedule in today's economy, as well as the different types of events (indoor events vs outdoor events). The following points capture additional participant feedback on the options.

1. **Preference for Option 3, with suggested edits.** Many participants said that Option 3 is not perfect but is a better option than the outdated status quo as the decibel limits help set an objective standard and clarity against which complaints can be made and measured.



However, concerns about low decibel limits and measurement of ambient sound levels were raised. Suggestions to address these concerns include:

- Many music/entertainment industry participants would like to see an increase to proposed decibel limits, particularly for the daytime. The proposed decibel limits were considered too low and unduly restrictive, creating a scenario where almost all music venues/events would be in contravention of the bylaw. This could lead to more complaints, impacting the administrative feasibility of the bylaw. *MLS staff noted that this concern could be addressed with the provision in Option 3, subsection (2).*
- Many participants (both residents and music/entertainment industry participants) thought it would be useful for the City to recognize neighbourhood differences by creating different ambient noise standards for different areas. There should be different considerations for areas where there is a high concentration of activities/events (*note that Option 3 does consider this suggestion, as sound levels would be measured and compared by bylaw enforcement officers to the local ambient*).

2. **Range of opinion on where it would be best to measure the level of noise being generated (i.e. at source, at property line, outside the window of the receptor, or inside the receptor building).** Some industry participants support point of reception measurement because it requires the complainant to demonstrate the level of noise from their residence and limits the ability for a passerby to make complaints about an establishment that does not affect the person's enjoyment of their home. Others said that point of reception measurement does not give establishments a tool to mitigate noise at the source.

- If the City goes forward with measuring at point of reception, some participants suggested measuring noise outside buildings as each building has a different sound proofing. Others felt strongly that the measurement needed to be taken inside the complainant's living space to understand the experience of the resident.
- If the City decides to measure noise at point of source, some participants suggested that it should be done at the perimeter or lot line of an event or at gates/entry doors (where there's a clear division between paid access and outside) instead of measuring 60ft from the source. However, there were also concerns that measuring at lot line might be an issue for establishments as it can be difficult to assess which business noise is coming from. Others also said that noise measures should never be taken inside the event because people have paid for the experience.

3. **Lack of support for Option 2, with suggested edits.** The time constraints option was identified as problematic because it does not differentiate between different types of events and does not recognize that in today's economy many people work different shifts and some work from home. Many industry participants said that the permitted start time is too late for certain events like marathons and charitable events, and the 11:00 pm prohibited start time is too early. Participants suggested that the City consider the following edits:

- Set different time constraints for outdoor events and indoor events. It makes sense to start the prohibition time at 11:00 pm for outdoor events, but not for indoor venues.
- Some preference for more lenient time constraints. Consider extending the night time cut-off from 11:00 pm to 2:00 am on Thursdays, Fridays, and Saturdays to coincide with the provincially permitted cut-off for last call for drinks. Consider also applying a 2:00 am cut-off on Sundays when the following Monday is a statutory holiday. An exception to the



Noise Bylaw, whatever the cut-off, could also be considered for artists of distinction performing in the City.

4. **Consider noise produced from acoustic amplified sounds.** Prohibition of acoustic amplified sounds should be included under the bylaw, not just electronic amplified sound.

#### **Other feedback on amplified sound:**

In addition to the points above, participants flagged the importance of acknowledging that there are different ways of thinking about amplified sound and public health, noting that some residents see noise as negatively impacting public health, while others noted the positive public health impacts of living in a city alive with music, culture, and entertainment. Industry representatives encouraged the City to recognize the value of the night-time economy. Other suggestions included: recognizing that amplified sound may have different impacts in North Toronto compared to Downtown; and making complaint data publicly accessible.

# Feedback on Construction Noise Proposals

MLS presented the status quo (Option 1) and three potential options (Options 2-4) for updating the Noise Bylaw as it relates to Construction. The options described in the table below were shared with participants. Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
Option 1 <b>Status quo</b>	<p>(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:</p> <ul style="list-style-type: none"> <li>(a) In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays; or</li> <li>(b) In any other area within the prohibited period of all day Sunday and statutory holidays.</li> </ul> <p>(2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.</p>
Option 2 <b>Updated time constraints + remove exemptions</b>	<p>(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:</p> <ul style="list-style-type: none"> <li>(a) Within the prohibited period of 7:30 p.m. until 8:00 a.m. the next day, 9:30 a.m. on Saturdays, and all day Sunday and statutory holidays</li> </ul> <p>Remove exemptions for continuous concrete pouring and large crane work</p>
Option 3 <b>Option 2 + exemption permit requirements</b>	<p>Option 2 provisions + add the following requirements for exemption permit application for construction activity:</p> <ul style="list-style-type: none"> <li>(a) Rationale for granting exemption; and</li> <li>(b) A Noise Mitigation/Management Plan addressing measures to mitigate or manage noise from planned activities; and</li> <li>(c) A qualified statement for any sounds that are not technically or operationally feasible to control.</li> </ul>
Option 4 <b>Noise Mitigation /Management Plan for all construction sites</b>	<p>Option 3 + Noise Mitigation/Management Plan requirements apply to every construction site (not only exemption permits).</p>

## Feedback on these options:

Residents participating in the consultation were clear that they're interested in seeing changes to the status quo, while representatives from the construction industry are not. Many residents supported updates that: introduce clearly defined hours of prohibition; remove exemptions for continuous concrete pouring and large crane work; add specific dB(A) and dB(C) limits; add a

noise management plan requirement; and add stricter night time provisions. The following points reflect additional participant feedback on the options.

1. **Residents and construction industry representatives did not agree on the need for changes to the bylaw.** Residents said that the current bylaw doesn't work, and that the public health impacts (on sleep, ability to learn, mental health, children, youth, etc.) need to be considered. They want more enforcement and consequences for violations, and removal of blanket exemptions to better protect them from construction noise. Construction industry participants were supportive of the status quo, and expressed concern that more stringent provisions in the bylaw (including windows in which noise can be generated, removal of exemptions for continuous concrete, etc.) could negatively impact the pace of new development and the Toronto economy. They asked the City to consider maintaining the current construction noise regulations if a smaller number of people, identified in the public opinion research, consider construction noise a problem.
2. **Some residents said that they preferred Option 2, with suggested edits.** These participants liked Option 2's clearly defined hours of prohibition and removal of exemptions for continuous concrete pouring and large crane work. They also suggested changes to Option 2, including:
  - Earlier evening time constraints and extended morning time constraints on weekdays by changing the prohibited period from 7:30 pm – 8:00 am to 6:00 pm – 7:00 am;
  - Later start time for construction noise; and
  - Prohibited weekend construction, including Saturdays (other participants noted, however, that this could cause issues with weekday traffic).
3. **Some residents said that they preferred Option 3, with suggested edits.** Some participants said Option 3 seems to make the most sense, and suggested the following conditions and modifications:
  - Rationale for granting exemption needs to be comprehensive, and stricter for night time construction activity;
  - Night time decibel limit should not exceed 45 dB(A) at point of reception; and
  - Differentiate between constant noise and sporadic noise (address sporadic noise through a stricter noise management plan as it causes more disturbance at night).
4. **Some residents preferred Option 4, with Noise Mitigation/Management Plans for all construction sites.** Requiring Noise Mitigation/Management Plans help ensure consistency across all construction sites, large and small. Others recognized that this option has an administrative burden on the process, however, they suggested creating a standard template for the applicant to fill out to reduce this burden on both the City and applicants. Suggestions for Noise/Mitigation Management Plans include:
  - Applying requirements to all construction sites of a certain minimum scale and project time length;
  - Making requirements easy to understand;
  - Requiring Noise Mitigation/Management Plans to be visibly posted on all construction sites; and
  - The City to provide a list of all steps builders need to take to mitigate noise.
5. **Residents suggested having both dB(A) and dB(C) limits for construction noise.** This will help everyone understand how loud is too loud for certain activities and equipment.

Including dB(C) will account for the low bass vibrations often felt during construction. Also consider setting different decibel limits for small residential construction projects, smaller mixed use area construction projects, and large construction projects.

#### **Other feedback on construction noise:**

Participants encouraged the City to explore different ways to improve communication with the community regarding anticipated construction activities. They also suggested that the City differentiate the different types/sources of construction noise (i.e. from large construction projects, from home renovations, from smaller construction jobs in mixed use areas, or from necessary municipal work), as well as including non-equipment construction noise like radios, trucks and gas-powered generators within the construction noise bylaw.

# Feedback on General Prohibition Proposals

MLS presented the status quo (Option 1) and three potential options (Options 2-4) for updating the Noise Bylaw as it relates to the General Prohibition. The options described in the table below were shared with participants. Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
Option 1 Status quo	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.
Option 2 Relative to ambient	No person shall cause or permit noise, that exceeds the ambient sound level at a point of reception.
Option 3 Time constraints	No person shall cause or permit noise, which is out of the normal course of events/unusual /unreasonable and disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City from 7:30 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays).
Option 4 No general prohibition	Remove general prohibition. All noise restrictions are covered through the specific prohibitions.

## Feedback on these options:

Participating residents said they want to keep the City's General Prohibition in the Noise Bylaw. They were also supportive of updates to the bylaw that use clear, objective language and introduced specific dB(A) and dB(C) limits. The following points reflect additional participant feedback on the options.

- Many participants said maintaining a General Prohibition in the Noise Bylaw is important as it ensures any noise that is not regulated under specific prohibitions is still covered, but said the language of the status quo should be strengthened to make it less vague and subjective.** They also said they liked that the status quo references "vibration", which the other options do not. Specific suggestions to help strengthen the status quo include:
  - Define "disturbance";
  - Include "harm" in addition to "disturb" and "public health";
  - Remove "is likely to" to just say "which disturbs" because it doesn't matter what is likely to disturb, only that someone is saying they are disturbed; and
  - Add regulations for when certain loud municipal services are permitted.
- Some support for Option 2.** Some participants said that the system is already strained, and they are not convinced the City could effectively measure ambient noise. Others said Option 2 could work and suggested limiting permitted noise to the ambient noise plus 5 dB(A). This would allow for a simplified standard of what is and what is not allowed.
- Range of opinion on Option 3.** Some participants supported Option 3, as it provides specific times and a shared understanding of general noise prohibition. Some suggested re-thinking the language as in some cases "the normal course of events" could occur outside

the permitted hours of 7:30 pm to 8:00 am (e.g. a 24-hour gas station), which could be difficult to enforce. Others were not in favour of this option due to concerns that it will give permission to make excessive noise outside the prohibited times.

4. **Difference of opinion on Option 4.** Consistent with previous feedback (captured above), many participants were not in favour of removing the general prohibition as they said there needs to be a comprehensive statement to protect residents. There is no guarantee that specific prohibitions can cover all types of noise, so the general prohibition should remain. Others said that there should be no general prohibition as it could supersede specific prohibitions if there was a conflict. There were participants who said that the City should work on making the specific prohibitions stringent and better defined to cover all noise sources.
5. **Some participants suggested a combination of Option 2 and Option 3.** There was some interest in combining the provisions in Option 2 and the first half of Option 3 (excluding specific time constraints). Some participants said that “relative to ambient” is a useful addition because it is technically feasible to establish the level of ambient noise at different places and different environments, which creates different standards of “out of the normal course of events/unusual/unreasonable” in different places in the city. Specific time constraints should be removed as there needs to be a bylaw in effect 24/7 to reflect the realities of people having different work shifts and people working from home.
6. **Suggestions to consider no matter which option the City chooses to implement:**
  - Include both dB(A) and dB(C) limits to establish objective limits for measuring noise. Consider setting a lower dB(C) for night time limits;
  - Add more nuance and specificity in the language around which kinds of noise are acceptable, and which ones are not (e.g. clarify what is considered a “normal course of event”); and
  - Consider how humidity and temperature affect noise.
7. **Range of opinions on how/where to measure noise.** Participants said the bylaw should be practical and flexible around how/where noise is measured given the situation. Some participants suggested measuring noise outdoors at the property line of the point of reception so noise is appropriately captured, given that different buildings have different sound dampening qualities. Others supported measuring at source to consider what is producing the noise.

#### Other comments on general prohibition:

Participants encouraged the City to: consider limiting the number of municipal works (e.g. garbage collection) a day in a given area; clarify roles of condo boards in setting and enforcing noise rules in condominiums; ensure commercial activities in recreational areas do not interfere with residents; and refer cases that demonstrate blatant disregard for others to the Toronto Police Service for enforcement.

# Feedback on Exemption Permit Proposals

MLS presented the status quo (Option 1) and three potential options (Options 2-5) for updating the Noise Bylaw as it relates to Exemptions. Note that these options were presented and discussed at the Amplified Sound, Construction Noise and General Prohibition meetings as exemption permits are most relevant to these bylaw provisions (the options were provided in writing at all meetings). Participant feedback on these proposals is summarized below.

Options shared with Public Consultation Meeting Participants	
Option 1 Status quo	<ul style="list-style-type: none"> <li>• 85 dB(A) limit</li> <li>• Measured 20 metres from the source over a <b>5 minute period</b></li> <li>• Councillors have opportunity to comment</li> <li>• Appeal process involving Community Councils and notice of hearing sent to all nearby residents.</li> <li>• No authority to revoke a noise exemption permit once issued regardless of non-compliance.</li> <li>• If Councillor(s) does not respond within 14 days, permit is approved.</li> </ul>
Option 2 Streamlined process + option to revoke	<p>Same as status quo, except:</p> <ul style="list-style-type: none"> <li>• XX* dB(A) limit</li> <li>• Applicant can apply for multiple events</li> <li>• Applicant required to post notice in a visible location 7-days prior.</li> <li>• ED can revoke the permit if terms and conditions are breached</li> <li>• If Councillor(s) does not respond within 14 days, permit is denied.</li> </ul> <p><i>*Note that the “XX” in the proposed bylaw means that MLS is open to suggestions from the public on what this number could or should be.</i></p>
Option 3 Delegated authority	<p>Option 2 provisions +</p> <p>Executive Director has delegated authority to review, approve and deny exemption permits:</p> <ul style="list-style-type: none"> <li>• In consultation with Ward Councillor</li> </ul> <p>Consider any negative effects or positive benefits for the neighbourhood, any previous violations, as well as possible conditions.</p>
Option 4 Graduated exemptions	<p>Updated status quo provisions +</p> <p>Exemption permit categories:</p> <ol style="list-style-type: none"> <li>(1) Low impact</li> <li>(2) High impact</li> </ol> <p><i>Low/high impact to be defined based on number of attendees, type of equipment being used, duration of event, and location of event to neighbouring areas.</i></p> <p>High Impact Events must also provide:</p> <ol style="list-style-type: none"> <li>a) Rationale for granting exemption; and</li> <li>b) A Noise Mitigation Plan addressing measures to mitigate or manage noise from planned activities; or a statement of measures that will be taken to minimize the noise or sound level.</li> </ol>



	c) A qualified statement for any sounds that are not technically or operationally feasible to control.
Option 5 No exemption permits	Remove exemption permits

### Feedback on these options:

Participants from all three meetings said that the status quo does not work. Residents said that enforcement of current exemption permits puts the onus on the public when it should instead be on the noise generators. The following points reflect additional participant feedback on the options.

#### 1. **Some support for Option 2, but difference of opinion on suggested dB(A) limit and allowing application for multiple events.**

- Some participants supported Option 2 as it addresses some issues with the status quo, including: automatic denial of an exemption permit application if no response is received after the 14-day review period; and ability to revoke exemption permits if conditions of the permit are not met. Participants also suggested developing an appeal system that would allow denied exemption permit applicants to appeal and have the opportunity to address/mitigate noise produced in the event.
- Participants from the General Noise meeting said they would like to see a lower dB(A) limit than the status quo's 85 dB(A). Music/entertainment industry participants from the Amplified Sound meeting said that the outdoor limit of 85 dB(A) is too low for many international acts, so some are skipping Toronto as a place to perform. They also said that the 85 dB(A) limit is a challenge for large venues like Fort York, which requires higher decibel levels so that attendees can hear the music. They suggested considering the Toronto Music Industry Advisory Council's recommendation of 105 dB(A) limit at the source. Other participants in the Amplified Sound meeting said that they would like to see the current decibel limit of 85 dB(A) remain.
- Some participants said applications for multiple events will allow for more efficient planning. Others said exemptions need to be granted with careful consideration on a case-by-case basis and should not be done in pack. Either way, consideration of an applicant's history is important.

#### 2. **Difference of opinion on who the delegated authority should be.** Many participants (including residents) said that they prefer having a delegated authority to review, approve and deny exemption permits because it allows for an objective and unbiased review of applications. Considering the fewer number of Councillors, having a delegated authority could help ensure timely response to applications and alleviate workload and pressure on Councillors. Participants also said that a reasonable criteria/standard should be developed to ensure objective decision making. Some participants suggested putting the decision-making responsibility on Councillors for high impact events, and City staff for low impact events. Others said that it should remain in the Councillor's responsibility, but extend the response timeframe from 14 days to 21 days. However, extension of the 14-day review period was not preferred by participants from the construction industry. They said that the development application process is already a very long process. Adding more hurdles,



particularly for residential developers, seems to go against the City's and Province's direction to streamline the development of housing.

3. **Support for Option 4 from many participants, with suggested edits.** Several participants from the Amplified Sound meeting said that Option 4 is the best option presented as it has the potential to address many of the most common issues with the current exemption permits. It also allows for events and festivals to operate properly. Participants from the General Noise meeting liked the Noise Mitigation Plan requirement, but suggested that it should be required for all exemption applications (including low impact events). Other suggestions include:
  - Clearly defining what activities fall in the low or high impact categories. For example, the Exemption Permit requirements for a one-day fair in a park should be different from those for noise produced from construction activities at night. A participant from the General Noise meeting said that all noise produced from night time activities should be considered high impact.
  - Creating a different approval process between low- versus high-impact projects. Residents from the Construction Noise meeting suggested that this approach could alleviate some of the administrative burden on the City if, for example, low-impact projects are automatically granted if there is no response from the Councillor. However, they felt that high-impact projects should go through a review process.
4. **Difference of opinion on Option 5.** Some participants said they would prefer no exemptions over the status quo. If there was a good bylaw around amplified sound there wouldn't be a need for exemptions. Other industry participants said that having no exemption permits is not a viable option for Toronto because it would have a significant negative impact on Toronto's music industry if concerts and events are held to the same decibel limits as residences. It would also open up potential legal actions against the City as it might shut down some existing events.
5. **Consider a collaborative approach to the exemption permit process.** Residents suggested that the public should know and be able to have some input on the criteria that will be used to grant/deny an exemption permit, especially in areas where people live (i.e. both residential areas and mixed use areas). Some participants said that the best exemptions have been in processes where a host has worked with residents and/or neighbours to communicate and manage noise impacts associated with exemptions.
6. **Application process needs to be easily understood by applicants.** The City should outline the application process so that organizers know exactly when they would need to apply and account for it in the project planning. There needs to be enough time between the application and decision date that provides adequate public notification (and public response), and MLS should identify this checkpoint. This would also help event organizers create a better noise mitigation plan.

# Other Feedback

Beyond their feedback on potential changes to the Noise Bylaw, participants across all meetings also shared other advice for MLS to consider as it updates the Noise Bylaw. Participants highlighted the importance of improving enforcement, educating the public about noise and the Noise Bylaw, ensuring the City leads by example in managing and reducing noise in the city, and improving the City's communication with the public. Suggestions and advice applicable to other City divisions, as well as other levels of government, were also provided. The following points capture the additional feedback shared.

1. **Improve enforcement.** Participants across all five meetings expressed the importance of improving enforcement to better protect residents against undue noise. Many participants said that the current service standards do not work. They also shared high levels of frustration with the lack of improvement or responsiveness to their complaints. Having a dedicated discussion on enforcement was expressed by some participants. A number of suggestions were shared by participants to strengthen enforcement, including:
  - Allocate adequate funding to increase enforcement staff. The current complement of 235 bylaw enforcement officers enforcing 30 bylaws is not enough to ensure timely response to complaints and infractions.
  - Increase the number of City bylaw enforcement officers working beyond the 9am-5pm window.
  - Consider escalating fines for infractions. First time offences should be increased from \$155 - 305 to \$350 - \$400, and fines should increase after the first offence for repeat offenders.
  - Be diligent on laying charges and collecting fines. The revenue generated in collection of fines could support additional enforcement.
  - Require contractors to purchase a "noise bond" that would be returned if the Noise Bylaw requirements were met (and kept by the City if the requirements were not met). The bond would need to be of sufficient amount to act as an incentive to working within the bylaw.
  - Linking noise mitigation requirements to the building permit, with significant escalating fines and ultimately a stop-work order issued for non-compliance (also consider rejecting applications from companies with a history of noise violations).
  - Enforce the bylaw when a violation occurs. It is often the case that for small home renovations, roofing, etc. by the time a bylaw enforcement officer comes out to investigate, the violator has already moved on and cannot be penalized for a legitimate complaint.
  - Consider doing more set fines for Noise Bylaw violation. The court process and the amount of time it takes to penalize someone can be very frustrating to some people.
2. **Educate the public about noise and the Noise Bylaw.** The City needs to play a stronger role in educating the public about noise to make the bylaw work, including: what the bylaws are and what is a violation of the bylaw; potential environmental and health impacts of noise and noise generating equipment (e.g. leaf blowers); and what can be done to mitigate noise. Participants suggested a number of ways to educate the public, including: conducting public awareness campaigns to communicate; doing a multi-day enforcement blitz; posting large

and prominent signs about noise regulations, especially in residential areas; and providing residents (owners and tenants) with easy-to-understand bylaw information and process knowledge to help them mediate conflict with noisy neighbours.

3. **The City should lead by example.** It is important that the City takes a leadership role on managing noise from public sources, by regulating noise from City-employed vehicles (e.g. TTC vehicles, garbage trucks, street sweepers, maintenance vehicles, excavation trucks contracted by the City, etc.), and making all efforts to reduce noise it produces especially at early morning hours (e.g. 3:00 am). Participants suggested that the City consider limiting the number of municipal works (e.g. garbage trucks) a day in a given area. Suggestions on reducing noise generated by emergency vehicles were also raised several times across meetings. It was noted that operation of emergency vehicles is important to maintain public safety, however, the City should consider adjusting the volume of sirens, especially in residential areas and at early hours. *MLS staff have noted that this feedback will be shared with Fire Services, Paramedics and Toronto Police Services for their considerations.*
4. **Develop collaborative dispute resolution mechanisms.** This would be helpful for on-going issues related to noise complaints. Representatives from the music/entertainment/restaurant sector said that the mechanism should allow the complainant, the City, and the potential bylaw violator to resolve disputes. Fines/penalties should not be the only way to deal with violations. There should also be an escalation process if issues continue to persist.
5. **On-going communication with the public.** Participants said that on-going communication with the public is important to address frustration with noise and insufficient response to complaints. Suggestions on how to improve communication with the public include:
  - Notifying the public of expected, disruptive noise, especially if an exemption permit has been granted.
  - Posting the contractor's information, including name and phone number, at all sites, regardless of construction size so people know who to talk to.
  - Establishing Construction Liaison Committees to help improve the process for the community and the builder, and provide a process for dealing with issues. It was suggested that CLCs should be mandated in the bylaw.
  - Following-up with people who file complaints so complainants have a way of finding out whether their issue has been or is being investigated.
6. **Advice requiring involvement of other City departments and levels of government.** The following are feedback shared by participants that were not under the MLS' or the City's jurisdiction. MLS noted these feedback and will be conveyed to appropriate City divisions or levels of government.

Feedback involving City divisions, mainly City Planning:

- Put the onus on builders by requiring builders to conduct better noise abatement strategies to protect residents from noise impacts.
- Consider dividing the city into quiet zones, residential zones, and music/entertainment zones, and set a specific standard for ambient noise for each zone, to adequately protect those who are exposed to undue noise often. Creating music/entertainment zones that allow higher noise limits would help protect, and accommodate longstanding clusters of music, culture and entertainment.

- Limit residential units on the second floor of new tower buildings in entertainment areas to help reduce impact of noise/vibration on residents.
- The City could look at incentivizing quieter construction technologies, potentially by offering tax credits or other incentives in the development approvals process.

Feedback involving the Provincial Government:

- Consider changing the Building Code to force builders to use better soundproofing in construction.
- Consider limiting the number of liquor licenses approved in any given neighbourhood to limit the cumulative impact of noise from bars on area residents.

Feedback involving Federal Agencies:

- The City and City Council needs to advocate on behalf of its residents to other levels of government (e.g. NavCan, Transport Canada and GTAA) to address on-going noise issues resulting from air traffic. Frustration from residents was raised regarding commercial aircrafts flying 24/7 at a very low altitude over residences in the Don Mills and Lawrence area. This frustration is increased by deflection from different government levels on who is responsible and who addresses complaints. It was suggested that a technical review be conducted to assess and recommend alternative flight paths that will not disrupt residents (e.g. lower impact industrial areas).

7. **Create proactive mechanisms that residents can use to prevent and (where necessary) address noise conflicts.** This includes things like: allow lease of MLS-approved noise meter from libraries so residents can measure if noise is in compliance or not; and rating buildings (based on their age, architecture, etc.) on how noisy they are, and potentially exploring ways to monetize the rating system (i.e. by charging landlords for permits to operate noisier than reasonable buildings, which also acts as an incentive to landlords to invest in noise mitigation strategies).
8. **Place the onus for adhering to the Noise Bylaw on the noise maker.** The current system for filing noise complaints requires the complainant (often residents) to keep a log of the noise issue/violation. Where possible, this should be reversed to put the onus on the noise maker.
9. **Participants expressed appreciation for the opportunity to share their opinions and be heard by the City.** They also encouraged the City, particularly the Mayor and Councillors, to be mindful of the people who are not being heard (for example, children, and other vulnerable populations).

# Next Steps

MLS staff will review and consider all consultation feedback and additional comments received by the February 28, 2019 consultation feedback deadline. MLS plans to use the consultation feedback to inform their staff report to Economic and Community Development Committee in April 2019.

## Attachments

## Attachment 1 – Participant List

Outlined below are affiliations the participants identified with when they signed in to the meeting.

### City of Toronto

Music Sector, Economic Development  
& Culture Division  
Toronto Public Health  
Toronto Transit Commission

### Business Improvement Area (BIA)

Bloor-Yorkville BIA  
Toronto Entertainment District BIA

### Industry

Alchemy Food & Drink  
Array Music  
Artscape  
Art Collective  
BILD  
Blank Canvas  
Bounce Marketing  
Box of Kittens  
Canadian Live Music Association  
Choose Epic  
CNE  
Double Double Lad/Yes Yes  
Festival  
Drom Taberna/La Palette  
Embrace  
FMC  
Gladstone Hotel  
Harbourfront Centre  
Higher Heights Hi-Fi Soundsystem  
Last Planet  
Level Productions

Long Winter et al  
Lula Lounge  
Milk Glass  
Mod Club  
NiceRackCanada  
Opera House Danforth Music Hall  
Oscillate  
Promise  
Promise  
Red Bull Music  
Rescon  
Stackt Market  
Stihl  
Tequila Bookworm  
The Weather Station  
Tridel  
Vassos Law  
Wavelength  
Yohomo.ca

### Resident Association

Alderwood Aircraft Noise  
Bayview Village Association  
Church Wellesley Neighbourhood Association  
Federation of North Toronto Residents' Assoc  
Lytton Park Resident Organization  
Toronto Noise Coalition  
Wellington Place Neighbourhood Association  
York Quay Neighbourhood Association

### Other

City of Brampton  
City of Mississauga  
HGC Engineering  
York University

## Attachment 2 – Example Participant Agenda & Worksheet

The participant agenda and worksheet used in all five meetings were identical to the one shown below, except for the: meeting title; location; date; bylaw provision in focus; and proposals.

### Noise Bylaw Review

#### Public Meeting 1 (out of 5) – Power Equipment

North York Civic Centre Member's Lounge, 5100 Yonge St

Monday, January 28, 2019

6:00 – 8:00 pm

##### Meeting purpose:

- To provide input into the Noise Bylaw Review, which aims to introduce updates to the bylaw that reflect our growing and vibrant city, while enhancing the noise standards that protect the residents of Toronto.
- To present and seek feedback on draft developing updates to the Noise Bylaw with focus on the developing proposals for the Specific Prohibition for **Power Equipment**.

## PROPOSED AGENDA & WORKSHEET

### *Land Acknowledgement*

6:00 pm

#### **Welcome and Opening Remarks**

Negin Shamshiri, Manager, Policy and Planning Services, MLS

6:05

#### **Introductions and Agenda Review**

Nicole Swerhun, Swerhun Facilitation

6:10

#### **Overview Presentation**

Jessica Stanley and Tiffany Vong, Senior Policy & Research Officers, MLS

### *Questions of Clarification*

6:45

#### **Small Group Discussions**

1. What are the most important factors to consider when contemplating updates to the City's noise bylaws, and why? Are there any additional factors to consider?
2. Identify 2-3 benefits and drawbacks of the options being considered for Power Equipment provisions.
3. Do you have any other advice for City staff to consider as they develop their final recommendations to Council?

7:15

#### **Report Back and Plenary Discussion**

7:55

#### **Wrap-up & Next Steps**

8:00

#### **Adjourn**



## WORKSHEET

### Factors to consider

1. There are a number of factors to consider when deciding on the most appropriate recommendation to update the Noise Bylaw. Below we have identified some considerations that are important to the Municipal Licensing and Standards (MLS) – and you may have other considerations that are important to you.

**What are the most important factors to consider when contemplating updates to the City's Noise Bylaws, and why? Circle your top three "Factors to Consider / Criteria" from the chart below and/or list your own.**

FACTORS TO CONSIDER	CRITERIA
<b>JURISDICTION / LEGAL AUTHORITY</b>	<ul style="list-style-type: none"><li>• Falls within the legal and jurisdictional authority of the City of Toronto and more specifically, the Noise Bylaw</li></ul>
<b>REDUCES IMPACT ON RESIDENTS</b>	<ul style="list-style-type: none"><li>• Responds to the expectation that residents should be able to live without undue noise</li></ul>
<b>REASONABLE</b>	<ul style="list-style-type: none"><li>• Reflects the reality of a growing and vibrant city; such as, densification, infrastructure improvements and the promotion of culture and music</li></ul>
<b>ENFORCEABLE</b>	<ul style="list-style-type: none"><li>• Promotes compliance as a first step and considers the City's resources available to reasonably enforce and prosecute the bylaw</li></ul>
<b>ADMINISTRATIVELY FEASIBLE</b>	<ul style="list-style-type: none"><li>• Administrative effort is worth the return (e.g. it may be costly and staff intensive, but it is an effective deterrent)</li><li>• Recognizes that MLS must manage resources, and effort here may mean less effort somewhere else</li></ul>
<b>OBJECTIVE</b>	<ul style="list-style-type: none"><li>• Reduces the subjective nature of the bylaw, providing more certainty to residents, businesses and MLS</li></ul>
<b>OTHER?</b>	

## Power Equipment Proposal

2. In the table below, identify what you see as the most important 2-3 benefits and drawbacks of each of options being considered for Power Equipment provisions.

Options	Positive Feature / Benefit	Negative Feature / Drawback
1. <b>Status quo</b>		
2. <b>New time constraints</b>		
3. <b>Leaf blowers – prohibition by distance</b>		
4. <b>Leaf blowers – equipment standards and prohibition by distance</b>		

[illegible]

Attachment 3 - Noise Bylaw Review - Proposals Reference Sheet

The purpose of this Reference Sheet is to bring all of the bylaw options being considered by the City together on one page for ease of reference. **Pages 2-4** include detailed descriptions of each option. In each of the options, key differences from the Status Quo are shown in red.

Outstanding Bylaw Topics	Developing Proposals				
A. General Prohibition (e.g. general noise that is likely to disturb others)	1. Status quo	2. Relative to ambient	3. Time constraints	4. No general prohibition	
B. Power Equipment (e.g. leaf blowers)	1. Status quo	2. New time constraints	3. Leaf blowers – prohibition by distance	4. Leaf blowers – equipment standards and prohibition by distance	
C. Motor Vehicles	1. Status quo	2. Option for joint enforcement with TPS	3. Remove provisions enforced under the Highway Traffic Act		
D. Amplified Sound (e.g. music from bars)	1. Status quo	2. Time constraints	3. Decibel limits + relative to ambient		
E. Construction Noise (e.g. condo developments and residential infill)	1. Status quo	2. Updated time constraints + remove exemptions	3. Option 2 + exemption permit requirements	4. Noise Mitigation/Management Plan for all construction sites	
F. Exemption Permits	1. Status quo	2. Streamlined process + option to revoke	3. Delegated authority	4. Graduated exemptions	5. No exemption permits

Outstanding Bylaw Topics	Developing Proposals			
<b>A. General Prohibition</b> (e.g. general noise that is likely to disturb others)	<b>1. Status quo</b> 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.	<b>2. Relative to ambient</b> No person shall cause or permit noise that <b>exceeds the ambient sound level</b> at a point of reception.	<b>3. Time constraints</b> No person shall cause or permit noise, which is <b>out of the normal course of events/unusual/unreasonable</b> and disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City <b>from 7:30 p.m. until 8:00 a.m. the next day</b> (9:30 a.m. on weekends and statutory holidays).	<b>4. No general prohibition</b> <b>Remove general prohibition.</b> All noise restrictions are covered through the specific prohibitions.
<b>B. Power Equipment</b> (e.g. leaf blowers)	<b>1. Status quo</b> A. No person shall emit or cause or permit the emission of sound resulting from the operation of any power device below if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area:  Quiet Zone: 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.  Residential: 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.	<b>2. New time constraints</b> A. No person shall emit or cause or permit the emission of sound resulting from any power device, if clearly audible <b>at a point of reception from 7:30 p.m. until 8:00 a.m. the next day</b> (9:30 a.m. on weekends and statutory holidays).  B. Subsection A shall not apply to any power device, tool or device for used for snow removal.	<b>3. Leaf blowers – prohibition by distance</b> Option 2 provisions  + No person shall emit or cause or permit the emission of sound resulting from a <b>leaf blower, if clearly audible at a point of reception, XX m from a residential property.</b>  Could provide an exemption for golf courses for the use of any leaf blower.	<b>4. Leaf blowers – equipment standards and prohibition by distance</b> Option 3 provisions  + No person shall operate a leaf blower unless the leaf blower meets the <b>Category 1 - dB(A) &lt;65 equipment standard of ANSI.</b>  Could provide an exemption for golf courses for the use of any leaf blower.
<b>C. Motor Vehicles</b>	<b>1. Status quo</b> No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception: f) Racing of any motor vehicle... g) The operation of a motor vehicle in such a way that the tires squeal. h) The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device... i) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance. j) The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices. Vehicle repairs; loading and unloading: prohibited by time and place		<b>2. Option for joint enforcement with TPS</b> No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is <b>clearly audible</b> at a point of reception: d) <b>Unnecessary motor vehicle noise</b> , such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds. e) <b>Repairing, rebuilding, modifying or testing a vehicle</b> from 9:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays) f) <b>Loading, unloading, delivering, packing, unpacking</b> , or otherwise handling any containers, products or materials from 11:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays)	
			<b>3. Remove provisions enforced under the Highway Traffic Act</b> <i>Same as option 2, except point a:</i> b) Unnecessary motor vehicle noise, such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds, <b>when vehicle is stationary and located on a private property.</b>	

Outstanding Bylaw Topics	Developing Proposals			
<b>D. Amplified Sound</b> (e.g. music from bars)	<b>1. Status Quo</b> <b>§ 591-2.1.A</b> No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device...into any street or public place.  <b>§ 591-4.</b> No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device: <i>Residential:</i> 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.  <i>Quiet Zone:</i> At all times.	<b>2. Time constraints</b> No person shall emit or cause or permit amplified sounds that are clearly audible at a point of reception, during the prohibited period of:  11:00 p.m. one day to 8:00 a.m. the next day, 9:30 a.m. Sundays and statutory holidays.	<b>3. Decibel limits + relative to ambient</b> (1) No person shall emit or cause or permit amplified sound...if when <b>measured with an approved sound level meter at a point of reception</b> , the sound level exceeds the following:  Night time (11:00p.m. – <b>8:00 a.m.</b> ) <b>45 dB(A) and 60 dB(C), indoors</b> 50 dB(A) and 65 dB(C), outdoors  Day time ( <b>8:00 a.m.</b> – 11:00p.m.) <b>50 dB(A) and 65 dB(C), indoors and outdoors</b>  (2) Where the ambient sound level, at a point of reception exceeds the applicable maximum sound level established in subsection (1), the sound level of <b>amplified sound should not exceed the ambient sound level</b> .	
<b>E. Construction Noise</b> (e.g. condo developments and residential infill)	<b>1. Status quo</b> (1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception: 10. In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays; or (c) In any other area within the prohibited period of all day Sunday and statutory holidays. (2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.	<b>2. Updated time constraints + remove exemptions</b> (1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:  (b) Within the prohibited period of <b>7:30 p.m. until 8:00 a.m. the next day, 9:30 a.m. on Saturdays, and all day Sunday and statutory holidays</b>  <b>Remove exemptions for continuous concrete pouring and large crane work</b>	<b>3. Option 2 + exemption permit requirements</b> Option 2 provisions + <b>Add the following requirements for exemption permit application for construction activity:</b> (d) Rationale for granting exemption; and (e) A Noise Mitigation/Management Plan addressing measures to mitigate or manage noise from planned activities; and (f) A qualified statement for any sounds that are not technically or operationally feasible to control.	<b>4. Noise Mitigation/Management Plan for all construction sites</b> Option 3 + Noise Mitigation/Management Plan requirements <b>apply to every construction site</b> (not only exemption permits).

Outstanding Bylaw Topics	Developing Proposals				
F. Exemption Permits	<p><b>1. Status quo</b></p> <ul style="list-style-type: none"><li>85 dB(A) limit</li><li>Measured 20 metres from the source over a <b>5 minute period</b></li><li>Councillors have opportunity to comment</li><li>Appeal process involving Community Councils and notice of hearing sent to all nearby residents.</li><li>No authority to revoke a noise exemption permit once issued regardless of non-compliance.</li><li>If Councillor(s) does not respond within 14 days, permit is approved.</li></ul>	<p><b>2. Streamlined process + option to revoke</b></p> <p>Same as status quo, except:</p> <ul style="list-style-type: none"><li><b>XX dB(A) limit</b></li><li>Applicant can apply for <b>multiple events</b></li><li>Applicant required to <b>post notice</b> in a visible location 7-days prior.</li><li><b>ED can revoke the permit if terms and conditions are breached</b></li><li>If Councillor(s) does not respond within 14 days, permit is <b>denied</b>.</li></ul>	<p><b>3. Delegated authority</b></p> <p>Option 2 provisions</p> <p>+</p> <p><b>Executive Director has delegated authority to review, approve and deny exemption permits:</b></p> <ul style="list-style-type: none"><li>In consultation with Ward Councillor</li><li>Consider any negative effects or positive benefits for the neighbourhood, any previous violations, as well as possible conditions.</li></ul>	<p><b>4. Graduated exemptions</b></p> <p>Updated status quo provisions</p> <p>+</p> <p><b>Exemption permit categories:</b></p> <p>(3) <b>Low impact</b></p> <p>(4) <b>High impact</b></p> <p><i>Low/high impact to be defined based on number of attendees, type of equipment being used, duration of event, and location of event to neighbouring areas.</i></p> <p>High Impact Events must also provide:</p> <p>d) Rationale for granting exemption; and</p> <p>e) A Noise Mitigation Plan addressing measures to mitigate or manage noise from planned activities; or a statement of measures that will be taken to minimize the noise or sound level.</p> <p>f) A qualified statement for any sounds that are not technically or operationally feasible to control.</p>	<p><b>5. No exemption permits</b></p> <p>Remove exemption permits</p>

## Attachment 4 – Individual Public Meeting Summaries

See next page for individual public meeting summaries.





# NOISE BYLAW REVIEW

## Public Meeting 1 – Power Equipment Summary

North York Civic Centre Member's Lounge, 5100 Yonge St  
January 28, 2019, 6:00 – 8:00 pm

On Monday, January 28, 2019, the City of Toronto hosted the first of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Eleven members of the public participated, including four people representing different resident associations, three unaffiliated residents, and four people representing a manufacturer from the power equipment industry. Representatives from MLS and Toronto Public Health also participated. Note that a snow storm occurred that evening, which may have impacted participant attendance.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized.

**The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.**

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

## Feedback on the Criteria to Consider when Updating the Noise Bylaw

Participants said that the criteria used by the City to assess the potential Noise Bylaw updates did not seem unreasonable, however, a range of concerns were raised regarding public health, environmental health, and enforcement. They also said:

1. **Protection of public health is an important criterion missing in the list of criteria.** Residents said that updates to the Noise Bylaw should be framed with public health in mind to protect the public from excessive noise and vibration. Impacts on physical and mental health should be prioritized over economic objectives. Some said they feel that contractors are taking shortcuts at the expense of public health, including mental health. Participants also said that WSIB claims of landscape workers resulting from use of non-automated equipment (physical injuries from longer and more demanding effort required when using rakes) is not a reasonable trade off over the worker and public health issues caused by power equipment, including hearing loss, air pollution, anxiety, etc. A resident suggested that protection of public health should replace the “reduces impact on residents” and “reasonable” criteria. *During the discussion, MLS acknowledged there are possible health implications related to noise and noted that Toronto Public Health (TPH) is leading this work. MLS will continue to work, and share feedback received from public*

consultations with TPH. The TPH representative present at the meeting also took note of this feedback.

2. **Take a more holistic approach to problem solving to achieve multiple objectives.** For example, the operation of leaf blowers creates many more impacts than just noise. They create issues with dust, air pollution from gas combustion, and negatively impact native plants required to sustain pollinators. The City needs to think more broadly than just noise when considering why it's important to limit use of leaf blowers. For example, consider the ecosystem value of leaving leaves to decompose on the ground, and also encouraging residents to use native plants instead of grass as a ground cover. *During the discussion, MLS noted that the Environment & Energy considered the environmental implications of two-stroke, gas powered equipment as part of TransformTO. The result was that based on the available research, there is not enough evidence to make a strong link between the use of small engine equipment and air quality. There is insufficient data to support discussions on an absolute ban, but that it may be feasible for the City of Toronto to address concerns through the use of noise regulations.*
3. **Enforcement needs to improve.** There are concerns with bylaw enforcement and the City's ability to respond quickly to complaints. Bylaws don't matter if they are not properly enforced. Residents expressed that having a separate discussion on enforcement is important as many issues with the bylaw are regarding enforcement. *In response to participants' concerns, MLS staff reiterated that enforcement is always considered when assessing potential updates to the bylaw.*
4. **The "reasonable" criterion is too vague and missing important references to public health.** Some residents said that the criterion's lack of reference to public health may seem to override the importance of public health for the promotion of a growing and vibrant city.

## Feedback on Options being Considered for Bylaw Updates

Although the overall intent of the meeting was to discuss bylaw proposals for power equipment, which includes nail guns, lawn mowers, etc., the conversation almost exclusively focused on leaf blowers because they were identified as the equipment causing the most disturbance to residents.

1. **Preference for a combination of Options 2 and Option 4, with suggested edits.** There were participants who said that some modified version of Options 2 (new time constraints) and 4 (Leaf blowers – equipment standards and prohibition by distance) are better than the status quo because of the constraints on the time of day that power equipment can be used and the decibel limits that can be enforced. Suggestions included:
  - Having a decibel limit lower than 65 dB(A) (measured at 15m away) and prohibiting operation of leaf blowers that could emit noise over 65 dB(A). Members of the power equipment industry flagged that although 65 dB(A) is achievable, but it will produce a lower power;
  - Extending the time of day provisions (recognizing that many people work at home);
  - Prohibiting overnight work;
  - Prohibiting use of leaf blowers on small/narrow lots (25 feet) to avoid excessive noise impact on nearby neighbours, apartment building grounds (given disturbance to low level units), driveways and sidewalks or require use of electric leaf blowers. It was also noted, however, that prohibiting use of leaf blowers on sidewalks may be an issue as removing wet leaves on sidewalks is needed to prevent potential health and safety issue (e.g. slip and fall);
  - Having seasonal use of leaf blowers and banning their use in certain months (e.g. May – August, check Hudson, Quebec) – note that other participants flagged that leaf blowers are needed during these months for general cleaning;

- Having a limit on the number of hours that someone can use a leaf blower each year (though others said that this would be difficult to enforce);
  - Using less powerful (battery-powered, emission-free) leaf blowers in quiet zones and residential areas (with smaller lots); and
  - Applying the noise provision to all power equipment, not just leaf blowers.
2. **SUPPLEMENTAL OPTION:** The City could keep a list of leaf blowers that are in compliance with the City's Noise Bylaw. The City of Portland does this.
  3. **NEW OPTION:** A resident suggested **banning gas-powered leaf blowers** and only allow use of battery-powered leaf blowers to create consistency and allow for easier enforcement. Members of the power equipment industry noted that. **Note added after the meeting:** This suggestion has been withdrawn by the resident as a result of an updated understanding that noise generated by electric leaf blowers is higher than was discussed at the meeting. The resident's amended suggestion is that all leaf blowers (i.e. both electric and gas powered) be prohibited in residential and quiet areas.
  4. **NEW OPTION:** It was also suggested that the City **offer incentives for people to leave leaves to decompose where they fall** (to support ecosystem benefits and reduce impacts due to operation of leaf blowers).
  5. **Replace the term "clearly audible" as it is too open to interpretation.** A lot of sounds are clearly audible. Sounds that are overpowering and crossing a threshold become issues.
  6. **Measurement of noise should be done at the source.** Measuring at source puts the onus on the noise emitter to comply rather than having the residents go through the complaint process.

## Other Feedback

1. **Educate the public on possible environmental and health impacts.** Some people may not know the possible negative impacts of leaf blower use (engine emissions, noise, dust, impacts on pollinators, etc.).
2. **Results of the public opinion research must be put into context.** The results of the 2018 public opinion research showing that two-thirds of Toronto residents are not concerned with noise in the city, does not mean that the concerns of the other one-third of residents are to be valued less. The location, demographic and severity of complaints must be acknowledged by the City because everyone experiences noise in the city differently.
3. **The complaints data needs to be put into context.** Though there was no dispute that the number of complaints reported by MLS is correct, there was concern that complaints submitted outside prohibited time frames are not recorded as complaints, suggesting that there are likely more complaints received that are not reflected in the data (because they may not trigger a service request). *Note of clarification added by MLS staff after the meeting: 311 forwards noise complaints to MLS during both prohibited and permitted times.*
4. **Improve training of 311 operators.** The City's 311 operators need to be more knowledgeable about what types of noise the City's Bylaw Enforcement Officers can and cannot enforce. For example, noise from stationary sources is regulated by the Province but is enforceable within the City's noise bylaw. This will help reduce the onus on the public to know appropriate government department to share their complaints.

5. **The power equipment industry is continuously developing equipment that are safer for the public and the environment.** The power equipment industry understands the concerns around noise and gas emissions produced by equipment like leaf blowers. Battery powered equipment is available that produces less noise and fewer emissions, but is less powerful than gas powered equipment. The industry continues to work to improve the technology. The City has also piloted the use of battery-operated leaf blowers in City parkettes, and will continue to explore their use in City parks.
6. **Consider emission testing for leaf blowers**, similar to the emissions test the Province enforces on automobiles (also see California, as an example). This may help remove the onus on MLS to address noise concerns with leaf blowers.
7. **Connect with the landscape industry and Landscape Ontario** to improve education and training of landscape workers regarding negative impacts of power equipment on the public. It is important to note that not all landscape workers are members of Landscape Ontario, so education and training of workers will need to go beyond Landscape Ontario members.

## Next Steps

The City thanked participants for coming and reminded participants of the opportunity to share additional comments with MLS by February 28, 2019, to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.



# NOISE BYLAW REVIEW

## Public Meeting 2 – Motor Vehicles Summary

Metro Hall Room 310, 55 John St  
January 29, 2019, 6:00 – 8:00 pm

On Tuesday, January 29, 2019, the City of Toronto hosted the second of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Sixteen members of the public participated, including two people representing different resident associations, twelve unaffiliated residents and two people signing into the meeting without identifying an affiliation. Representatives from MLS and Toronto Public Health also participated.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized.

**The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.**

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

## Feedback on the Criteria to Consider when Updating the Noise Bylaw

Participants said that the criteria used by the City to assess the potential Noise Bylaw updates seem reasonable, and the “jurisdiction / legal authority” criterion needs to be given priority to ensure the bylaws are enforceable by the City. There was also support for the “enforceable”, “reduced impact on residents”, “objective”, and “reasonable” criteria. They also said:

1. **Addressing noise needs to be framed within a public health narrative.** The impact of noise on public health should be a key priority in developing updates to the Noise Bylaw, with some participants looking to see a public health framework come first, and then updating of the Noise Bylaw within that framework. A participant suggested analyzing data related to health impacts of noise, including the use of sleep medication, rates of insomnia, depression and anxiety in parts of the city with different noise levels to better understand how noise impacts health of residents. Immediate actions are required to reduce the negative impacts noise is having on public health, and public education is required to help people understand the negative impact that noise has on public health.
2. **The “reasonable” criterion:**



- **Needs to recognize that while the city grows, the increase in noise comes along with an increase in the number of people affected by noise.** It is also important to remember that what's "reasonable" may differ between downtown and the suburbs.
  - **Is unclear.** Participants suggested that MLS use the World Health Organization's definition of "reasonable ambient noise" in the list of criteria.
3. **It is important that bylaws are easy to understand, follow, and enforce.** To make bylaws truly objective, include concrete, measurable metrics / numbers to define excessive noise and identify technologies and methodologies to measure these numbers.
  4. **Take a comprehensive approach in developing the bylaw.** The more the City can regulate, the more noise complaints it can address.

## Feedback on Options being Considered for Bylaw Updates

1. **MODIFIED OPTION: Preference for Option 2 with the addition of specific decibel limits.** Participants agreed with the suggestions made by the Toronto Noise Coalition (TNC) representative, which suggested identifying a decibel limit in the bylaw to ensure objective measurement of noise. A limit of 82 dB was suggested (when measured 50 cm away from the exhaust when idling), and a limit of 86 dB for any RPMs other than idling. Revving of engines should not be permitted. The TNC representative also said that a standard equipment muffler on Harley-Davidson motorcycles produce about 80 dB, which supports the suggested decibel limit.\* Option 2 is also preferred by residents in attendance because it promotes cooperation and coordination of enforcement efforts between Toronto Police Service (TPS) and bylaw enforcement. *MLS noted that Caledon and Oakville have limits of 92 dB 50 cm from the exhaust when idling, and 96 dB at 2,000 RPM.* Participant note added after the meeting: the decibel limits set for Caledon and Oakville should not be applied to Toronto as Toronto has more tall buildings that could permit sound to bounce around.
2. **Option 3 should not be considered because participants are not prepared for the City to abandon this tool supporting noise bylaw enforcement on moving vehicles.** With the re-direction of TPS efforts through the Transformational Task Force recommendations (see MLS staff presentation slides sent to participants separately), participants are not confident that enforcing the noise bylaws under the Highway Traffic Act would be a priority for the TPS if it is not included in the City's Noise Bylaw.
3. **NEW OPTION: Modified vehicles of any type should not be allowed on the roads (i.e. stop the noise at source).** This means banning motorcycles with modified mufflers and cars with "sport mode" due to concerns that it increases noise. However, some participants flagged that "sport mode" only increases the torque (not sound emitted) so it should not be banned.

## Other Feedback

1. **The City should lead by example** by regulating noise from City-employed vehicles (e.g. TTC vehicles, garbage trucks, street sweepers, maintenance vehicles, excavation trucks contracted by the City, etc.), and making all efforts to reduce noise it produces. *The City understands the sentiment and it is continually working to improve its efforts to reduce noise produced from City operations. That being said, some of these services may be identified as "necessary municipal*

\*Correction provided by participant after the meeting summary was complete.

*work” that must be completed outside the bylaw hours in order to minimize disruption to residents (e.g. road closures, rush hour traffic).*

2. **Increase public education and awareness regarding noise and the Noise Bylaw.** There should be more focus on raising public awareness of the City’s rules and regulation around noise and the impact of noise on people’s health. Participants suggested a number of ways to educate the public, including: doing a multi-day enforcement blitz (an organized effort by bylaw enforcement officers and TPS to go in the community in a particular day and time to enforce the bylaw); publicizing the City’s efforts to address noise issues; and posting large and prominent signs about noise regulations, especially in residential areas.
3. **Consider removing the provision for free motorcycle parking.** The City now has the technology (mobile app) that allows motorcycles to pay for parking without the risk of their ticket being stolen. If motorcycles have to pay for parking, perhaps they’ll come into the core less.
4. **Stop noise resulting from operation of equipment that has no utilitarian purpose.** Some types of noise are a result of a utilitarian purpose (e.g. infrastructure construction, garbage trucks, street sweepers, etc.). However, other types of noise (e.g. noise from modified mufflers) is unnecessary and should be prohibited.
5. **Notify the public of expected, disruptive noise.** This would be helpful to residents as they are informed ahead of time, instead of the noise being random.
6. **The City needs more bylaw enforcement officers.** With the current number of bylaw enforcement officers and re-direction of TPS efforts, there were concerns expressed about insufficient enforcement.
7. **Increase fines for infractions.** First time offences should be increased from \$155 - 305 to \$350 - \$400, and fines should increase after the first offence for repeat offenders. *Setting fines is under the jurisdiction of the Ontario Court of Justice, not the City, but the City will take this suggestion under advisement.*
8. **Consider options to reduce noise generated by emergency vehicles** (where it is safe and possible). Explore how loud the sirens need to be, especially in residential areas and at early hours (e.g. 3:00 am). *Note of clarification added by MLS staff after the meeting: the practice of using sirens is managed through the individual emergency services’ operational protocol. MLS will share this feedback with Fire Services, Paramedics and TPS for their considerations.*

## Next Steps

The City thanked participants for coming and reminded people of the opportunity to share additional comments with MLS by February 28, 2019, to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.



# NOISE BYLAW REVIEW

## Public Meeting 3 – Amplified Sound Summary

Scadding Court Community Centre, 707 Dundas St West  
January 30, 2019, 6:00 – 8:00 pm

On Wednesday, January 30, 2019, the City of Toronto hosted the third of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Over 110 members of the public participated, the majority of whom indicated they were involved in sectors that produce amplified sound (e.g. music venues, festivals, etc.), with the balance of participants indicating they were residents that had experiences living close to and/or being impacted by amplified sound. Representatives from MLS and Toronto Public Health also participated.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized. It reflects the points discussed verbally, as well as written comments received on worksheets submitted at the meeting.

**The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.**

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

### Overall Snapshot of Feedback

The following points reflect the overall snapshot of feedback most consistently raised in discussion and in writing during the meeting. The remainder of this summary provides additional details regarding these points, as well as many others, shared by participants.

1. **There was a lot of goodwill and constructive discussion** between participants at the meeting, with several ideas on how to improve the Noise Bylaw and nobody advocating to keep it as-is.
2. **Many want to see the City identify specific decibel limits** based on geographical area (this came from many representatives of the amplified sound-creating sectors as well as residents).
3. **Many participants suggested that the City take a leadership role in ensuring that the onus be put on those constructing new buildings** to ensure the building designs, materials, etc. limits the degree to which they're impacted by (or impacting) existing uses.



4. **There was debate on where it would be best to objectively measure the level of noise being generated** (i.e. at source, at property line, outside the window of the receptor, or inside the receptor building).
5. **The creation of a dispute resolution mechanism** as part of the Noise Bylaw update was suggested by representatives from the music/entertainment/restaurant sector.
6. **Many participants said that people talking and yelling were often as loud as (or louder than) the amplified sound.** Participant note added after the meeting: Noise levels from people talking are not comparable to noise produced from event venues, such as clubs.

## Feedback on the Criteria to Consider when Updating the Noise Bylaw

1. **In general, participants said that the criteria used by the City to assess the potential Noise Bylaw updates made sense.** Emphasis was given to the importance of “enforceable”, “jurisdiction/legal authority” and “objective”. There were some questions about what the “reasonable” criterion meant, and many suggested that it was open to interpretation and needed to be clearer. Some participants said that “reasonable” is important and they were glad to see reference to the idea that the City needs to accommodate culture, music and entertainment as it grows and tries to cultivate/maintain its vibrancy. Others thought it should be removed because they felt it was more relevant to the City’s economic development policies, not the Noise Bylaw.
2. **There are different ways to think about amplified sound and public health.** There were residents at the meeting who would like to see the City prioritize public health impacts over economic development interests, and as a result wanted to see public health added to the list of factors to consider by MLS when updating the Noise Bylaw. Others, many representing industry, made the point that culture, music and other related activities improve public health because they contribute to a rich city life where people are entertained, socialize, have fun, and enjoy the city.
3. **The neighbourhood context is important.** There were a number of participants representing both residents and the music/entertainment industries who indicated that blanket rules may not be appropriate in all areas of the City because neighbourhoods differ in the types of activities happening and levels of associated noise. Many encouraged the City to consider how the geography of Toronto could be addressed in the Noise Bylaw update.
4. **Consider the positive economic impact that events and festivals have on society.** Many representatives from sectors that amplify sound want to see the City acknowledge that many people are positively affected by businesses providing music and entertainment opportunities. Any restrictions to night noise need to recognize the night-time economy and take into account the number of jobs it supports.

## Feedback on Options being Considered for Amplified Sound Bylaw Updates

1. **Preference for Option 3, with suggested edits.** Many participants said that Option 3 is not perfect but is a better option than the outdated status quo as the decibel limits help set an objective standard and clarity against which complaints can be made and measured. However, there were two main concerns about this option: low decibel limits and measurement of ambient sound levels. Suggestions to address these concerns included:

- Many industry participants would like to see the City increase the proposed decibel limits, particularly for the daytime. The proposed decibel limits were considered too low and unduly restrictive, creating a scenario where almost all music venues/events would be in contravention of the bylaw. This could lead to more complaints, impacting the administrative feasibility of the bylaw. *Note added by MLS staff after the meeting: This concern could be addressed with the provision in Option 3, subsection (2): “Where the ambient sound level, at a point of reception exceeds the applicable maximum sound level established in subsection (1), the sound level of amplified sound should not exceed the ambient sound level”.*
  - Many residents as well as industry participants thought it would be useful for the City to recognize neighbourhood differences by creating different ambient noise standards for different areas. Different parts of the city have different ambient noise levels. There should be different considerations for areas where there is a high concentration of activities/events (note that Option 3 does consider this suggestion, as sound levels would be measured and compared by bylaw enforcement officers to the local ambient). Consider dividing the city into quiet zones, residential zones, and music/entertainment zones, and set a standard for ambient noise for each zone, to adequately protect those who are exposed to undue noise often and allow residents to enjoy peace and quiet in their homes. Some participants recognized that this may be difficult to implement and not administratively feasible.
2. **Difference of opinion on measuring at point of reception.** Some industry participants support point-of-reception measurement because it requires the complainant to demonstrate the level of noise from their residence and limits the ability for a passerby to make complaints about an establishment that does not affect the person’s enjoyment of their home. Other participants said that point-of-reception measurement does not give establishments a tool to mitigate noise at the source (and makes it difficult for the creator of the amplified sound to know how loud the noise is at point of reception).
- If the City goes forward with measuring at point of reception, some participants suggested measuring noise outside buildings as each building has a different sound proofing. Others felt strongly that the measurement needed to be taken inside the complainant’s living space to understand the experience of the resident.
  - If the City decides to measure noise at point of source, some participants suggested that it should be done at the perimeter or lot line of an event instead of measuring 60ft from the source. However, there were also concerns that measuring at lot line might be an issue for establishments as it can be difficult to assess which business noise is coming from. Some event organizers suggested measuring at the gates/entry doors (where there’s a clear division between paid access and outside). There were also those who said that noise measures should never be taken inside the event because people have paid for the experience.
3. **Lack of support for Option 2.** The time constraints option was identified as problematic for some participants from the industry as well as residents because it does not differentiate between different types of events and does not recognize that in today’s economy many people work different shifts and many work from home. The permitted start time of 8:00 am (Monday-Saturday) / 9:30 am (Sunday and statutory holidays) is also too late for certain events like marathons and charitable events.
4. **Suggested changes to the presented time constraints.** Many participants from amplified sound-generating sectors said that the 11:00 pm start time of prohibition is too early. There were participants who suggested that the City consider the following edits:

- Set different time constraints for outdoor events and indoor events. It makes sense to start the prohibition time at 11:00 pm for outdoor events, but not for indoor venues.
  - Some preference for more lenient time constraints. Consider extending the night time cutoff from 11:00 pm to 2:00 am on Thursdays, Fridays, and Saturdays to coincide with the provincially permitted cutoff for last call for drinks. Consider also applying a 2:00 am cutoff on Sundays when the following Monday is a statutory holiday. An exception to the Noise Bylaw, whatever the cutoff, could also be considered for artists of distinction performing in the City.
5. **Need for sufficient enforcement staff.** If the City does decide to pursue a decibel limit, many residents said that it will be important that there also be sufficient City staff responsible for enforcing the bylaw. The current complement of 235 bylaw enforcement officers enforcing 30 bylaws is not enough. A participant suggested collaboration with the Toronto Police Service (TPS) by training them on how to measure sound and equipping them with sound meters. *Note of clarification added by MLS staff after the meeting: As mentioned in the presentation at the meeting, TPS efforts have been re-directed and they no longer enforces the Noise Bylaw. All noise complaints that do not demonstrate an immediate risk to public safety have been redirected to MLS.*
  6. **Differentiate between ambient noise and amplified sound.** There needs to be a mechanism that allows the residents measuring noise/sound to distinguish between what is ambient noise (traffic, construction, etc.) from amplified sound.

## Feedback on Options being Considered for Exemption Permits Bylaw Updates

1. **The status quo does not work.** Residents participating in the meeting said that enforcement of current exemption permits put the onus on the public, when it should instead be on the generators of amplified sound.
2. **Support for Option 4.** Several participants said Option 4 (Graduated Exemptions) is the best option presented as it has the potential to address many of the most common issues with the current exemption permits. It also allows for events and festivals to operate properly. It was suggested that the definition of low and high impact events should be clearly defined (e.g. number of attendees, type of event, distance of event venue to residential areas/quiet zones, etc.).
3. **Difference of opinion on Option 5.** Some representatives from sectors responsible for generating amplified sound said they would prefer no exemptions over the status quo. If there was a good bylaw around amplified sound there wouldn't be a need for exemptions. Others said that having no exemption permits is not a viable option for Toronto because it would have a significant negative impact on Toronto's music industry if concerts and events are held to the same decibel limits as residences. It would also open up potential legal actions against the City as it might shut down some existing events.
4. **Difference of opinion on who the delegated authority should be for granting/denying exemption permits.** Some participants said that approving exemption permits should be delegated to MLS, not the Councillors, especially because there are now fewer Councillors which impacts their ability to respond to applications in a timely manner. Having a designated decision-making authority would relieve pressure on Councillors. A reasonable criteria/standard should be developed to ensure objective decision making. Others said that it should remain in the Councillor's responsibility, but extend the response timeframe from 14 days to 21 days. Some

participants suggested putting the decision-making responsibility on Councillors for high impact events, and staff for low impact events.

5. **Consider a collaborative approach to the exemption permit process.** Some participants said that the best exemptions have been in processes where a host has worked with residents and/or neighbours to communicate and manage noise impacts associated with exemptions.
6. **Application process needs to be easily understood by applicants.** The City should outline the application process so that organizers know exactly when they would need to apply and account for it in the project planning. There needs to be enough time between the application and decision date that provides adequate public notification (and public response), and MLS should identify this checkpoint. This would also help event organizers create a better noise mitigation plan.
7. **Difference of opinion on allowing application for multiple events.** Some participants said applications for multiple events will allow for more efficient planning. Others said exemptions need to be granted with careful consideration on a case-by-case basis and should not be done in pack. Either way, consideration of an applicant's history is important. This needs to be balanced with the need not to punish a low-impact event organizer for minor administrative mistakes. A distinction between the venue and the promoter is needed so venues are not punished for the promoters' mistakes.
8. **Develop a mechanism to revoke exemption permits if conditions are not met, as well as an appeal system.** The appeal system would allow denied exemption permit applications to appeal and have the opportunity to address/mitigate noise produced in the event.
9. **Clarify the intent of the 7-day notice prior to an event.** It was unclear whether this notice is meant to give neighbours advanced notice of an event so they can plan accordingly (which is helpful to residents); or if the intent is to give neighbours a chance to object/complain about the upcoming event in advance (which is not helpful to residents because there would be little opportunity to influence whether or not it will happen, or be able to set any conditions). Others said that the 7-day notice seems disingenuous. Most concerts take 6+ months to plan, so having a chance for a concert to get shut down at 7 days isn't reasonable for the promoter/operator. *Note of clarification added by MLS staff after the meeting: The purpose of the notice is to provide residents with notice to plan accordingly. In past consultations, MLS heard that residents would simply like to know about these events happening, either through a posted notice, or through an online system.*
10. **Difference of opinion on decibel limit.** Some said that the outdoor limit of 85 dB(A) is too low for many international acts, so some are skipping Toronto as a place to perform. Some venues would find the 85 dB(A) limit a challenge for large venues like Fort York, which requires higher decibel levels so that attendees can hear music. The Toronto Music Industry Advisory Council's recommendation of 105 dB(A) limit at the source should be considered. Others said that they would like to see the current decibel limit of 85 dB(A) remain.
11. **Measure at point of reception instead of 20m from the source.** The existing measurement of noise 20m from the source is unrealistic and wouldn't allow for any outdoor concert or festivals.
12. **Time limits for exemptions.** Some suggested that exemptions should not provide a complete carte blanche and should still include a time limit tailored to the event. Others noted that there already is a time limit, but it was missing from the status quo description in the meeting materials.

## Other Feedback

### Feedback related to improving existing systems/mechanisms:

1. **Enforcement needs to improve.** Many participants said that the current service standards do not work. Noise complaints related to amplified sound are not a priority for Toronto Police Services and the Alcohol and Gaming Commission of Ontario to address. The City should put forward a bylaw that will result in a timely response to complaints and infractions.
2. **MLS operational hours should reflect the hours events and businesses operate.** A lot of the events and businesses that generate noise operate outside MLS' working hours of Monday – Friday, 9:00 am to 5:00 pm. *Note added by MLS staff after the meeting: Bylaw enforcement officers do work beyond a 9:00 am – 5:00 pm schedule. Currently, officers work in shifts beginning at 6:00 am and ending at 1:00 am the next day.*
3. **Consider other ways of measuring noise complaints.** Several people said they weren't sure it was a good idea to have an officer enter their property for several hours when there is a complaint, especially since many complaints happen at night. There was a suggestion to consider instead having the officer install a device in the house, ensure it is tamper-proof, and then leave it there for a period of time (potentially 24 hours) to better measure noise.
4. **Allow for an adjustment time for businesses.** This would help businesses make necessary changes to comply with the new bylaw when it is implemented.
5. **There should be some expectation of sound/noise in the City.** Toronto is a big city and residents need to expect that there will be some level of noise, especially in the downtown and entertainment district. A participant suggested notifying people moving into a highly active area that they should expect higher noise levels. *Note added by MLS staff after the meeting: This notification process is already being done in new developments.*
6. **Clarify distinction of noise produced by the event vs noise made by people chatting outside a venue.** The latter should not be violation put against the event/building operator.
7. **Find a way to limit noise from party boats.** The party/cruise boats on Lake Ontario appear to be unregulated and the noise they generate is audible throughout the night.
8. **Treat nuisance noise separately from sanctioned noise** (normal noise produced by licensed businesses, permit holders, and city employees' activities). This could dispel confusion and balance support for Toronto's entertainment/music industry and other legitimate activities with the protection of residents from noise.

### Feedback related to new actions/mechanisms to consider:

1. **There's a need for a collaborative dispute resolution mechanism**, especially when there are on-going issues related to noise complaints. Representatives from the music/entertainment/restaurant sector said that the mechanism should allow the complainant, the City, and the potential bylaw violator to resolve disputes. Fines/penalties should not be the only way to deal with violations. There should also be an escalation process if issues continue to persist. Participant note added after the meeting: this mechanism should ensure protection of complainants.



2. **There's a need to educate the public about the noise in the city.** Conduct public awareness campaigns to clearly communicate what is a violation of the Noise Bylaw. This information should be communicated beyond enforcement.
3. **Make complaint data easily accessible to the public.** Data should include information of where complaints came from, percentage of complaints within an area, and the noise levels captured by the City. This data could help show which areas are consistently impacted by noise produced from events and venues. It would also help organizers mitigate noise concerns by adjusting their equipment, shooting maps, etc.
4. **Have two separate discussions about amplified sound for people in north Toronto and downtown due to different concerns.** In north Toronto, the concern is noise from house parties, while in downtown, the concern is noise from establishments.

#### Feedback involving other City divisions

1. **Involve City Planning in this discussion.** City Planning can require developers to conduct better noise abatement strategies to protect residents from noise impacts. Consider policy approaches that support the 'Agent of Change principle', which is when a new development goes up near a pre-existing venue, it is the developer's responsibility to manage impact of that change, including informing future residents that they'd be living next/near to and making any necessary adjustments to building plans (e.g. soundproofing). This would help longstanding businesses in the existing music/entertainment focused areas defend against complaints from occupants of new businesses/residents. City Planning can also identify if any area is already saturated with performance venues and limit it as a type of land use by creating music and entertainment zones that allow higher noise limits to celebrate, protect, and accommodate longstanding clusters of music, culture and entertainment. Another suggestion was to consider not allowing residential units on the second floor of new tall towers in entertainment areas to help reduce impact of noise/vibration on residents. *Note added by MLS staff after the meeting: The Agent of Change principle is already being used by the City. MLS also has been and will continue to be in discussion with City Planning.* Participant note added after the meeting: a few residents raised concerns that putting the onus on developers for noise abatement costs may mean developers, and ultimately homeowners/tenants, will have to incur soundproofing costs to address noise made by the music industry.
2. **Other suggested actions the City can take to help prevent excessive noise** included: allowing the music industry to access noise measuring equipment to help the industry self-identify if they are in-compliance of the bylaw; providing the music industry with dedicated funds/incentives for proper sound insulation; and standardizing building practices to allow for objective measurement since sound proofing in buildings differ by age of the building, materials used, etc.
3. **Establish a City of Toronto Music Office.** This could help educate people about the benefits music and entertainment brings to the City and its residents, and that also helps the City and residents come to agreements over issues with noise. *Note added by MLS staff after the meeting: There is already a City of Toronto music office.*

#### **Next Steps**

The City thanked participants for coming and reminded people of the opportunity to share additional comments with MLS by February 28, 2019, to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development

Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.

# NOISE BYLAW REVIEW

## Public Meeting 4 – Construction Noise Summary

Centre for Social Innovation Regent Park Lounge, 585 Dundas St East

February 5, 2019, 6:00 – 8:00 pm

On Tuesday, February 5, 2019, the City of Toronto hosted the fourth of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Approximately 40 people participated, with the majority signing in to the meeting as residents (about 30 residents in total, including 6 people affiliated with resident associations, and a few who also identified themselves as members of the Toronto Noise Coalition), as well as six people from the construction industry, and others representing an acoustical engineering firm, municipal government, and observers from the TTC. Representatives from MLS and Toronto Public Health also participated.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized. It reflects the points discussed verbally, as well as written comments received on worksheets submitted at the meeting.

**The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.**

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

## Overall Snapshot of Feedback

The following points reflect the overall snapshot of feedback most consistently raised in discussion and in writing during the meeting. The remainder of this summary provides additional details regarding these points, as well as many others, shared by participants.

1. **There was little common ground between residents and representatives of industry.**
  - Residents said that the current bylaw doesn't work, and that the public health impacts (on sleep, ability to learn, mental health, children, youth, etc.) need to be considered and communicated to builders and trades. They want more enforcement and significant consequences for violations, and removal of blanket exemptions.
  - Construction industry participants were supportive of the status quo, and expressed concern that changes to the bylaw could slow down development, including housing initiatives. They asked the City to consider maintaining the current construction noise regulations if a smaller number of people, identified in the public opinion research, consider construction noise a problem.



2. **There was a lot of support from residents for higher fines, lower noise limits, requirements for noise mitigation plans, better communication** (e.g. post contractor contact info, etc.), and changes that reflect the reality that more people are working from home, as well as more people living in mixed use areas.
3. **Many residents also called for the City to lead by example** and ensure their own municipal works and public agencies (e.g. TTC, Toronto Hydro) follow the Noise Bylaw restrictions.

## Feedback on the Criteria to Consider when Updating the Noise Bylaw

1. **Many residents said that the criteria proposed by MLS to evaluate the proposed bylaw updates were “a good start” but are ineffective without improved enforcement.** Lack of enforcement, and the limited likelihood of additional resources for enforcement, dominated a considerable portion of the discussion. A number of ideas to strengthen enforcement were shared, including:
  - Requiring contractors to purchase a “noise bond” that would be returned if the Noise Bylaw requirements were met (and kept by the City if the requirements were not met), noting that it would need to be of sufficient amount to act as an incentive to working within the bylaw (this would work similarly to a damage deposit);
  - Linking noise mitigation requirements to the building permit, with significant escalating fines and ultimately a stop-work order issued for non-compliance. Also consider rejecting applications from companies with a history of noise violations (developing a database of development and construction companies to keep track of all permits, exemptions and complaints associated with them would support this approach);
  - Issuing higher fines;
  - Being more diligent on laying charges and collecting fines (with the associated revenue stream dedicated to supporting additional enforcement);
  - Enforcing the bylaw when a violation occurs. It is often the case that for small home renovations, roofing, etc. by the time an enforcement officer comes out to investigate, the violator is has already moved on and cannot be penalized for a legitimate complaint; and
  - Increase the number of City bylaw enforcement officers, including those working beyond the 9am-5pm timeframe.
2. **Impact on residents should be assessed through a public health lens.** Many residents said that the primary purpose of the bylaw should be to protect residents, not to facilitate construction. A public health framework should be considered to acknowledge the potential negative impact noise has on health (e.g. impact on sleep, concentration and stress levels, as well as impact on productivity and safety due to the lack of sleep).
3. **Many residents reported significant frustration with the lack of responsiveness to their complaints.** Participants said that they (and others) have given up sharing complaints to 311 because it has not improved the situation. MLS should also consider how continued bylaw non-compliance and lack of adequate response to complaints may frustrate residents. This consideration should be used to make the case for allocating a larger budget and more officers to improve enforcement and compliance.
4. **Several participants suggested that the City clarify the description of the “reasonable” criterion.** It is unclear who determines what is reasonable, for whom, and how limits and standards are determined. Life in the city has also changed since the bylaw was first developed. The updated bylaw should reflect the change in people’s lifestyle (e.g. working outside the traditional 9am-5pm hours, working from home, living in mixed use areas, etc.).

5. **Other comments from residents on the criteria focused on the need for MLS to:**
- **Place the onus for adhering to the Noise Bylaw on the noise generator.** The current system for filing noise complaints requires the complainant (often residents) to keep a log of the noise issue/violation. This should be reversed to put the onus on the noise generator.
  - **Clearly define the bylaw objectives.** Defining the objectives of the bylaw is important as it is currently unclear what the bylaw strives to achieve. *Note of clarification added by MLS staff after the meeting: The purpose of the Noise Bylaw review was noted during the public meetings. The bylaw review aims to introduce updates that reflect our growing and vibrant city, while enhancing the noise standards that protect the residents of Toronto.*

## Feedback on Options being Considered for Construction Noise Bylaw Updates

1. **Residents and construction industry representatives did not agree on the need for changes to the bylaw.** Participants from the construction industry said that they prefer the status quo, and added that more stringent provisions in the bylaw, including windows in which noise can be generated, removal of exemptions for continuous concrete, etc. could negatively impact the pace of new development and the Toronto economy. Participating residents said the status quo does not work, and would like to see the bylaw updated to better protect them from construction noise.
2. **Some residents said that they preferred Option 2 (updated time constraints and removal of blanket exemptions for continuous concrete pouring and large crane work), with suggested edits.** Those who expressed support for Option 2 said they liked the clearly defined hours of prohibition and removal of exemptions for continuous concrete pouring and large crane work. Some suggested changes to Option 2 including:
  - Earlier evening time constraints and extended morning time constraints on weekdays by changing the prohibited period from 7:30pm – 8:00am to 6:00pm – 7:00am;
  - Later start time for construction noise; and
  - Prohibited weekend construction, including Saturdays (other participants noted, however, that this could cause issues with weekday traffic).
3. **Some residents said that they preferred Option 3, with suggested edits.** Some participants said Option 3 seems to make the most sense, and suggested the following conditions and modifications:
  - Rationale for granting exemption needs to be comprehensive, and stricter for night time construction activity;
  - Night time decibel limit should not exceed 45 dB(A) at point of reception; and
  - Differentiate between constant noise and sporadic noise (sporadic noise should be addressed through a stricter noise mitigation plan as it causes more disturbance at night time).
4. **Difference of opinion on including requirement for Noise Mitigation/Management Plans for all construction sites.** Some participants preferred this provision in Option 4 because it ensures consistency across all construction sites, large and small. Others raised concerns that with 50,000 construction permits active in the city each year, it would be resource intensive for MLS, and would require a much higher number of enforcement officers available to enforce it, or else people will continue to feel frustrated that the bylaw is not being enforced. Some participants suggested creating a standard template for the applicant to fill out to reduce this burden on both the City and applicants. Suggestions for Noise/Mitigation Management Plans included:
  - Requirements should apply to all construction sites of a certain minimum scale and project time length;

- Requirements should be easy to understand;
  - Requirements to visibly post Noise Mitigation/Management Plans on all construction sites;
  - Build on existing construction management plans (like ones used by Tridel) and
  - The City should provide a list of all steps builders need to take to mitigate noise.
5. **Residents suggested having both dB(A) and dB(C) limits for construction noise.** This will help everyone understand how loud is too loud for certain activities and equipment. Including dB(C) will account for the low bass vibrations often felt during construction. Also consider setting different decibel limits for small residential construction projects, smaller mixed use area construction projects, and large construction projects.

## Feedback on Options being Considered for Exemption Permits Bylaw Updates

1. **Support for Option 2's removal of automatic approval after 14 days.** Many residents preferred having an automatic denial if no response is received after the 14-day review period.
2. **Some residents preferred Option 3 (delegated authority).** These participants said that they prefer this option because it allows for an objective and unbiased review of applications. It also helps alleviate workload from Councillors, which may expedite the review process.
3. **Extending the 14-day review period was not preferred by participants from the construction industry.** They said that the development application process is already a very long process. Adding more hurdles, particularly for residential developers, seems to go against the City's and Province's direction to streamline the development of housing.
4. **Residents suggested that the City make the criteria for approving exemption permits transparent.** The public should know and be able to have some input on the criteria that will be used to grant/deny an exemption permit, especially in areas where people live (i.e. both residential and mixed use areas).
5. **Residents suggested that the City create a different approval process between low- versus high-impact projects.** They suggested that this approach could alleviate some of the administrative burden on the City if, for example, low-impact projects are automatically granted if there is no response from the Councillor. However, they felt that high-impact projects should go through a review process with input from the Councillor. This approach requires differentiating what is considered low-impact and high-impact.

## Other Feedback

1. **On-going communication with the community is extremely important.** Several participants said that it seems like they have nowhere to go to get their noise issues addressed. Suggestions on how to improve communication with the community include:
  - A City-led public awareness and education effort dedicated to increasing awareness of the Noise Bylaw and increasing civic literacy about noise, its impacts, and what is considered a noise violation in the City of Toronto.
  - Post the contractor's information, including name and phone number, at all sites, regardless of construction size so people know who to talk to.

- Establish Construction Liaison Committees (CLCs) to help improve the process for the community and the builder and provide a process for dealing with issues. It was suggested that CLCs should be mandated in the bylaw.
  - Inform the community of anticipated noise, especially if an exemption permit has been granted allowing the builder to generate noise at unexpected times or levels. Consider developing an email list to inform and update the community.
  - Follow up with people who file complaints. Often complainants have no way of finding out whether their issue has been or is being investigated, nor do they know if they have complained about necessary municipal work.
  - Make enforcement officers' reports publicly available. This would help the public know how noise complaint reports are documented and what happens to them after they are submitted, and whether they resulted in a fine or summons.
2. **Differentiate the different types of construction noise.** Currently, it seems that all construction noise is lumped in together as "construction noise". Residents suggested that identifying the source of construction noise (i.e. from large construction projects, from home renovations, from smaller construction jobs in mixed use areas, or from necessary municipal work) would be helpful to address construction noise concerns.
  3. **The Noise Bylaw should apply to all construction noise and activity, including necessary municipal work.** Non-equipment construction noise like radios, trucks and gas-powered generators should be covered under the construction noise bylaw. The bylaw should also cover necessary municipal work, which is a big contributor to construction noise in the city, and it seems like this is a gap in the current Noise Bylaw. *Note added by MLS staff after the meeting: necessary municipal work is exempted in the bylaw as it sometimes must be done outside of permitted hours to manage public risks as well as road and transit closures/disruptions.*
  4. **Look for opportunities to encourage quieter technologies in construction.** The City could look at incentivizing quieter construction technologies, potentially by offering tax credits or other incentives in the development approvals process. The City could also develop regulations for lower noise limits on construction equipment, tools and trucks. Not all construction noise (e.g. truck and skyjack beepers) needs to be as loud as it is.
  5. **Provide a list of statutory holidays on the Noise Bylaw website.** There is some confusion about what officially counts as a statutory holiday (e.g. Easter Monday).

## Next Steps

The City thanked participants for coming and reminded everyone of the opportunity to share additional comments with MLS by February 28, 2019, to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.



# NOISE BYLAW REVIEW

## Public Meeting 5 – General Noise Summary

The Garage, 720 Bathurst St

February 6, 2019, 6:00 – 8:00 pm

On Wednesday, February 6, 2019, the City of Toronto hosted the fifth of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Approximately 35 members of the public participated, with the majority signing into the meeting as residents (26 in total, including 7 people of those who indicated they were affiliated with resident associations, as well as a few members of the Toronto Noise Coalition), two representatives from an acoustical engineering firm, one person signed in noting that they were affiliated with a law firm representing business establishments. Six people signed into the meeting without identifying an affiliation. Representatives from MLS and Toronto Public Health also participated, and Mayor John Tory attended.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized. It reflects the points discussed verbally, as well as written comments received on worksheets submitted at the meeting.

**The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.**

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

## Overall Snapshot of Feedback

The following points reflect the overall snapshot of feedback most consistently raised in discussion and in writing during the meeting. The remainder of this summary provides additional details regarding these points, as well as many others, shared by participants.

1. **There was considerable support for seeing impacts on public health considered by the City when updating the bylaw.** Participants would like stronger public communication and education from the City regarding noise impacts, noise bylaws, noise mitigation plans, and noise enforcement were also strongly encouraged.



2. **The majority of participants expressed support for keeping the General Prohibition.** Many expressed support for mapping different ambient levels in the City and setting objective measures for noise limits (i.e. dB(A) and dB(C)). There was a range of opinion on time of day constraints.
3. **It's important that the City takes a leadership role on managing noise from public sources,** including emergency services. Noise from air travel was also identified as a challenge, and the City was encouraged to advocate on behalf of residents to minimize impacts of noise generated by the Greater Toronto Airport Authority/Pearson airport.
4. **Significant frustration around lack of enforcement was repeatedly raised.** This relates to all aspects of noise, including exemptions.

## Feedback on the Criteria to Consider when Updating the Noise Bylaw

1. **Participants said that the criteria proposed by MLS to evaluate the proposed bylaw updates should prioritize reducing impact on residents, enforceability and objectivity, and suggested that public health be part of the over-arching framework driving the updated bylaw.** Many participants said that noise needs to be treated as a health issue, with some noting that this should be prioritized over economic impact. Several referred to research evidence that noise affects health and mental health. Recognizing the economic cost of noise on public health (e.g. impact on provincial health budget) could help strengthen the case for treating noise as a health issue. *Note: Toronto Public Health attended all noise public consultation meetings to consider the feedback heard.*
2. **Recognize the great deal of stress and frustration inadequate enforcement has on residents.** Many participants said that they have a high level of frustration because they can't solve chronic noise issues and they can't get a response from MLS/bylaw officers. Enforcement needs to happen quicker to deal with noise violations when they occur. Consider witness statements of noise impact and what a reasonable person considers as excessive noise levels (along with results of noise meter readings) when investigating noise complaints,
3. **Establish clear and objective standards.** Several participants said that setting clear, measureable standards (e.g. specific noise levels, times of day, etc.) is important to ensuring everyone understands what is allowed and what is prohibited. Both quantitative and qualitative inputs should be considered when establishing objective standards.
4. **Clarify the City's jurisdiction/legal authority to address noise issues.** The City needs to make it clear what it can and cannot enforce and who has the authority if it is not in the City's jurisdiction.
5. **Clarify the "reasonable" criterion.** Some participants said that the current definition of the criterion suggests that residents have to put up with all the noise in the city. The definition should be focused on balancing a growing and vibrant city with Torontonians' right to peaceful and healthy living and enjoyment of the city. *Note of clarification added after the meeting: MLS does consider the suggested description as it is the overall objective of the Noise Bylaw review.*
6. **Consider "consistency with provincial legislation" as another criterion.** The City's Noise Bylaw should be consistent with the provincial legislation to reduce conflict or overlap with regulation of noise sources subject to provincial limits. Inconsistency with existing provincial legislation and guidelines, particularly with the Ministry of Environment, could make compliance more difficult. *MLS staff clarified that the existing bylaw draws on the Ministry of Environment Guidelines when determining what is considered as accepted noise levels for stationary sources.*

7. **Invest in educating the public about noise to make the bylaw work.** The City needs to play a stronger role in educating the public about a range of issues related to noise, including what the bylaws are, the impacts of noise, what can be done to mitigate noise, etc.

## Feedback on Options being Considered for General Noise Bylaw Updates

1. **Many participants said maintaining a general noise prohibition in the bylaw is important as it ensures any noise that is not regulated under specific prohibitions is still covered, but said the language of the status quo should be strengthened to make it less vague and subjective.** They also said they liked that the status quo references “vibration”, which the other options do not. Specific suggestions to help strengthen the status quo include:
  - Define “disturbance”;
  - Include “harm” in addition to “disturb” and “public health”;
  - Remove “is likely to” to just say “which disturbs” because it doesn’t matter what is likely to disturb, only that someone is saying they are disturbed; and
  - Add regulations for when certain loud municipal services are permitted.
2. **Some support for Option 2 – relative to ambient.** Some participants said that the system is already strained, and they are not convinced the City could effectively measure ambient noise. Others said Option 2 could work and suggested limiting permitted noise to the ambient noise plus 5 dB(A). This would allow for a simplified standard of what is and what is not allowed.
3. **Difference of opinion on Option 3 – time constraints.** Some participants supported Option 3, as it provides specific times and a shared understanding of general noise prohibition. Some suggested re-thinking the language as in some cases “the normal course of events” could occur outside the permitted hours of 7:30pm to 8:00am (e.g. a 24-hour gas station), which could be difficult to enforce. Others were not in favour of this option due to concerns that it will give permission to make excessive noise outside the prohibited times (e.g. loud dog barking). *Note of clarification added after the meeting: Loud dog barking is covered under the animal noise provision of the Noise Bylaw, not the general prohibition.*
4. **Difference of opinion on Option 4 – no general prohibition.** Consistent with previous feedback (captured above), many participants were not in favour of removing the general prohibition as they said there needs to be a comprehensive statement to protect residents. There is no guarantee that specific prohibitions can cover all types of noise, so the general prohibition should remain. Others said that there should be no general prohibition as it could supersede specific prohibitions if there was a conflict. There were participants who said that the City should work on making the specific prohibitions stringent and better defined to cover all noise sources.
5. **Some participants suggested a combination of Option 2 and Option 3.** There was some interest in combining the provisions in Option 2 and the first half of Option 3 (excluding specific time constraints). Some participants said that “relative to ambient” is a useful addition because it is technically feasible to establish the level of ambient noise at different places and different environments, which creates different standards of “out of the normal course of events/unusual/unreasonable” in different places in the city. Specific time constraints should be removed as there needs to be a bylaw in effect 24/7 to reflect the realities of people having different work shifts and people working from home.
6. **Suggestions to consider no matter which option the City chooses to implement:**

- Include both dB(A) and dB(C) limits to establish objective limits for measuring noise. Consider setting a lower dB(C) for night time limits;
- Add more nuance and specificity in the language around which kinds of noise are acceptable, and which ones are not (e.g. clarify what is considered a “normal course of event”); and
- Consider how humidity and temperature affect noise.

## 7. Other comments on the General Noise prohibition:

- **Range of opinions on how/where to measure noise.** Participants said the bylaw should be practical and flexible around how/where noise is measured given the situation. Some participants suggested measuring noise outdoors at the property line of the point of reception so noise is appropriately captured, given that different buildings have different sound dampening qualities. Others supported measuring at source to consider what is producing the noise.
- **Remove blanket exemption for emergency vehicles.** There should be a better balance between maintaining public safety through the use of emergency vehicles with the health impacts of constant noise from sirens. Look into siren technology to see if there are ways of reducing impacts of noise generated by sirens.

## Feedback on Options being Considered for Exemption Permits Bylaw Updates

1. **Many participants said that the current Exemption Permits provisions are not good enough, and suggested the following modifications to improve the provision:**
  - Consider a lower noise limit. Participating residents said that the 85 dB(A) limit in the status quo is too high.
  - Make all Exemption Permits revocable if conditions of the permit are ignored or broken. Time limits should also be included in the permit conditions.
  - Exemption Permits should be automatically denied (instead of approved) if there is no response from Councillors.
2. **Participants had a range of opinion on who should be the designated authority to approve/deny applications.** Some participants said that having the Councillor approve/deny applications is safer for residents. Others said that this would create an administrative burden to already stretched Councillor resources, therefore, a delegated authority should manage the approvals process to have an efficient response to applications. They also said that the delegated authority should use publicly approved criteria when considering applications.
3. **Some participants supported Option 4’s Noise Mitigation Plan.** They said that a Noise Mitigation Plan should be a requirement for every exemption application.
4. **Exemption Permit categories should clearly define what activities fall in the low or high impact categories.** For example, the Exemption Permit requirements for a one-day fair in a park should be different from those for noise produced from construction activities at night. A participant also said that all noise produced from night time activities should be considered high impact.

## Other Feedback

1. **Participants expressed appreciation for the opportunity to share their opinions and be heard by the City.** They also encouraged the City, particularly the Mayor and Councillors, to be mindful of the people who are not being heard (i.e. children and other vulnerable populations).



2. **Create proactive mechanisms that residents can use to prevent and (where necessary) address noise conflicts.** This includes things like:
  - Rating buildings (based on their age, architecture, etc.) on how noisy they are, and potentially exploring ways to monetize the rating system (i.e. by charging landlords for permits to operate noisier than reasonable buildings, which also acts as an incentive to landlords to invest in noise mitigation strategies);
  - Giving residents tools to mediate conflict on their own, including steps to follow to resolve conflicts, including a noise logbook;
  - Allowing residents to lease an MLS-approved noise meter from a library so residents can measure noise on their own; and
  - Providing residents (owners and tenants) with simple bylaw information and process knowledge to help them mediate conflict with noisy neighbours, which could also help bylaw officers gather noise data.
  
3. **Clarify roles of condo boards in setting and enforcing noise rules in condominiums.** Residents of multi-dwelling residential buildings are confused with the roles a condo board and the City play in addressing noise concerns from residents. *MLS staff said the first step in processing noise complaints in condo buildings is to put forward the complaint to the condo board. If this first step is unsuccessful in resolving the issues, MLS can then follow up. MLS staff also noted that they are piloting a mediation process with St. Stephen's House to see if noise complaints can be resolved through community mediation services.*
  
4. **Put the survey results into context.** The number of survey respondents represents a small number of people living in the city, and it may not show the reality of noise experienced by residents. *MLS staff acknowledged the comment, and said while the entire Toronto population was not surveyed, the survey method intended to capture feedback from a group of respondents who were representative of the general Toronto population.*
  
5. **The City should lead by example and minimize noise, including from:**
  - **Emergency vehicles.** Noise generated from police and emergency sirens were identified as sources of disruptive noise. Adjusting the volume of these sirens should be considered. *As part of the discussion, MLS staff responded that it is important for these emergency services to continue operating their sirens to make sure they can respond to emergencies in the city. They noted that the City is aware of concerns with sirens from police and emergency services. MLS said they will communicate these concerns to Toronto Police Services (TPS) and emergency services.*
  - **City operations (e.g. garbage collection) when combined with other types of noise in busy areas.** There are certain areas where noise levels are already high and City work increases the level of noise. For example, in one residential area next to a grocery store has up to 7-8 garbage trucks per day. Complaints are not responded to because the noise is generated by the City, but the issue is exacerbated by the high ambient noise in the area. Participants suggested that the City consider limiting the number of municipal works (e.g. garbage trucks) a day in a given area.
  
6. **Participants suggested ways to improve enforcement, including:**
  - Consider having bylaw officers work outside regular 9am – 5pm working hours. This would enable bylaw officers to investigate and respond to noise complaints occurring before 9:00am and after 5:00pm, particularly temporary/transient noise, at the time that they occur. *Note of*

*clarification added after the meeting: Bylaw enforcement officers do work beyond a 9:00 am – 5:00 pm schedule. Officers work in shifts beginning at 6:00 am, and end at 1:00 am the next day for officers investigating noise from licensed establishments and 8:00 pm for officers investigating noise from private residences.*

- Bylaw officers should be able to fine on the spot and issue stern warnings (and even confiscate noise-making equipment). The court process and the amount of time it takes to penalize someone can be very frustrating to some people. *Note of clarification added after the meeting: Bylaw officers do issue tickets (set fines) for certain charges, if the person(s) responsible for noise is determined to be in blatant violation of the bylaw or if no resolution was found after request to comply with the bylaw. Additional set fines for the Noise Bylaw are also being explored by MLS.*
- Be diligent in collecting fines. The city is very diligent when it comes to parking restrictions, the same should apply for Noise Bylaw violations. Consistently applied and collected fines, as well as potential damage deposits for construction work violating the noise bylaw, could be good revenue sources for the city.

**7. Ensure that commercial activities in recreational areas do not interfere with residents.**

Participants said as the city becomes more dense they are seeing more noisy commercial activities taking place in residential areas (e.g. school sports fields being used by groups that rent the space out). There needs to be a better balance so that residents aren't subjected to excessive and persistent noise from these activities.

**8. Consider noise produced from acoustic (i.e. no electric) amplified sounds.** Acoustic amplified sounds should be included under the by-law not just electronic amplified sound.

Feedback involving other City divisions and levels of government

**1. The City needs to advocate on behalf of its residents to other levels of government to address on-going noise issues resulting from air traffic.**

A resident expressed frustration regarding commercial aircrafts flying 24/7 at a very low altitude over residences in the Don Mills and Lawrence area. This frustration is increased by deflection from different government levels on who is responsible and who addresses complaints. The resident said that the City and City Council should take a position with other levels of government (e.g. NavCan and GTAA) to address the impact of aircrafts on residents. The resident suggested that a technical review be conducted to assess and recommend alternative flight paths that will not disrupt residents (e.g. lower impact industrial areas). *MLS staff acknowledged the concern during the discussion and noted that aircraft/air traffic noise is a Federal responsibility. The City has previously worked with NavCan, Transport Canada and GTAA on this issue, and MLS staff said they will note this issue in the review.*

**2. Change the Building Code to force builders to use better soundproofing in construction.**

This would help reduce impacts of noise so that it doesn't get to a point where people have to complain. *Note added after the meeting: The Building Code is legislated by the provincial government and cannot be changed solely by the City. A request from the City to the Province would need to be made. MLS staff also noted that improved soundproofing in buildings was acknowledged as part of TOCore, and City Council has directed Toronto Building to explore this recommendation.*

3. **Go beyond the City's jurisdiction.** Since the Province issues liquor licenses, consider working with them to limit the number of licenses approved in any given neighbourhood (e.g. Kensington Market) to limit the cumulative impact of noise from bars on area residents.
4. **Refer blatant disregard for others to Toronto Police Services** for enforcement of the applicable Criminal Code offences. If there was an intent to harm someone else's well-being by using noise, Section 175, Causing disturbance, indecent exhibition, loitering etc.; Section 430, Mischief; or Section 264 Criminal Harassment could be enforced.

## Next Steps

The City thanked participants for attending and reminded them of the opportunity to share additional comments with MLS by February 28, 2019 to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.