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Delivered by email; ecdc@toronto.ca

To Chair and members of Economic and Community Development Committee,

Re: Agenda Item EC3.6 – Amendments to the Noise Bylaw Chapter 591

York Quay Neighbourhood Association (YQNA) represents residents and businesses along the waterfront from Yonge Street to Spadina Avenue. YQNA has participated since 2015 in the Noise By-law Review, and while there has been good progress we still have many concerns about its format and implementation. I am submitting the following comments on behalf of YQNA.

Draft By-law

1. Definitions

Point of Reception – outdoor and indoor areas are defined, but then the staff report and the By-law section on Amplified Sound refer to outdoor and indoor **living** areas. This is inconsistent. Are rooftops and balconies really living areas? This also assumes that non-residential uses like schools, offices and hospitals do not count when dealing with noise impacts.

Power Device – the definition should not refer to lawns but to landscaped areas or similar; chainsaws are not really needed for lawn work.

Property – how can the definition be extended to boats on the harbour, which are often amplified sound sources?

Sound Level Meter – is approved for use by the Executive Director. Does this mean that only the ED can use it, or that it is an approved device to be used by anyone? The public would like to have access to approved meters, perhaps on loan from the public library, to measure noise if they have problems.

Unreasonable noise – this is being used as a replacement for the current General Prohibition, and should include for vibration like the current wording; low frequencies can often carry further and be more annoying than the higher registers.

2. Prohibitions

591-2.1 Amplified Sound. The use of reasonable decibel levels on both the A and C scales is helpful. However, if a BEO is investigating a complaint, how will he/she establish the ambient noise without the noise under investigation at a comparable time? For events like concerts, the noise source is not likely to be turned off and on in any predictable way.

For taking measurements at high-rise buildings, access to outdoor areas is generally through the indoor area, so entry would be required in any case. Perhaps this provision is intended to deal with noise experienced in a particular room in the unit.

3. Exemptions

591-3.2 Exemption Permits

C – With the current ward model and resulting workload, is 14 days still long enough for Councillors to respond to an application? This is important if the default for the Executive Director is approval of the permit.

D – 1) It is encouraging to see that a notice is to be posted at least 7 days ahead of an event, but of course this will be too late for the public to object unless they had a chance through their Councillor.

D – 4) There should be a requirement for the dBC level to be limited as well. 20 m is a standard road allowance, so this provision is saying that 85 dBA is acceptable in the public street or even at the neighbour's front property line. This sound level is damaging to hearing over time and seems too high in the circumstances.

F – 3) This provision should be deleted, because a City-sponsored event should also have competent persons on site to ensure compliance. One of the worst events in recent years in our area was the 2016 NBA All-Star Weekend celebration in Roundhouse Park with amplified music in a large tent. During the summer we often have issues with concerts at Harbourfront Centre, which may count as a City agency. We know that Economic Development sponsors some events there.

Staff Report dated March 22, 2019

Page 10 – Provincial Regulations. The present Provincial Government is busy deregulating many activities and removing watchdogs, so should the City continue to rely on the MECP?

Page 17 – Here again there is reference to living areas, and to taking measurements of ambient sound levels.

Other Considerations

The Valcoustics Report (Attachment D) mentions that in New York City church bells and similar sound sources are exempt from its noise by-law.

How can the Draft By-law be adjusted to deal with party boats on the harbour? As the waterfront is developed over the next decades there will be many more people affected by them.

In Toronto, almost all development is infill or replacement, so there are neighbours of various kinds around construction sites. There will be a lot of exemption applications.

Sincerely,

Carolyn Johnson
Co-chair of YQNA