

April 2, 2019

Our File No.: 000011

**Via Email**

Economic & Community Development Committee  
10th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Carol Kaustinen, Secretariat**

Dear Sirs/Mesdames:

**Re: Item EC3.6 – Noise By-law Review: Proposed Amendments to Chapter 591, Noise**

We are solicitors for CentreCourt Construction Inc., the construction company associated with CentreCourt. CentreCourt is one of the most active high-rise developers in Toronto, with 15 projects in various stages of development.

We write on behalf of our client to express concerns with the proposed amendments to Chapter 591 of the Municipal Code relating to noise (“**Chapter 591**”). While our client has a number of concerns with the proposed amendments, the most significant issue relates to the proposal to remove the exemption that is currently found in §591-2.1(B)(2) of the Municipal Code for continuous concrete pouring (the “**Exemption**”).

§591-2.1(B)(1) of the Municipal Code generally prohibits the emission of sound from construction activities between 7pm and 7am the following day if it is clearly audible at a point of reception in a residential area. This prohibition is workable for construction activities that can cease immediately and on-demand. For example, noise from drilling activities would cease as soon as the drill is turned off and no longer in operation. In these circumstances, complying with §591-2.1(B)(1) is a relatively straightforward matter.

However, continuous concrete pouring is different. This construction activity – which is essential to almost every significant construction project in the City – cannot be stopped immediately simply by flipping a switch. Rather, concrete continues to flow for a significant amount of time after pouring has commenced, often for hours, until the pour is complete based on specific engineering requirements. A concrete pour cannot be stopped at an arbitrary point in time; it must be completed according to engineering specifications. There are a number of other factors that can affect the concrete pour duration such as placing methods (including crane or concrete pump, both of which emit noise), weather, and drying times.

Once the concrete pour is complete and starts to harden, the finishing process can commence where labourers and machines smooth the surface to a level finish. This process must take place immediately after completion of the pour. The finishing process cannot wait until the next day because the concrete will be completely dry and the opportunity to smooth the surface will be lost.

Given these practical realities, §591-2.1(B)(1) is effectively unworkable. The Exemption appropriately takes these realities of construction into account and allows continuous concrete pouring activities that commenced before 7pm to continue. The Exemption is not only a practical necessity in light of the considerations noted above, it also facilitates the expeditious completion of construction projects. As the Committee is well aware, faster construction minimizes disruption for residents in the surrounding area.

Removing the Exemption would create an impractical and unworkable regulatory regime that creates extreme compliance challenges, while simultaneously increasing the disruption to residents. In these circumstances, we ask that the Committee delete the amendment that proposes to remove the Exemption from Chapter 591.

In addition, our client believes that further consultation is required in order to properly calibrate Chapter 591 to the practical realities of construction. Accordingly, we ask that the matter be deferred to allow for additional consultation with affected stakeholders.

Please consider this letter a request for notice in respect of this matter.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

cc: Client

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