



The voice of live  
music in Canada  
La voix du spectacle  
musical au Canada

April 2, 2019

Economic & Development  
Committee

City of Toronto

[ecdc@toronto.ca](mailto:ecdc@toronto.ca)

## **Re: Noise By-law Review - Proposed Amendments to Chapter 591, Noise**

Dear Committee,

My name is Erin Benjamin and I am the President & CEO of the Canadian Live Music Association – the national association for the live music sector. Our members are festivals, venues, concert promoters, clubs and others whose core business is live. We are the voice of Canada's live music industry, advancing and promoting its many economic, cultural and social benefits.

We pleased that the City has undergone a review of the Noise By-law and has sought public consultation. Our Director of Operations, Victoria Shepherd, has appeared twice before the Committee and attended the Amplified Sound Consultation in January to express our support for the [Toronto Music Advisory Council \(TMAC\)'s Noise By-law recommendations \(August 2015\)](#).

In reviewing the proposed amendments, we are pleased to see that they are reflective of TMACs recommendations; namely:

Item 24 – deleting s. 591-2.1, prohibiting amplified sound from being projected beyond the lot line into any street or public place.

Item 25 – establishing quantitative limits for amplified sound and clarifying that the sound level shall be measured at the point of reception. We do note, however, that the acceptable sound level decibels in the proposed amendments are quite low – the 50 dB(A) permissible from 11 pm – 7 am and the 55dB(A) permissible from 7am – 11 pm are both lower than the level of normal conversation [70dB(A)] and traffic [70 – 85 dB9A)]. These levels do not accurately reflect the ambient sound of a vibrant city such as Toronto and may lead to an untenable enforcement burden.

Item 26 – We reiterate our concerns about the proposed permitted dB(A) sound levels.

Item 27 – We support in principal the proposed new provision stating that amplified sound measured at the point of reception shall not exceed ambient sound, as this takes into account that certain areas of the city have louder ambient noise than others and that the measurement of amplified sound should take this into consideration.

## **Exemption Permits**

Item 44 – We support the new provision permitting exemption permit applicants to apply for an exemption permit for one or more events for no more than a three-month period. This reduces red tape and allows for time to plan the events and for the applicant to communicate the event (and the noise exemption permit) to the community.

As stated during the Amplified Sound Consultation, the live music community seeks to work cooperatively with residents and businesses. We therefore are supportive of provisions 45 – 47, with comments as set out below:

S. 45 – providing, upon request, supporting reasons supporting an exemption permit; a noise mitigation plan; a statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control. *We do, however, request that language be inserted that this be provided upon reasonable request, in order to ensure that this provision is not capriciously used to prevent the issuance of exemption permits.*

S. 46 – adding a condition requiring exemption permit applicants to post notice of noise exemption in a visible location where the event will occur 7 days prior to the event. *Where the condition may be altered by the Executive Director, Municipal Licensing and Standards, we request that the language be amended to “reasonably altered” for the reason set out above.*

S. 47 - the Executive Director, Municipal Licensing and Standards, may request, as a condition of approval, a noise mitigation plan, or that the sound levels resulting from each event or activity shall be monitored by City staff with the applicant paying the charges for this monitoring. *For the reasons noted in our response to S. 45, we request that there be language introduced that requires the substantiation of this request, in order to ensure that the applicant not incur monitoring costs that are capricious.*

S. 48- revocation of a permit without notice if there is non-compliance with any terms. Given the time, effort, expense and community passion for many events, we are concerned by this provision. We recommend that qualifying language be added to ‘non-compliance’ so that the live music community has some assurance that if it is acting reasonably, it will not be subject to arbitrary or capricious withdrawal of a permit.

We thank you for the opportunity to provide this submission and are committed to working with you to ensure that live music resides harmoniously with the residents and businesses around it.

Please do not hesitate to contact me if you have any questions or need any further information.

With warmest regards,



**Erin Benjamin**  
President & CEO  
Canadian Live Music Association