

City Council**Notice of Motion**

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| MM22.39 | ACTION | | | Ward: All |
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Request for the Province to Rescind the Provincial Regulation Overriding Toronto’s Construction Noise By-Law - by Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy

** Notice of this Motion has been given.
* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy, recommends that:

1. City Council request the Province of Ontario to immediately rescind Ontario Regulation 130/20.

Summary

On April 7, 2020, the Provincial government brought in Ontario Regulation 130/20 to permit non-healthcare related construction to work outside the City of Toronto’s Noise By-law between 6 a.m. and 10 p.m., seven days a week. This new exemption has predictably created significant noise impacts on residents who are staying home due to COVID-19, and should be rescinded immediately.

A public health rationale has never been provided by the Provincial Government, with a spokesperson for the Ministry of Municipal Affairs suggesting the regulation was necessary to “allow for smaller work crews, more distance between workers, staggered break times, etc.” The experience for many residents has been waking up to trucks lining up to enter prior to 6 a.m. only to see workers leave early. For others, it means hearing construction extending well into the evening without notice. It remains wholly unclear whether these extended hours are necessary to protect the health of construction workers. This Provincial regulation is set to expire in October 2021.

One of the most common complaints my office receives is about noise, particularly noise from construction sites. The City’s Noise By-law permits construction Monday to Friday 7 a.m. to 7 p.m. and Saturdays 9 a.m. to 7 p.m. No construction noise is permitted on Sundays and statutory holidays. These By-law hours were established after extensive consultation with residents, noise experts, developers and the construction industry. They provide a balance to allow residents living near construction sites the reasonable ability to enjoy their homes while allowing construction to occur at a reasonable pace.

Nearly three months later, the Province has still yet to release a public health rationale for needing this additional construction time during a health pandemic. If the Province is going to override municipal noise by-laws, then they must be surgical in their approach, not broad. It is easy to see how this change benefits condominium developers, and hard to see how this helps our collective efforts to stop the spread of COVID-19. City Council should do right by Toronto residents and ask that the province immediately rescind Ontario Regulation 130/20 and stop the provincial override of Toronto's noise by-laws.

Background Information (City Council)

Member Motion MM22.39