

Report on Outstanding Noise Directives

Date: May 13, 2022

To: Economic and Community Development Committee

From: Executive Director, MLS

Wards: All

SUMMARY

Toronto Municipal Code, Chapter 591, Noise (the Noise Bylaw) provides standards for noise, and applies to all properties in Toronto. Chapter 591 regulates episodic types of noise, which generally relate to the day-to-day activities of residents and businesses, including temporary events and construction. It must balance the desires of all residents to enjoy their homes and environments, and in a City as large and vibrant as Toronto, certain levels of noise are reasonable and reflect life in a densely populated city.

This report responds to outstanding directives from Toronto City Council since amendments to the Noise Bylaw were adopted in 2019. These directives relate to the feasibility of restricting noise from two-stroke engine leaf blowers and similar equipment and strategies to reduce excessive vehicle noise in Toronto, including automated noise radar. The report also discusses ongoing operational improvements.

A full review of the Noise Bylaw is expected in 2023. The review will assess the amendments made in 2019, including the effectiveness of the current decibel limits for amplified sound, trends in complaints and resolutions, and opportunities to strengthen enforcement. This provides sufficient time for broad public consultation, and to review a consecutive number of months of complaint data. The review was delayed due to the redirection of bylaw enforcement services during the COVID-19 pandemic, which resulted in the suspension of responses to noise service requests in spring and summer 2020, and limitations imposed by the province on the City's authority to regulate noise during the pandemic. For example, limit(s) on the City's authority to regulate noise were in place from March 2020 to October 2021, meaning that 19 months of noise complaint data is limited.

This report sets out several recommendations related to outstanding directives. To respond to excessive vehicle noise, Municipal Licensing and Standards (MLS) conducts joint enforcement blitzes with Toronto Police Traffic Services. MLS is taking action to enhance upcoming enforcement blitzes and will focus on problem areas based on service requests and in-field data. Given public concerns with excessive vehicle noise, City staff recommend that Council requests the Government of Ontario increase the fine amounts for modified exhausts and unnecessary vehicle noise under Ontario's Highway

Traffic Act, and assign demerit points to the offences. In addition, staff will be educating licensed car repair facilities of relevant prohibitions under the Highway Traffic Act related to vehicle modifications that contribute to excessive vehicle noise and will report back during the 2023 Noise Bylaw Review on progress of the above actions and an assessment of options to introduce a decibel limit for stationary motor vehicles.

To respond to Council's request to assess the feasibility of automated noise radar equipment, MLS undertook research on the equipment as well as consulted with jurisdictions that are conducting pilots. Through this research, it was determined that the equipment cannot accurately discern between sources of noise and is not reliable enough to be used as evidence in enforcing the bylaw. MLS will continue to monitor the evolution of the equipment, and will report back with any developments.

In response to various Council directives, City staff from MLS, Parks, Forestry and Recreation, and Transportation Services assessed options to restrict noise from two-stroke leaf blowers and other small-engine equipment. This report addresses the issue from the perspective of noise concerns and proposes several actions to respond to feedback from the public. This report recommends further restricting the time prohibition for power device noise by one hour and initiating public education efforts on proper equipment use and encouraging uptake of electric devices. Staff do not recommend a ban on two-stroke small engine equipment from a noise perspective. Compared to other noise categories, such as amplified sound and construction, complaints from leaf blowers and other equipment remain low. MLS will explore the feasibility of including decibel limits for power devices during the Noise Bylaw Review in 2023.

This report also includes a technical amendment to the "Loading and Unloading" section of the Noise Bylaw to include new provincial limitations to the City's authority to prohibit or regulate noise made in connection with deliveries to retail stores, restaurants, hotels/motels and distribution facilities.

Public feedback via email was open between March 30, 2022 and April 20, 2022 regarding small-engine equipment and concerns with excessive vehicle noise in Toronto. This report was developed in consultation with Parks, Forestry and Recreation, Transportation Services, Environment and Energy, and Toronto Police Service.

RECOMMENDATIONS

The Executive Director of Municipal Licensing and Standards recommends that:

Technical amendment

1. City Council add a provision to section 2.4 – Loading and unloading of Toronto Municipal Code Chapter 591, Noise, to reflect new provincial limits on the City's authority, as follows:

B. In accordance with section 115.1 of the City of Toronto Act, 2006, Subsection A does not apply to the delivery goods to the following, except as otherwise authorized by a regulation made under that section:

- (1) Retail business establishments.
- (2) Restaurants, including cafes and bars.
- (3) Hotels and motels.
- (4) Goods distribution facilities.

Vehicle noise:

2. City Council request that the Government of Ontario increase fines for violations of modified exhaust and excessive vehicle noise under the Highway Traffic Act, and that a violation result in demerit points.

3. City Council request the Executive Director, Municipal Licensing and Standards to inform licensed car repair facilities, through educational communications, that muffler cut-outs, straight exhausts, gutted mufflers, Hollywood mufflers, by-passes or similar devices are prohibited under the Highway Traffic Act, and that all licensed establishments must comply with federal, provincial and local regulations as a condition of licensing.

4. City Council direct the Executive Director, Municipal Licensing and Standards to report back during the Noise Bylaw Review in 2023 regarding developments on motor vehicle noise (including complaint levels and locations, results of enforcement blitzes, and other actions noted in this report) as well as an assessment of additional options to support a reduction in motor vehicle noise, including setting a decibel limit for stationary motor vehicles (excluding emergency services).

5. City Council direct the Executive Director, Municipal Licensing and Standards to continue to monitor technology developments related to automated noise enforcement/noise radar, and to report back during the Noise Bylaw Review in 2023 on any developments.

Leaf blowers/small engine equipment:

6. City Council amend Toronto Municipal Code Chapter 591, Noise, section 2.6 – Power devices, as follows:

1. Amend sub-section A, to further restrict when power devices can be used by extending the prohibition from 7 am to 8 am on weekdays that are not statutory holidays.

2. Amend sub-section B, which exempts golf courses and public parks, to exempt all City operations (including services contracted by the City).

7. City Council direct the Executive Director, Municipal Licensing and Standards to initiate public education efforts, for the summer of 2022, about the appropriate use of lawn equipment such as leaf blowers.

8. City Council direct the Executive Director, Municipal Licensing and Standards to report back during the Noise Bylaw Review in 2023 regarding options for setting decibel limits for power devices.

Timeline for Bylaw changes

9. City Council direct that the amendments to City of Toronto Municipal Code Chapter 591, Noise, described in recommendation 1 come into effect immediately and the amendments in recommendation 6 come into effect July 1, 2022.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report. The cost of the public education campaign in summer 2022 will be accommodated within approved operating budgets for Municipal Licensing and Standards.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the statement as identified in the Financial Impact section.

DECISION HISTORY

On April 6, 2022, City Council adopted [EC28.2: Supporting Restaurants in Toronto – Recovery and Renewal](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EC28.2>), which extended the pilot program for amplified live music on patios in 2022 in wards 9, 14, and 19, and additional wards 4, 10, 11, 13 and 21.

On December 15, 2021, as part of [IE26.16 : TransformTO – Critical Steps for Net Zero by 2040](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE26.16>), City Council expressed its support for a ban on use of two-stroke engine leaf blowers, lawnmowers and other small engine equipment and vehicles and requested a report back on the implementation of a ban as part of the noise update report.

On June 8, 2021, as part of [MM34.51: Getting the Band Back Together: A Pathway Forward for Musical Performance on Patios](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM34.51>), City Council authorized the development and implementation of a pilot program to allow for amplified live music on patios in wards 9, 14 and 19.

On June 8, 2021, City Council adopted [MM34.38: Too Fast Too Furious 2 – More Action Against Stunt Driving and Speeding on the Don Valley Parkway](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM34.38>), which requested that Municipal Licensing and Standards include the DVP on upcoming education initiatives to inform the motorcycle industry and riders on acceptable noise levels.

On June 8, 2021, City Council adopted [MM34.17: Anybody Have a Map? Way Forward Action Plan and Service Gaps in Addressing Late Night Noise Complaints](#)

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM34.17>), which requested a report back on how the Toronto Police Service deals with late night noise complaints and any service gaps between Toronto Police Service, Municipal Licensing and Standards, and 311, in dealing with late night noise issues.

On May 5, 2021, City Council adopted [MM32.6: Excessive Vehicle Noise Locations Across the City of Toronto](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM32.6>), which requests the General Manager, Transportation Services, to contact the City of Edmonton about Edmonton's Vehicle Noise Enforcement Program, to discuss the background, challenges, successes, and financial implications of the Program and to report back on acquiring the noise technology to implement a similar pilot project in Toronto and to identify areas across the City where chronic complaints of excessive vehicle noise have been reported.

On April 29, 2021, Executive Committee received [EX23.1: Updates on Pre-Pandemic Council Directives](#) for information (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX23.1>), which noted a delay in the evaluation of the amended Noise Bylaw.

On December 16, 2020, City Council adopted [MM27.17: Municipal Muffler – Better Tools for Vehicular Noise Enforcement](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM27.17>), which directed Municipal Licensing Standards to report back on emerging technologies for automated noise enforcement and opportunities to test and implement them in Toronto; and strategies to prohibit the installation or modification of any automotive device that would have the purpose of amplifying vehicular noise in commercial locations licensed by the City.

On September 30, 2020, City Council adopted [IE15.8: Request to Study the Environmental Impact of Two-Stroke Engine Garden Equipment](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.IE15.8>), which requested the City Manager, in consultation with the Medical Officer of Health and the Executive Director of Municipal Licensing and Standards, to report back on the noise generated from gas-powered and electric leaf blowers and other similar garden equipment, including the feasibility of a year-round ban or a ban from May to September.

On April 16, 2019, City Council adopted [EC3.6: Noise By-law Review - Proposed Amendments to Chapter 591, Noise](#) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EC3.6>), which requested the Executive Director, Municipal Licensing and Standards to report back on the implementation, success and any outstanding issues from the changes to the Noise Bylaw.

COMMENTS

This report responds to outstanding directives provided by Council since the new Noise Bylaw (Toronto Municipal Code, Chapter 591, Noise) came into effect on October 1, 2019. The comments section of the report is organized as follows:

1. Updates since the adoption of the new Noise Bylaw
2. Responses to excessive motor vehicle noise concerns
3. Feasibility of introducing automated noise enforcement technologies
4. Feasibility of restricting noise from two-stroke leaf blowers and similar equipment
5. Next steps

1. Updates since the adoption of the new Noise Bylaw

In 2019, a review of the Noise Bylaw addressed several specific noise issues identified by City Council and the public and resulted in the introduction of sound level limits for amplified sound and motorcycles, alignment of time constraints between similar activities, and enhancements to the noise exemption permit process.

With the introduction of the new Noise Bylaw, MLS introduced a dedicated Noise Team to undertake investigations of noise complaints. The Noise Team consists of a manager, three supervisors, and at full complement, 24 bylaw enforcement officers. Officers work rotating compressed shifts and there are three teams, each with one supervisor. There is enforcement coverage 20 hours a day, four days a week, and 10 hours of afternoon coverage seven days a week, from 4:15 p.m. to 2 a.m. In addition, MLS also implemented a new case management system integrated with 311 to allow service requests to be received by telephone and online.

Impacts of COVID-19

Throughout the pandemic, bylaw enforcement officers were redirected to enforce provincial emergency orders and COVID-19 related bylaws. These changes significantly affected MLS' service levels, and ability to enforce the Noise Bylaw. From March 17 to June 23, 2020 noise investigations were suspended. On June 24, 2020, MLS began investigating noise complaints at 50% staff complement, moving to 100% on July 22, 2020.

As part of its pandemic response, the Government of Ontario removed the City's authority to regulate or prohibit certain types of noise, including noise related to construction and loading and unloading from motor vehicles (that is, deliveries).

- From April 7, 2020 to October 7, 2021, the City did not have the authority to prohibit and regulate with respect to noise from any construction activity. During this period, construction related to the healthcare sector was allowed 24 hours a day, while other construction activity was allowed from 6 a.m. to 10 p.m., seven days a week.
- Similarly, from March 19, 2020 to September 19, 2021, the City did not have the power to prohibit or regulate noise made in connection with the delivery of goods in the City.

As well, during various stages of the Reopening Ontario Act, 2020 (ROA), music in certain business establishments was not permitted at a sound level above normal conversation. During these time periods, enforcement undertaken by the City in relation to noise from these establishments was primarily under the ROA, not the Noise Bylaw.

Evaluation of 2019 Noise Bylaw Amendments

As a result of the pandemic and its impact on enforcement including Noise Bylaw enforcement, the evaluation of the amended Noise Bylaw was delayed. This delay was also noted in a report to Executive Committee in April 2021 ([EX23: Updates on Pre-Pandemic Council Directives](#)). The review is now expected in late 2023, in order to provide sufficient time for broad public consultation, and to analyze a consecutive number of months of complaint data. The review will report back on the implementation of and any outstanding issues from the 2019 changes to the Bylaw, including patterns and trends in complaints and resolutions, effects on enforcement, and matters raised by residents and enforcement staff.

Summary of noise data

Table 1 sets out noise complaints received by the City from 2019 to April 30, 2022. Noise complaints have increased significantly and continue to be one of MLS' top service request categories. Provincial limitations may have had an impact on complaint levels. For example, from 2020 to 2021, construction noise complaints rose 24%, which likely resulted from the province displacing the Noise Bylaw with less restrictive or no noise regulation for construction.

Table 1: Total Noise Complaints in the City of Toronto (January 2019 – April 2022)

Noise Service Type	2019		2020	2021	2022 ³	Total	% Total	
	Jan – Sept ¹	Oct – Dec ²						
Amplified Sound		1,385	6,821	9,822	2,134	20,162	50.4%	
Construction Noise		1,699	2,238	2,795	1,272	8,004	20%	
Loading and Unloading Noise		232	404	447	149	1,232	3%	
Motor Vehicle Noise		164	449	565	171	1,349	3.4%	
Power Device Noise		142	255	345	44	786	2%	
Stationary Source Noise		232	905	1,372	291	2,800	7%	
Unreasonable and Persistent Noise		868	2,129	1,977	704	5,678	14.2%	
Grand Total	11,628	4,722	13,201	17,323	4,765	Since Jan 2019	51,639	100%
						Since Oct 2019	40,011	

¹ Prior to the amendments to the Noise Bylaw in 2019, complaints were not organized in sub-categories.

² Amended Noise Bylaw in-force as of October 1, 2019.

³ Data to April 30, 2022.

From 2020 to 2021, total annual noise complaints rose 31%. In previous years (as referenced in [2019.EC3.6](#) – Noise Bylaw Review – Proposed Amendments to Chapter 591) total noise complaints totaled 11,065 and 12,974 in 2017 and 2018 respectively. Amplified sound complaints in 2018 totaled 3,715 City-wide, which means that amplified sound complaints have increased by 164% from 2018 to 2021. These complaints are not only due to music from business establishments such as restaurants, bars and patios, but also between residential tenants and homeowners using amplified entertainment equipment. This increase may have resulted from the changes made and attention given to the amplified sound category during the 2019 Bylaw Review as well as the fact that more people noticed or were affected by noise near their residences given public health restrictions and work-from-home mandates during the pandemic.

Operational changes

To prioritize the high volume of requests, the dedicated Noise Team has adopted a priority response model, with incoming service requests being ranked according to urgency, frequency and impact. The requests are then categorized into three levels of priority for response under the direction of a Supervisor. As well, the Noise Team has focused on proactive measures, such as placing conditions (like noise mitigation plans) on noise exemption permit holders, and utilizing random noise enforcement blitzes in areas that have a higher volume of noise complaints. The Noise Team is not resourced to respond to requests on an emergency basis; that is, is not immediately dispatched to investigate noise complaints.

Late night noise complaints

In 2018, the City's approach to noise enforcement underwent a review as a result of the work of the Toronto Police Services' (TPS) Transformational Task Force. In an effort to refocus the TPS on priority responses, the Transformational Task Force recommended that noise complaints that are not directly related to policing matters should be redirected to MLS. This recommendation was implemented in May 2018 and included a joint strategy to raise public awareness of the correct numbers to call for emergencies, non-emergencies, and City services.

In June 2021, Council directed MLS to report on whether there is a service gap between the TPS and MLS when dealing with late night noise complaints ([2021.MM34.17](#)). As a result of the COVID-19 pandemic and the joint TPS-MLS enforcement of public health emergency orders, some confusion arose amongst the public over late noise complaints. This was because the noise complaints were often a by-product of an illegal social gathering. For the health and safety of bylaw officers, the Noise Team does not respond to demonstrations, noisy parties or noise from people acting disorderly. If there are frequent and recurring issues of party noise happening at the same location, the Noise Team may get involved but bylaw enforcement officers are not first responders, do not respond on an emergency basis, and do not have the authority to immediately stop a noise event.

In response to these concerns, and to close any service gap in late night noise complaints, MLS has worked with TPS to complete the following:

- Confirmed that our respective service request intake teams (311 and TPS Communications Services) have the most recent and accurate knowledge to relay to residents.
- Updated the City's Noise Webpage to better differentiate between when residents should call 311, and when they should call TPS' non-emergency phone line.

Moving forward, MLS will continue to work with TPS to ensure that, operationally, TPS divisions and MLS district offices are responding in accordance with the strategic direction set by the Transformational Task Force. This includes exploring the potential need to develop a formal referral process and more nuanced approaches to recording and analyzing relevant complaints and investigation data.

Live music on patios

In April 2022, Council approved a second iteration of a pilot program to allow live music on CafeTO patios. From May 1, 2022 to November 7, 2022, amplified sound on a sidewalk café will be permitted during certain hours, from Thursday to Sunday, in wards 4, 9, 10, 11, 13, 14, 19 and 21. As per Council direction, MLS will report back, in conjunction with the Economic and Community Development Division, on the results of the pilot; namely the effects on enforcement, number of noise complaints, and the potential need for new resources if the pilot were to expand on a city-wide basis.

Technical Amendment to Noise Bylaw to reflect the Government of Ontario's Main Street Recovery Act

On September 19, 2021, the Government of Ontario's Main Street Recovery Act, 2020, came into force. The Act amended the City of Toronto Act, 2006 and removed the City's authority to prohibit or regulate noise made in connection with deliveries to retail stores, restaurants, hotels/motels and distribution facilities. While the Noise Bylaw no longer applies to these deliveries because it cannot override the provincial amendment to the City of Toronto Act, 2006, staff recommend a technical amendment be made to the Noise Bylaw to reflect this change. This amendment will provide clarity about the application of the Noise By-law. MLS staff have ensured the change has been reflected in operational procedures, for example, including the new information in the complaint handling process. Staff recommend this change come into effect immediately.

2. Responses to excessive motor vehicle noise concerns

Background

The Noise Bylaw prohibits unnecessary motor vehicle noise, such as the sounding of a horn or revving of an engine. Sound resulting from repairing, rebuilding, modifying or testing a vehicle is not permitted within certain times, and noise from motorcycles must

not exceed 92 dBA¹ from the exhaust, measured at 50 cm while the motorcycle is at idle.

These Bylaw provisions are specifically related to stationary motor vehicle noise, and exist to allow for enforcement blitzes, conducted by MLS and TPS, targeting motor vehicle noise in areas with a high volume of complaints. Municipal bylaw enforcement officers do not have the authority to pull over moving vehicles. This authority is, appropriately, granted only to police officers. Therefore, bylaw enforcement officers can only enforce against noise from stationary vehicles and work with the TPS to address issues of noise with moving vehicles.

The various factors contributing to excessive vehicle noise include engine and emissions system modifications, speeding, and stunt driving and racing. These factors are regulated under Ontario's Highway Traffic Act. The Highway Traffic Act is enforced by police and includes the following sections:

- Sections 75(1) [Modified or Improper Muffler] and 75(4) [Unnecessary Noise] of the Highway Traffic Act prohibit the operation of a motor vehicle that produces excessive noise from either the exhaust or other means and also prohibits exhaust modifications. These modifications are typically done by replacing exhaust components (from factory approved components) to increase the noise or "growl" of the vehicle. The set fines are \$110, including the victim fine surcharge.
- Section 128 sets out requirements for rates of speed. The set fines are on a scale, rising as the number of kilometres per hour over the maximum speed limit rises.
- Section 172 prohibits racing and stunts. The minimum fine for contravening this section is \$2000 and the maximum fine is \$10,000, not including the victim fine surcharge.

Higher vehicle speeds results in higher road noise; for example, it is estimated that there is an effective doubling of noise levels from 30km/h to 50km/h. Stunt driving, the act of excessive speeding, street racing, contests and engaging in dangerous driving practices in a motor vehicle, exacerbates motor vehicle noise and is also at odds with the City's Vision Zero Road Safety Plan. Through the Vision Zero Road Safety Plan, a Speed Management Strategy is being implemented by the City comprised of seven integrated speed reduction tools aimed at mitigating risks associated with high speeds. These include revised speed limit setting practices, road design improvements, enhanced police enforcement, proactive deployment of Watch Your Speed signs, speed limit reductions, automated speed enforcement and public education.

During the Noise Bylaw Review in 2019, MLS reviewed motor vehicle noise enforcement practices used in other Canadian and American municipalities. Enforcement blitzes were the most widely used enforcement tool, and have been used by police in several municipalities to target sources of motor vehicle noise, including

¹ dBA is a measurement of sound using an "A" weighting in sound level metres that is weighted for human hearing. It gives a single number measure of noise by integrating sound levels at all frequencies as experienced by the human ear.

Hamilton, Ottawa, Windsor, Halton Region, Peel Region and others. In all cases, staff found that enforcement efforts were led by the local or regional police services. Several jurisdictions also set decibel limits, using limits and test procedures set by the Society of Automotive Engineers (SAE). During the 2019 review, the City introduced the 92 decibel (dBA) at idle SAE standard for motorcycles, as bylaw enforcement officers can only measure stationary motor vehicle noise.

Recent Council directives have requested information or action on strategies to prohibit the modifications that amplify vehicular noise at locations licensed by the City ([2020.MM27.17](#)), actions being implemented to mitigate vehicle noise complaints, and to identify areas where chronic complaints of vehicle noise are being reported ([2021.MM32.6](#)).

Complaints data and actions taken to respond to vehicle noise

Since October 2019, motor vehicle noise complaints received by the City totaled 1,349, and on an annual basis there are an average of around 500 complaints. This represents 3.4% of the City's total noise complaints. The highest proportion of motor vehicle noise complaints are in Wards 3 (Etobicoke-Lakeshore), 5 (York-South Weston), 9 (Davenport), 10 (Spadina-Fort York) and 11 (University Rosedale). Close to half of these complaints were registered between July and October. Motorcycle complaints since October 2019 total 90 across the City, with the majority being registered in the summer and fall. See Attachment A for a density map of total motor vehicle noise complaints received by MLS. The Toronto Police Service (TPS) provided data on the number of warnings and offences it has registered in the City for relevant motor vehicle HTA violations (sections 75(1) and 75(4)) from October 1, 2019 to March 2022). During this time period, 1,730 offences and 487 warnings were registered. These violations increased 68% from 2020 to 2021 and were concentrated in Wards 3 (Etobicoke-Lakeshore) and 21 (Scarborough Centre).

To respond to excessive vehicle noise, MLS conducts joint enforcement blitzes with TPS Traffic Services. Enforcement blitzes are conducted at strategic locations and are used across the province by a number of municipalities and their local police forces to respond to excessive vehicle noise.

In 2021, MLS conducted three roadside education events at select locations in collaboration with the Traffic Services team with the Toronto Police Service (TPS). The purpose of the education events was to inform motorcycle riders and enthusiasts on acceptable noise levels. Riders had the opportunity to test the sound levels on their motorcycles and receive educational materials. Participation in these educational events was voluntary and participants were not charged with offences.

Between June and September 2021, MLS also conducted six enforcement blitzes in collaboration with TPS. The blitzes were held at areas of concern based on complaints received to 311 and in-field data, which included locations in Yorkville, Humber Bay Park, and various intersections close to the Don Valley Parkway. TPS and MLS officers set up at strategic locations to catch individuals speeding, or motorcycles making excessive noise. TPS would issue speeding tickets and deal with any violations of the Highway Traffic Act (HTA). City bylaw enforcement officers would measure motorcycles

when idle and issue fines for noise that exceeds the bylaw limit. During the 2021 blitzes, approximately 105 vehicles were inspected. 7 charges were issued under the Noise Bylaw for motorcycle noise and 33 charges were issued by police officers under the HTA for a variety of violations, including unnecessary vehicle noise.

Recent developments and proposed actions

Modifications to motor vehicles, including motorcycles, are performed by vehicle owners for cosmetic reasons and to produce the desired effect of increasing the "growl" of a vehicle. These modifications exacerbate vehicle noise and many do not meet the standards of the Highway Traffic Act, including section 75(1) which prohibits the use of a muffler cut-out, straight exhaust, gutted muffler, Hollywood muffler, by-pass or similar device. It is the owner/driver's responsibility to ensure the vehicle meets the legal requirements. When a police officer observes these equipment modifications, the vehicle is subject to be stopped and the driver charged under the Highway Traffic Act. In certain circumstances, the vehicle could be towed and the licence plates seized.

Since the adoption of the amended Noise Bylaw, the Government of Ontario has strengthened responses to street racing and stunt driving via the Moving Ontario Safely Act, 2021. As of July 1, 2021, any driver in Ontario caught driving 40 km/h or more above the speed limit (where the maximum is less than 80 km/h), instead of 50 km/h or more, will face stunt driving charges. Motorists will face a 30-day roadside driver's licence suspension as well as a 14-day vehicle impoundment. The previous penalty was seven days. Racing/stunt driving can result in a fine between \$2,000 and \$10,000. According to numbers from TPS, charges for stunt driving offences have more than tripled in Toronto during the pandemic. TPS issued a total of 796 stunt driving charges between March 1 and December 31, 2020, an increase of 222% over the same period in 2019. The Government of Ontario has also proposed changes to support a new digital motor vehicle safety and emissions inspection program intended to reduce the number of vehicles with excessive noise or tampered emissions systems receiving a safety certificate.

Given the increased prevalence of stunt driving and its correlation with vehicle noise, City staff recommend that Council requests the Government of Ontario increase the fines for modified exhausts and unnecessary vehicle noise under the Highway Traffic Act, which currently total \$110, and include demerit points. In May 2021, the City of Mississauga called for the province to enact stricter penalties for these violations, and recommended a minimum fine of \$500 and three demerit points. The City of Belleville has made a similar request for stricter penalties. The set fine for related offences under the City's Noise Bylaw is \$500. In addition, demerit points, which can have further consequences, including impacting an individual's insurance premiums could help deter this problematic behaviour.

Some stakeholders have suggested that the City of Toronto should introduce a decibel limit for motor vehicles in the Noise Bylaw. Staff have several concerns with this suggestion. First, if a limit is introduced, the authority of bylaw enforcement officers would remain the same and the limit would only be enforceable for stationary vehicles during enforcement blitzes with the TPS. Bylaw enforcement officers do not have the authority to pull over vehicles (many vehicles are the most noisy when they are

speeding or due to the behaviour of the driver) and have limited authority to compel drivers to take immediate action to reduce noise levels. A decibel limit would only be relevant to stationary vehicles and will not directly address problematic behaviour, like stunt driving, which is safely enforceable only by police. In addition, if a limit were to be introduced, staff would research an appropriate industry standard, and would require time to assess the standard's measurement methodology (for example, the distance between the sound level meter and the vehicle's exhaust) and consult with an acoustical engineer to ensure the limits are reasonable and enforceable. In Canada, only the City of Calgary has decibel limits for motor vehicles. The limit in Calgary's Traffic Bylaw is 96db(A) at point of reception, however, municipal bylaw enforcement differs in Alberta in that community standards peace officers that enforce municipal bylaws also enforce some provincial legislation and have the authority to pull over vehicles. MLS staff will report back during the Noise Bylaw Review in 2023 on options to set a decibel limit for stationary motor vehicles.

With respect to municipal enforcement, MLS believes that joint enforcement blitzes with TPS Traffic Services remains the most effective bylaw enforcement tool for motor vehicle noise. MLS enforcement officers continue to conduct blitzes in warmer months, in concert with TPS. As in recent years, 2022 blitzes will be held at areas of concern based on complaints received by 311 and in-field data. MLS is also taking action to enhance the 2022 enforcement blitzes. As Ministry of Transportation (MTO) enforcement officers monitor excessive engine brake noise and systems modifications as part of their on-going enforcement duties, MLS will request their attendance at upcoming blitzes in order to support education and compliance. In addition, MLS staff will continue to communicate the results of each blitz to the local area Councillor.

In addition to enforcement blitzes, MLS is working on changes that focus on education and behaviour modification. For example, MLS is working with Transportation Services to include information about vehicle noise in Vision Zero materials, as disruptive vehicle noise is often a result of speeding and/or dangerous driving. Higher speeds contribute to higher risk of serious injuries and fatalities by reducing driver reaction time and increasing the vehicle's stopping distance. An overarching goal of Vision Zero programming is to institute a shift in social norms and road user behaviour, which MLS hopes to contribute to.

Staff also propose informing licensed car repair facilities, through educational communications, that muffler cut-outs, straight exhausts, gutted mufflers, Hollywood mufflers, by-passes or similar devices are prohibited under the Highway Traffic Act. These facilities are licensed under [Chapter 545, Licensing](#), and as a condition of licensing, they must comply with federal, provincial and local regulations.

During upcoming enforcement blitzes, City staff will ensure information on the number of inspections and violations are well-documented so it is possible to compare enforcement actions year-over-year. In addition, during the 2023 Noise Bylaw Review, staff will report back on the status of efforts to respond to motor vehicle noise as well as the success of the blitzes and updates on any relevant provincial actions under the Highway Traffic Act.

3. Feasibility of introducing automated noise enforcement technologies

Background

Automated noise enforcement or noise radars are a new technology designed to help automate or enhance vehicle noise enforcement (similar to red light cameras). They are currently being piloted, with proprietary technology, in a small number of jurisdictions, like Edmonton, New York City, and Paris. In its simplest form, the technology includes sound level meters and cameras that intend to record detailed footage (including licence plate information) when vehicle noise exceeds a pre-determined threshold. Council has requested that MLS report back on these technologies and opportunities to implement them in Toronto.

Use of technologies in the City of Edmonton

The City of Edmonton has pursued three different pilots, in 2016, 2018 and 2020, as part of its vehicle noise enforcement program. The City used a single vendor for the duration of the program. In Alberta, municipal bylaws are enforced by community standards peace officers, who are also capable of enforcing provincial legislation (like traffic and commercial vehicle regulations). They do not focus on criminal acts, which is solely the focus of police officers.

In 2016, community standards staff procured equipment and tested it to determine appropriate sampling periods and sound level measurement parameters, after Edmonton City Council requested a summary of additional actions or countermeasures available to address excessive vehicle traffic noise. Following this, it was determined, and recommended by the vendor, to focus on levels above 85 dBA. In 2018, Edmonton City Council directed staff to conduct further monitoring for piloting the equipment. Staff installed and tested equipment, including noise cameras and LED decibel display boards. MLS consulted staff in Edmonton during the 2019 bylaw review and learned that the display boards, which show the decibel level of nearby vehicles, were not successful. The display boards caused confusion among residents (as they were interpreted as speed measurements), and once it was understood that they showed decibel levels, they attracted more noise (as vehicle owners would rev their engines to see how high could the number would go).

In the summer of 2020, Edmonton piloted additional vehicle noise monitoring equipment. In total, three static systems and one mobile system were used. The equipment was capable of detecting and recording audio levels and video images when specific noise levels were exceeded. The limit was set at 95dBA. Edmonton reported the results of the pilot and as requested by Council, MLS sought an update and met with staff during the drafting of this report. The following information was noted:

- The static equipment had limited deterrent value and the majority of alerts were for fire trucks, ambulances and City buses.
- Operationalizing the equipment required significant staff support. The need to exclude certain sounds or noise levels, such as sirens from emergency vehicles, was done manually and was labour intensive. Events exceeding the threshold were

recorded and data was sent to community standards peace officers for review. 150 hours were spent at or near the locations for targeted enforcement.

- Staff tried to use information to identify areas for resource deployment but in some cases, noise was either constant or was not centralized enough to determine re-deployment.
- Staff determined that the equipment had no tactical advantage, as it was not able to discern between sources of noise and could not identify individual offending vehicles to a degree that would meet the evidentiary test required for court purposes. Fines were issued during the pilot from what community standards peace officers saw, not from what the equipment recorded.
- The downtime of equipment due to vandalism and moving of equipment increased pilot costs. Costs totaled \$192,000, which included equipment rental, installation, monitoring, maintenance and software.

As per recommendations by City staff, the City of Edmonton is not moving forward with operationalizing additional equipment at this time, and will instead continue joint enforcement blitzes with the Edmonton Police Service, which have been successful in the past to educate and charge residents in contravention of noise and traffic regulations. Edmonton is also advocating to the Government of Alberta to bring provincial fines in line with municipal fines. In one of their reports on the program, the City of Edmonton noted that the two most effective ways to reduce excessive vehicle noise are traffic management (road surfaces, speed limits) and noise abatement methods (sound walls, insulation measures in buildings).

Use of technologies in other jurisdictions

Other jurisdictions, like London, New York City (NYC), Knoxville, and Paris are also piloting similar noise radar equipment (at approximately \$25,000 per system, which does not include any costs related to software or installation). A summary of all jurisdictional information can be found in Attachment B.

In the Royal Borough of Kensington and Chelsea in London, a public spaces protection order was issued in 2015 (and continues today) in defined areas of the borough. The order prohibits nuisance behaviour, like unnecessary motor vehicle noise and rapid acceleration, between the hours of midnight and 6 am. The borough began piloting the use of noise radar equipment in 2020 and in 2021, and is currently operating with four camera systems. Staff are required to go through footage manually in order to issue fines and they have live access to licence information from the UK Government's Driver and Vehicle Licensing Agency. 366 fixed penalties of \$160 have been issued as of April 8, 2022. Borough staff noted that improvements are needed to the equipment to increase efficiency. It was noted that emergency vehicles and large trucks were frequently triggering the cameras.

The same equipment used in London is also used in NYC and Knoxville. In NYC, one system was installed in 2021. After staff review the footage, the driver is then required to show up for an inspection. If they show up for an inspection, a penalty will not be issued. NYC staff noted that the equipment cannot assess multiple lanes of traffic and that only 14% of vehicles flagged as being in violation of noise levels could be properly identified. On average, City enforcement staff are reviewing 200 videos a month. In

Knoxville, one system was installed in February 2022. Staff are solely using the equipment to issue warnings, and collect data on vehicle noise trends, as there are structural limitations to officers issuing citations using the equipment (specifically, officers noted that the technology is not reliable enough to serve as evidence).

In Paris, special technology has been developed in-house by a not-for-profit agency and to City staff's knowledge is not available for purchase. The technology has been piloted since 2016, and its most recent iteration, has four microphones that measure decibel levels every tenth of a second. It can also triangulate where a sound originates, and then aims to use available CCTV footage to photograph offending vehicles. Currently, the equipment is being tested in various locations to assess whether it can accurately identify licence plates. If after the testing, approval is received, Paris plans to start issuing fines in early 2023, but these fines will not be automated; information on violations would be transmitted to the bodies authorized to record the offences.

Feasibility and proposed next steps

Given the feedback from jurisdictions that have trialed, or are trialing, automated noise radar, MLS does not recommend introducing an automated noise enforcement at this time. Prior to introducing such a system, the technology would need to more reliably identify vehicles, and require less manual review by officers.

Once the technology has reached this capability, regulatory authority to use the equipment to issue penalties would need to be established, which could include amendments to the Highway Traffic Act, as was the case to enable the Automated Speed Enforcement and Red Light Camera programs. To enforce the Automated Speed Enforcement and Red Light Camera programs, the equipment had to be capable of identifying the vehicle, and agreements were required between the City and the province for the City to obtain access to the licence information of drivers. Existing automated programs also require processing centres for violations, which are staffed by Provincial Offence Officers. For Automated Speed Enforcement, enabling the technology was a 3 to 4 year process, and the equipment was already available globally, had been tested and proved to be reliable.

MLS will continue to monitor the evolution of automated noise enforcement, and will report back to Council with any developments. Formal requests to the Government of Ontario, such as amending the Highway Traffic Act, are not recommended until the technology is more advanced and can be used to accurately identify offending vehicles, allowing for court/administrative penalty proceedings.

4. Feasibility of restricting noise from two-stroke leaf blowers and similar equipment

Background

A report was requested in 2020 on the impact of noise generated from gas-powered and electric leaf blowers and other similar garden equipment, including the feasibility of

a year-round ban or a ban from May to September ([2020.IE15.8](#)). In 2021, as part of the TransformTO Net Zero Strategy report, Council expressed its support for a ban on the use of two-stroke engine leaf blowers, lawnmowers and other small engine equipment and vehicles, and requested information on a ban through the noise update report ([2021.IE26.16](#)).

In addition, in October 2021, there was a request from the Infrastructure and Environment Committee for Parks, Forestry and Recreation (PFR), Transportation Services (TS) and Fleet Services to report back with a transition plan and feasibility assessment of phasing out gas-powered leaf blowers for municipal use by 2025 ([2021.IE25.21](#)). Municipal Licensing and Standards is not involved in this request but consulted with relevant City staff in preparation of this report.

During the review of the Noise Bylaw in 2019, the regulation of two-stroke lawn and garden equipment was assessed and Council further restricted the use of power devices, such as leaf blowers, by two hours. The Noise Bylaw currently stipulates that noise is not permitted from power devices from 7 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays. This aligns with the time constraints for construction. Power devices used for the maintenance of public parks and golf courses are exempt. During the 2019 review, staff considered a ban on leaf blowers, however it was determined that it was overly restrictive based on the low volume of complaints, low public support, practicality of enforcing the ban, and unintended effects on the City, industry and consumers.

The Noise Bylaw does not distinguish between two-stroke, four-stroke, or electric leaf blowers. The Bylaw regulates noise from 'power devices', which includes chainsaws, lawn mowers, leaf blowers, grass trimmers and any other similar equipment. The average electric or battery-powered leaf blower produces noise at about 65 decibels (dB). Generally, four-stroke engine leaf blowers produce between 70 and 80 dB and two-stroke equipment blowers can produce up to 90 dB. Every three decibels in change results in a doubling of sound. Electric lawn mowers range from 75dBs to 85 dB and gas mowers range between 80 and 90 dB. New equipment being sold today tends to be quieter, with electric models being quieter than gas-powered models. However, the market now includes "low noise" gas-powered leaf blowers, which are rated at a sound level of 65 dB. Comparatively, typical speech is about 60 dB and a washing machine is 75 dB.

Previous staff reports

Other assessments of two-stroke lawn and garden equipment have been conducted at Council and Committee request, both before and after the 2019 review of the Noise Bylaw. In 2009, City Council directed staff to report back on potentially banning the use of two-stroke engines in powering home and garden equipment. A ban was not recommended at the time due to continuing improvements in emissions standards and insufficient data.

In 2017, during discussions on TransformTO ([PE19.4](#), Attachment C), the Environment and Energy Division reported that the contribution of small-engine emissions to air pollution in Toronto was considered minimal in the context of all sources, with motor

vehicle traffic being the biggest local source of air pollution in Toronto. The Division concluded that based on available research, there was not enough evidence to make a strong link between the use of small-engine equipment and air quality and climate change concerns, and restricting the use of such equipment from an environmental perspective was not a justifiable approach.

In December 2021, as part of a report on TransformTO ([2021.IE26.16](#)), the Environment and Energy Division, in consultation with Toronto Public Health, responded to Council's request to report on the environmental and associated health impacts of gasoline-powered, two-stroke engine leaf blowers and other similarly operated garden equipment, including the feasibility of a year-round ban or a seasonal ban. The Division noted that greenhouse gas (GHG) emissions from burning fossil fuels in small engines such as leaf blowers and other similar garden equipment are relatively low as compared to other sources of GHG emissions in Toronto. According to the City's 2019 inventory of community-wide GHG emissions, the largest source of GHG emissions in Toronto is natural gas used for space heating in buildings.

In Canada, the Federal Government regulates air emissions from lawn and garden equipment through its Off-Road Small Spark-Ignition Engine Emission Regulations. As identified in reporting for TransformTO, the City has advocated in writing to the Government of Canada to consider amending the regulations to support the transition to lawn and garden equipment with zero GHG and air pollutant emissions.

Noise complaints

Compared to other noise categories, complaints from leaf blowers and other lawn equipment remain low. From October 2019 to December 2021, complaints registered under the power device category totalled 755 and average approximately 300 complaints annually. Complaints that mentioned noise from a leaf blower from October 2019 to December 2021 totaled only 106. Complaints from specific power devices are noted in Table 2.

Table 2: Key power device equipment noise complaints

Keyword	2019¹	2020	2021	Total
Leaf blowers	13	37	56	106
Chainsaw	2	17	19	38
Lawnmower	0	24	47	71
Grass trimmer	0	2	0	2
Total	15	80	122	217
<i>Total – All power devices</i>	142	255	345	755

¹Complaints reflected as of October 2019 given introduction of amended Noise Bylaw.

Currently, power device complaints represent 2% of total noise complaints. Complaints for common power devices like leaf blowers, chainsaws, lawnmowers and grass trimmers are received year round, with the most popular months being July, August and October. Approximately 50% of the complaints for the devices above were received

during prohibited hours and more than half of leaf blower complaints during this period were issued between 7 am and 12 pm.

City use of equipment

Gas-powered lawn and yard equipment is used by various City divisions for a wide range of operational maintenance activities across the City. In several instances, City Divisions have already switched from older gas-powered engines to cleaner alternative technologies when possible, however formal replacement schedules have not been established. All equipment is used until no longer functional and/or if costs to repair become too high. Collectively, PFR utilizes approximately 2,800 units of small-engine equipment to perform mandatory operational work including park clean-up, tree pruning and maintenance, immediate hazardous tree removals and maintenance, invasive species management and removal of fine debris and saw dust. Transportation Services uses equipment for everyday maintenance of snow, grass cutting, trimming and leaf pick up. The Division uses 139 pieces of two-stroke equipment and 74 pieces of four-stroke equipment and is currently exploring options to convert some of its two- and four-stroke equipment to battery powered small equipment where operationally feasible.

In 2016, PF&R piloted the use of battery-operated small-engine equipment, including leaf blowers. Additional infrastructure was required in the yards and on vehicles to accommodate the charging requirements for the pilot project. It was determined that the equipment is not viable for the City's larger parks as the costs at the time were prohibitive (multiple batteries and chargers were required) and the technology did not meet the demand of maintaining parks as per municipal standards. Since 2016, PFR has continued replacing its small-engine equipment each year with cleaner alternatives where possible, as advancements in technology have been progressing. However, due to the nature of their work and specialized equipment required in order to manage complex invasive plants and large trees, a comparable, cleaner alternative is not available for certain types of equipment.

Research and consultation

During the 2019 review, participants at the public consultations were generally supportive of time-of-use constraints, particularly if they were more restrictive than current rules. Third-party public opinion research conducted during the review noted that only 11% of residents say leaf blowers should be banned due to noise. Many residents across the City, through the solicitation of feedback via email between March 30 and April 20, 2022, shared experiences with noise from leaf blowers and other power equipment, with many also concerned about their environmental impacts. Respondents also noted that the ways in which equipment is being used is exacerbating levels of noise, dust, and emissions. A summary of feedback is provided in Attachment C.

There are no other municipalities in Canada that have implemented a City-wide ban on the public use or sale of gas-powered equipment and the majority regulate noise from equipment via time and day restrictions. Leaf blowers have not been permitted in the West End of the City of Vancouver under the City's Noise Control By-law since 2004. Anecdotally, there have been reports that this prohibition has been difficult to enforce. In Westmount (Montreal), there is a seasonal ban on leaf blowers and they are only

permitted for use between April 1 to May 1 and October 1 to December 1. Portland, Oregon, has restricted the use of leaf blowers based on decibel levels and Victoria, British Columbia has time restrictions as well as sound level restrictions at point of reception for leaf blowers (65 dBA), chainsaws (85dBA), and general power equipment (75 dBA).

Some jurisdictions have taken actions to limit the environmental effects of small-engine equipment. Vancouver City Council passed a motion in January 2022 directing staff to report back with recommendations to meet the goal of phasing out gas-powered landscape maintenance equipment, including lawn mowers, chainsaws and hedge trimmers, for personal and commercial use by 2024. The National Capital Commission (NCC) is banning the use of gas-powered small tools on NCC lands as of April 1, 2023 and the City of Ottawa is starting with its own inventory and has requested a transition plan for gas-powered equipment in Q4 2022. California has announced its intention to phase out the sale of new gas-powered equipment by 2024. See the jurisdictional summary in Attachment B for more details.

While considering options to restrict noise from small-engine equipment, MLS engaged with Landscape Ontario and several equipment manufacturers. The feedback received included the following:

- Small-engine equipment is necessary to meet clients' needs and expectations.
- Landscape Ontario has made attempts to address misuse of blowers; creating certification programs and encouraging the public to submit complaints about operators.
- Manufacturers noted the majority of equipment in the industry is four-stroke engines and many companies offer incentive programs to commercial operators to move to battery-powered equipment. Many manufacturers are also offering gas-powered blowers that are "low-noise" and rated around 65 decibels.
- Generally expect noise complaints to decrease in the next year or two given the proliferation of lower noise, electric equipment.
- Before requiring commercial operators to transition equipment, Landscape Ontario and manufacturers believe the City should set an example and transition its own inventory.
- Generally homeowners have funding to switch equipment, and businesses do not; a ban on the use of certain equipment could significantly impact livelihood (and industry is also actively dealing with a labour shortage).

In feedback submitted to the City, the Outdoor Power Equipment Institute (OPEI) noted that in Canada electric "handheld" leaf blowers represented more than 85% of all product shipments in 2021 and that these trends will continue without additional action being taken.

Options

Further restricting time of use

Currently, the Noise Bylaw prohibits sound from a power device from 7 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays. In consultation with industry associations and equipment manufacturers, further restricting the time of use for power devices is the most feasible option to respond to noise from equipment in the short term that does not have a significant financial impact on commercial operations.

Setting a decibel (dB) limit

Implementing sound limits for small-engine equipment would require a phased approach, with advanced notice given to manufacturers, suppliers and contractors. Some jurisdictions have pursued a dB limit for leaf blowers and other equipment but enforcement strategies differ. A limit could be enforced by providing and updating a list of models that do not exceed the limit, by requiring that the equipment have a manufacturer decal noting that the model does not exceed the limit, or by requiring a quantitative measurement with a sound level meter at a point of reception.

These enforcement options are administratively burdensome given the small number of noise complaints. Product labelling is regulated by the federal government and it is not mandatory for manufacturers to include decibel labels on all small-engine equipment. In addition, determining a quantitative measurement would be difficult given different devices exceed different noise thresholds. Sound emitted from devices is dependent on how equipment is used by the operator. It should be noted that a decibel limit would not necessarily have the effect of banning gas-powered equipment, as there are low noise gas-powered equipment models.

Year-round or seasonal ban

The Noise Bylaw regulates noise levels, quantitatively and qualitatively. It does not prohibit a thing or activity due to environmental or health concerns. Industry members have expressed that banning two-stroke equipment could cause significant cost increases to businesses and consumers. If businesses were to rely on the physical removal of leaves or less efficient equipment models it could increase the time and cost to complete tasks. A year-round or seasonal ban would also impact City operations in relation to the current contractual agreements in place if such changes were to be imposed.

City divisions have expressed the following concerns regarding any changes that restrict or prohibit the use of gas-powered small-engine equipment:

- Parks, Forestry and Recreation has estimated that over \$7M in funding will be required to replace its full inventory of gas-powered equipment. The transition would also require additional costs to reconfigure and outfit vehicles and City yards with the required infrastructure to support replacement.
- Additional costs would be required to purchase, develop, and deliver training for new equipment.
- Possible revision of contractual obligations with vendors to adhere to new restrictions.

- Review of alternative forms of equipment and their effectiveness, for example, availability to purchase alternative equipment, battery/charging, weight and functionality, durability, and ergonomics.
- Potential impacts to the ability to effectively complete work as some battery and/or electric powered machinery does not hold the power output, battery life, and durability to adequately carry out certain activities as well as to complete activities within necessary timeframes (for example, hazardous tree removals).
- A full ban on the use of leaf blowers may increase the potential for musculoskeletal disorders for staff. One of the common causes of musculoskeletal disorders is the high repetition of motions such as raking and sweeping. Musculoskeletal disorders are a significant cause of lost time due to injury in the work place.

Implementing a ban on two-stroke small-engine equipment

While the City has the authority (under the City of Toronto Act, 2006) to impose a ban on the use of certain types of two-stroke engines (if an environmental or health rationale can be established), it would need to be imposed in a separate bylaw, not the Noise Bylaw. A ban would also need to be phased in over multiple years to provide both City and commercial operations with the time required to make changes to their equipment fleet. Given the Infrastructure and Environment Committee has directed staff to consider a ban on the City's use of gas-powered leaf blowers by 2025, it would be advisable to align any wider ban on equipment for public use with this timeline.

Proposed next steps

Staff do not recommend a ban on two-stroke small-engine equipment from a noise perspective. Noise complaints remain low, and a ban would be difficult to enforce and would likely be subject to legal challenge. Staff believe that there are other solutions that should be attempted before the most restrictive option is considered. City staff are proposing several actions in order to respond to concerns from the public on noise from small-engine equipment and to assess the feasibility of more restrictive actions.

To support a further reduction in noise complaints, MLS recommends changing the permitted time of use for power device equipment from 7am to 7pm to 8am to 7pm during weekdays. This captures 9% of historical noise complaints from leaf blowers since 2019 and 4% of general power device complaints, and aligns with comparable jurisdictions like Vancouver. In addition, through the third-party public opinion research conducted during the 2019 Noise Bylaw review, it was noted that Torontonians believe that during the week it is acceptable for noise to begin shortly after 8 a.m. An exemption for power devices used in City parks and golf courses is already included in the Noise Bylaw. To ensure City operations are able to continue when needed within City-owned spaces and right-of-way, an exemption will be extended to all City operations and contracted services for this section of the Noise Bylaw. Staff recommend this change come into effect on July 1, 2022.

Through this report, it is recommended that during summer 2022, MLS work to educate the public about the requirements in the Noise Bylaw as well as other relevant bylaws (for example, Toronto Municipal Code, Chapter 743, Use of Streets and Sidewalks,

prohibits disposing of leaves on sidewalks or roadways), environmental considerations, and to encourage people to adopt best practices to reduce noise from power devices (including the appropriate use of lawn equipment such as leaf blowers, use of battery-powered or low-noise equipment, and not using equipment at full power). It was noted in email feedback that the inappropriate use of equipment (such as using several leaf blowers simultaneously at full power) caused more nuisance to residents. In addition to communications through the various City channels, social media ads will also be planned and targeted to areas with higher complaint numbers.

Staff will consider various enforcement options for a decibel limit for equipment during the review of the Noise Bylaw in 2023. Broad consultation during the review will allow for staff to better assess options, enforcement strategies, and impacts on industry.

In addition, the City will be in a stronger position if it first demonstrates leadership in phasing out less efficient small-engine equipment from its own operations before establishing higher standards for the public. The Parks, Forestry and Recreation and Transportation Services Divisions are committed to phasing out the use of two-stroke equipment as said equipment requires replacement and an alternative is available that meets operational needs, and to make necessary changes to new contracts that will require alternatives to two-stroke engines if the resources and funding are made available.

A report back on the transition plan and feasibility assessment of phasing out gas-powered leaf blowers for municipal use by 2025, as requested through [IE25.21](#) – Phasing Out Gas-Powered Leaf Blowers for Municipal Use, is planned for early 2023 and will include all Divisions that utilize this equipment. While this collaboration is underway, Parks, Forestry, and Recreation continues to replace 10 to 15 percent of two-stroke engine equipment with electric alternatives each year, as part of an existing phase out program.

5. Next Steps

If the proposed recommendations and Bylaw changes are adopted, MLS staff will update the policy and standard operating procedures for relevant noise investigations and back-end systems. Staff will also draft the letter to the Government of Ontario advocating for increased penalties to provisions in the Highway Traffic Act as well as draft and send communications to car repair facilities as outlined in this report.

During summer 2022, staff will launch public education efforts aimed at curbing significant noise from power device use, including the change in time prohibition, if approved. MLS will also enhance information available to the public, through both 311 and the City website, to improve public awareness and knowledge of the Noise By-law. As noted in the report, staff will report back in late 2023 on a review of the Noise Bylaw. Information about public consultations will be available in early 2023.

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SIGNATURE

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ATTACHMENTS

Attachment A – Motor Vehicle Noise Complaints Map (October 2019 – April 2022)

Attachment B – Jurisdictional Research

Attachment C – Summary of Feedback