



November 27, 2023

Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Nancy Martins.

EC8.13 Recommended Amendments to Chapter 545 Licensing for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review

Dear Chair Alejandra Bravo and Members of the Economic and Community Development Committee

FoNTRA's members are 35 Residents Associations with the area bounded by Bloor, Bathurst, Sheppard and the Don Valley Parkway.

Most of the members of our member resident associations, like members of other RAs across the City, have little experience with the current Noise Bylaw, no knowledge of the City's night economy objectives, and no direct experience with the issues caused by current night economy type establishments, which do not operate over night. Some of us have been members of the Toronto Noise Coalition who met with MLS staff to provide advice on the development of the 2019 Noise Bylaw.

What we have heard to date

Some residents participated in initial discussions about general ideas for changes to regulations for bars, restaurants and entertainments venues including permitting night clubs etc. in areas of the City beyond the Downtown. The main message we heard from residents was that the entertainment establishments were extremely noisy and disruptive, and that their patrons on the street were too. And that making complaints often did not result in successful outcomes. The changes to regulations now being presented in the staff report were not discussed in any detail at these consultations.

We note that 73% of noise related complaints received by the City were about noise from bars, restaurants and entertainment establishments. Further, the Toronto Medical Officer of Health has expressed concerns about the health impacts of high levels of noise. We need a much different and stronger system to address these issues.

We need an integrated and comprehensive public review process to consider the 3 interrelated reports that are to be considered by different Committees on different days.

The above captioned MLS report makes many detailed recommendations but is for information only, and there is no indication as to proposed next steps. The City Planning report is at the November 30 PHC meeting with recommendations for adoption. The Noise Bylaw Report will not be on an agenda until January.

A period of only one week has been provided to reach residents across the City and for them to submit their comments. Each report is complex. We need more time to review each report but also to understand how the three reports work together to provide effective program that works for the night economy industry and for the residents of the City.

Missing in the EC8.13 MLS report is that different Noise Bylaw provisions will impact the effectiveness and efficiency of licensing and enforcement processes. If noise levels are measured at source for entertainment uses, rather than or at the point of reception as is now the requirement, the onus can be put on the business to comply. At present, the affected individuals must lodge a complaint, wait days for an inspector to come to their location and then wait months to provide evidence in court. A stressful ordeal! We need a better process.

The EC8.13 MLS report recommends that its proposals not to come into effect until 2025. So there is time for further public consultation and consideration on all three reports together to help ensure that the Night Entertainment initiative will work well for residents as well as businesses. Other municipalities have been successful. Toronto's goal must be as stated in Vancouver's restaurant, bar and entertainment review: ***"Recommendations that achieve a workable balance between two important goals: increased opportunity for live entertainment and neighbourliness."***

We need to consider the lessons from Vancouver and Austin Texas

The MLS review to date has not included an analysis of their Night Economy initiatives. Both Vancouver and Austin developed their excellent examples of how noise levels can be managed to protect residents from excessive noise while allowing Night Economy uses to thrive. Austin is considered to be the music capital but has stringent noise regulations and limited areas for entertainment uses. We must explore how Toronto can make use of such examples. See excerpts attached to this letter.

The lessons learned from Vancouver and Austin's implementation should be discussed at the proposed consultations and will require reconsideration of the MLS and Planning recommendations, as well as developing new regulations in the current review of the Noise Bylaw.

Both cities measure noise at its source, rather than at the point of reception. The Toronto Noise Coalition proposed a similar approach for the 2019 Bylaw that was not accepted, but should be reconsidered to help address the significant concerns that will be raised across the City regarding that the current proposals for larger entertainment establishments.

Therefore, FONTRA on behalf of its 35 Resident Associations and their members recommends:

1. That consideration of EC8.13 Recommended Amendments to Chapter 545 Licensing for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review be deferred to provide for further public consultation in conjunction with the recommendations of PH8.2 Recommended Amendment to the Zoning Bylaw for

Bars, Restaurants and Entertainment Venues as part of the Night Economy Review, and the consideration of relevant aspects of the Noise Bylaw Review including measurement of noise levels at source.

2. That MLS and City Planning undertake a joint public consultation process and undertake other measures to provide information and receive public input to the proposals in this report, and that of PH8.2, and submit amended reports following the consultations, and that the scheduling of the Noise Bylaw Review Report be adjusted to consider the results of the consultations.
3. That the review include implementation of regulations such as are used by Vancouver and Austin, Texas to promote Night Economy uses while protecting residents from excessive noise.
4. That the Noise Bylaw Review report address measurement of noise at source.

Geoff Kettel
Co- Chair FoNTRA

Cathie Macdonald
Co- Chair FoNTRA

CC: Carlton Grant, Executive Director, Municipal Licensing and Standards Division,
Gregg Lintern, Chief Planner, Executive Director, City Planning Division.

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 200,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.

Attachment

Vancouver's Noise Control By-law Oct 3, 2023:

12. (1) No person shall in a commercial premises make, cause, or permit to be made or caused continuous or non-continuous noise or sound of music whether recorded or live, whether amplified or not, the sound level of which exceeds a rating of 90 on an approved sound meter when measured within the premises at a distance of not less than 6.1 metres from the source unless a notice in the form prescribed in subsection (2) is posted in a prominent location at the entry to the premises.

(2) The notice referred to in subsection (1) shall contain the following information:

(a) the word "CAUTION" in bold face, followed by the words "THE SOUND LEVEL WITHIN THESE PREMISES MAY BE HAZARDOUS TO YOUR HEARING" in capital letters; and

(b) the symbol shown on Schedule "D"; and shall be constructed so that:

(c) it is rectangular in shape;

(d) it is at least 15 cm high and 30.5 cm wide;

(e) the lettering for the word "CAUTION" is at least 2 cm high and in red and for the balance of the script is at least 1 cm high and in any colour which contrasts with the background; and

(f) the symbol is at least 10 cm high.

12A. Despite anything to the contrary in this By-law, after 9 a.m. and before 1 a.m., a person in a Restaurant – Class 1 or Restaurant – Class 2 must not make, cause or permit to be made or caused continuous or non-continuous noise or sound from live entertainment that exceeds an interior rating of 90 decibels (90 dBA) Leq over a three minute time period on an approved sound meter when measured within the restaurant at a distance of two metres, and at a height of 1.2 m above the floor, from an exterior or common or party wall.

"Restaurant - Class 1" means the use of premises for the primary purpose of selling and serving prepared food to the public during all hours of operation, where the premises include at least 17 indoor or outdoor seats for customers consuming food purchased on the premises, and where live entertainment, including the use of non-amplified or amplified musical instruments and disc jockey mixing turntables, but excluding patron participation such as karaoke, dancing and open microphone performing, may be available.

"Restaurant - Class 2" means the use of premises for the primary purpose of selling and serving prepared food to the public during all hours of operation, where the premises include at least 17 indoor or outdoor seats for customers consuming food purchased on the premises, and where live entertainment, including the use of non-amplified or amplified musical instruments and disc jockey mixing turntables and patron participation such as karaoke, dancing and open microphone performing may be available.

Austin Noise Bylaw excerpt

A) It shall be unlawful for any person to operate or cause to be operated any horn, player piano, radio, phonograph or other loud-speaking or noise-making device or attachment on the public sidewalks, streets and other public places within the city before the hour of 7:00 a.m. or after the hour of 10:30 p.m. of any ...