

NoMoreNoise *Toronto!*

2023.EC8.13 Recommended Amendments to Chapter 545,
Licensing for Bars, Restaurants, and Entertainment Venues

November 28, 2023

No More Noise Toronto

- Ingrid Buday, Founder
- Live in Ward 4
- Data and IT background
- Process oriented
- Measuring sound for over 2 years with meters to create a data centered approach around managing noise
- Founded organization over year ago after learned I am not the only one who is experiencing significant health issues



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ECDC's Primary Focus

The Economic and Community Development Committee's primary focus is on

- **social cohesion**
- the economy

With a mandate to monitor and make recommendations on

- **strengthening communities,**
- neighbourhoods,
- businesses
- economy

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Supporting the growth of the Night Economy

- I love a good party and live music
- Agree that we need to (Directives from City Council)
 1. support diversity for economic resilience
 1. Modernize & clarify licensing and zoning regulations
 2. Support cultural and community events for small and local businesses
 3. Support live music, entertainment and social culture at night.

I would like to work with the City and Operators to find a real balance where people can enjoy their homes and not feel like they have no choice but to move.

There is one bullet missing – Public Health

- While protecting the interests and health of local residents
- There is mention of harm reduction and well being of patrons, but not of the residents and neighbours (pg 21)
- In the documentation, I saw the TPH is part of the IWG, but to what extent?
 - Did they speak to only the list of stakeholders to ensure inclusivity?
 - Were they invited to speak on the health impacts of noise at night?

Today we are talking about

- modernizing business licensing
- reducing regulatory burden on businesses,
- supporting public health and safety
- addressing problematic establishments serving alcohol
- supporting Toronto's night economy and live music venues

For residents
and patrons

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Biases and Broken Process

Biases:

- Two out of the 3 audiences surveyed were part of the industry. Not an equal representation
- Equity-based approach regarding demographics not residents.
- Focused on people who are active at night

Process

- SAFETO: in order to shift the City's paradigm from a reliance on reactive emergency response to a culture of proactive prevention.
- A Priority Action Approach doesn't work. Noise has to happen. Where is the prevention?
- Currently, measure from point of reception which intrusive and ineffective

Business Data – Complaints, tickets, court

Complaints	2019	2020	2021	2022	Total	% of total complaints
Eating / Drinking	1020	798	1865	2140	5823	61%
Retail	135	165	1335	1752	3387	35%
Ent /Nightclub	62	11	26	26	125	1%
Public Hall	38	9	34	42	123	1%
Amusement	8	45	28	23	104	1%
Billard Hall	11	8	12	10	41	0%
Total	1274	1036	3300	3993	9603	

Tickets	2019	2020	2021	2022	Total	% of ticket issued
Eating /Drinking	533	116	132	304	1085	11%
Retail	246	47	49	155	497	5%
Ent/Nightclub	11	1	0	1	13	0%
Public Hall	4	2	0	1	7	0%
Amusement	8	4	0	4	16	0%
Billard Hall	4	1	1	0	6	0%
Total	806	171	182	465	1624	

Court & Sentenced	2019	2020	2021	2022	Total	% of court
Eating or Drinking	121	206	170	116	613	6%
Retail	14	46	20	29	109	1%
Ent/Nightclub	3	2	8	10	23	0%
Public Hall	1	6	0	0	7	0%
Amusement	1	1	3	1	6	0%
Billard / Pool Hall	1	1	0	3	5	0%
Total	141	262	201	159	763	

Source: Attachment #3



311 Noise Complaints

Noise Service Type	2020	2021	2022	2023 (as of Aug 31)	Total	% Total
Amplified Sound	6,821	9,822	9,890	6,283	32,816	73%
Construction Noise	2,238	2,795	4,855	3,156	13,044	29%
Loading and Unloading Noise	404	447	457	125	1,433	3%
Motor Vehicle Noise	449	565	677	401	2,092	5%
Power Device Noise	255	345	326	286	1,212	3%
Stationary Source Noise	905	1,372	1,125	689	4,091	9%
Unreasonable and Persistent Noise	2,129	1,977	2,137	1,441	7,684	17%
Grand Total	13,201	17,323	19,467	12,381	45,049	100%

Noise Control Plans

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Currently only required for Nightclubs, two categorizations are proposed:

- **Level 1 (Basic)** will apply to venues depending on operating hours and business activities and will focus on best practices to mitigate noise and mediate noise issues
- **Level 2 (Comprehensive)** will apply to nightclubs and venues with significant noise impacts and require identification of maximum volume levels, wattage of equipment, and sound insulation method

What is a Level 1 Noise Control Plan?

A plan, submitted by the operator of an establishment to MLS contains the following:

(i) **An acknowledgement** by the operator of the applicable by-law requirements of Toronto Municipal Code, Chapter 591, Noise, and the availability of community-based mediation services to resolve noise complaints;

(ii) Information from the operator that **identifies all sound-producing or amplification equipment** installed on the premises, including the type of equipment and the frequency of its intended use

An operations strategy, submitted to MLS UPON REQUEST, that contains the following:

A. How and when **the operator will monitor noise levels emanating from the premises;**

B. What **action the operator will take to alleviate excessive noise** while the establishment is operating;

C. How and when **the operator will monitor the exterior of the premises** to address noise and loitering issues involving patrons of the establishment;

D. What process **the operator will use to engage with nearby residents**, resident groups, and other establishments about noise or nuisance issues related to the establishment; and

E. What process **the operator will use to respond to persistent resident complaints about noise**, including specific actions it will take if the establishment operates in a building that also contains residential accommodation.

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What is a Level 2 Noise Control Plan?

A plan, submitted by the operator of an establishment to MLS contains the following:

- (i) All of the information required by a level 1 noise control plan
- (ii) A report by a certified professional engineer that includes:
 - a. A **statement of the intended maximum volume levels** at which music or amplified sound will be played within the establishment, based on the equipment present in the establishment;
 - b. A **summary of the wattage of all sound-producing or amplification equipment** used in the establishment, as well as their locations and positioning within the premises;
 - c. The **results of sound-level testing at multiple points at the exterior** of the premises;
 - d. A **summary of the sound insulation methods, equipment, and mechanisms** installed at the business premises and how they will be used to ensure that maximum volume levels are not exceeded.

Activity-based Licensing for Eating and Drinking Establishments

Category Requirements

Retain existing requirements

- Licence application (to MLS and Toronto Public Health [TPH])
- Food safety reports available for review
- Notify MLS of any change in management

In addition:

- Cleanliness and litter control
- Discretion for MLS to dispense of class-specific requirements if desired

Class-specific Requirements

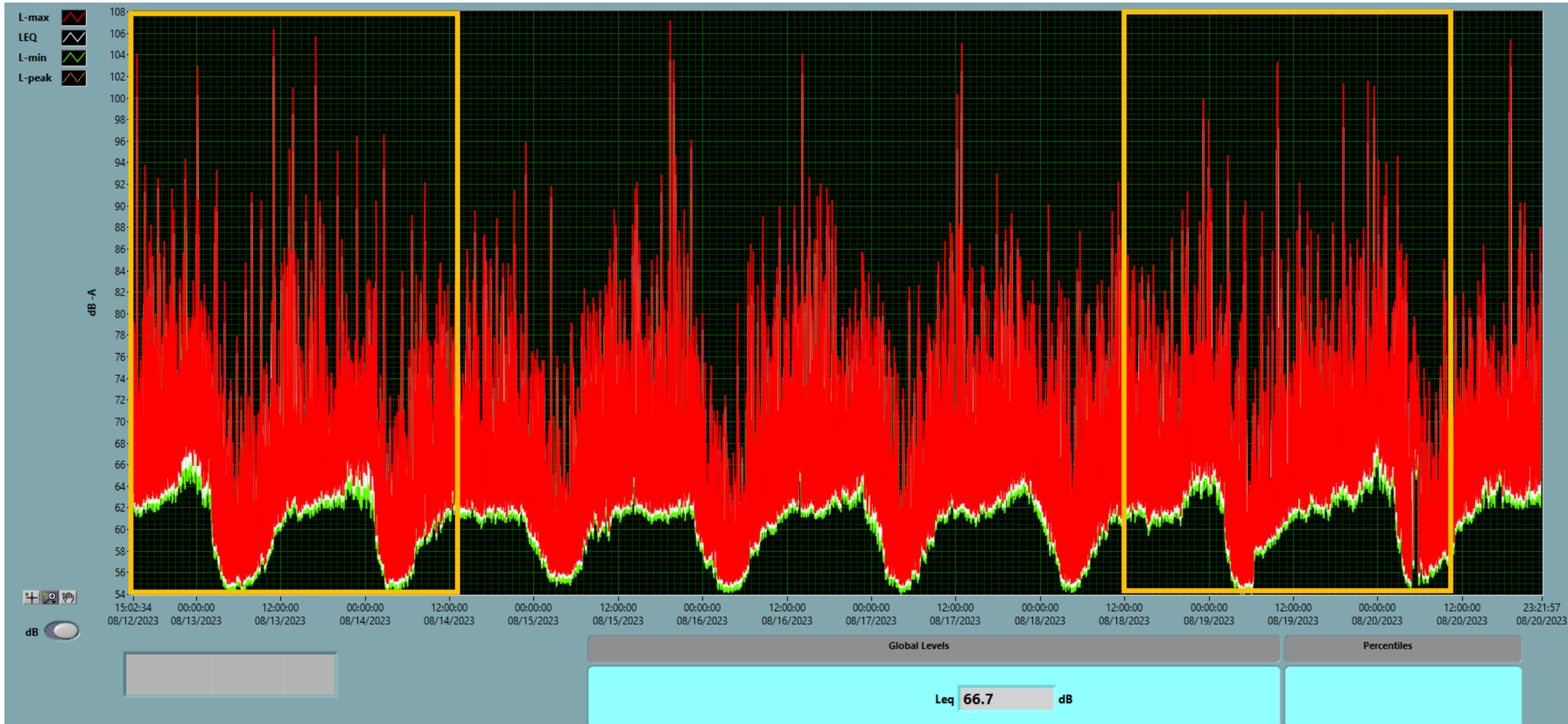
Class	Indicators*	Additional Requirements
	If any indicator is bolded, must be in Class	In addition to Category Requirements
1	<ul style="list-style-type: none"> • No liquor service • Hours of operation – never open past 11pm 	+ Provide Level 1 noise control plan
2	<ul style="list-style-type: none"> • Liquor service • Hours of operation - open past 11PM • Capacity 150+ • Amusement, live entertainment, or performance 	+ Provide list of persons of authority + Level 2 noise control plan + Crowd control plan + Provide copy of liquor licence

Measuring sound at the bedroom window

- Has lived here for a number of years.
- Problem with the restaurant since COVID, not before
- Is pregnant
- Had to be taken to emergency for a panic attack when noise didn't stop till 4am (BEO only work till 2 AM)
- Had to have BEO in her home 2 times at 1 am for noise and ambient measurements
- Has reported the problem with no resolution

Sound level measurements at the Bedroom Window

August 12 to 21 (Sat - Mon)



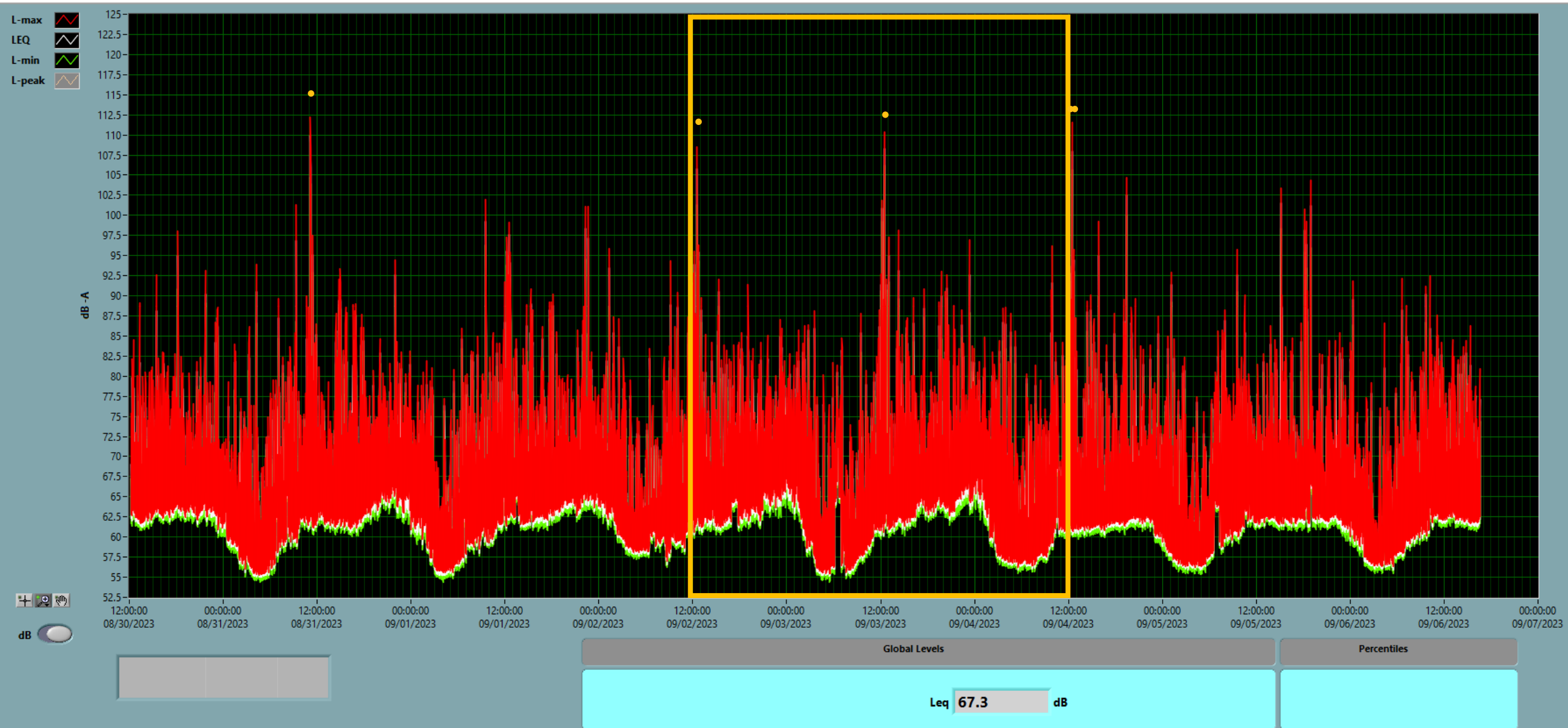
Sound level measurements at the Bedroom Window

August 21 to 30 (Mon - Wed)

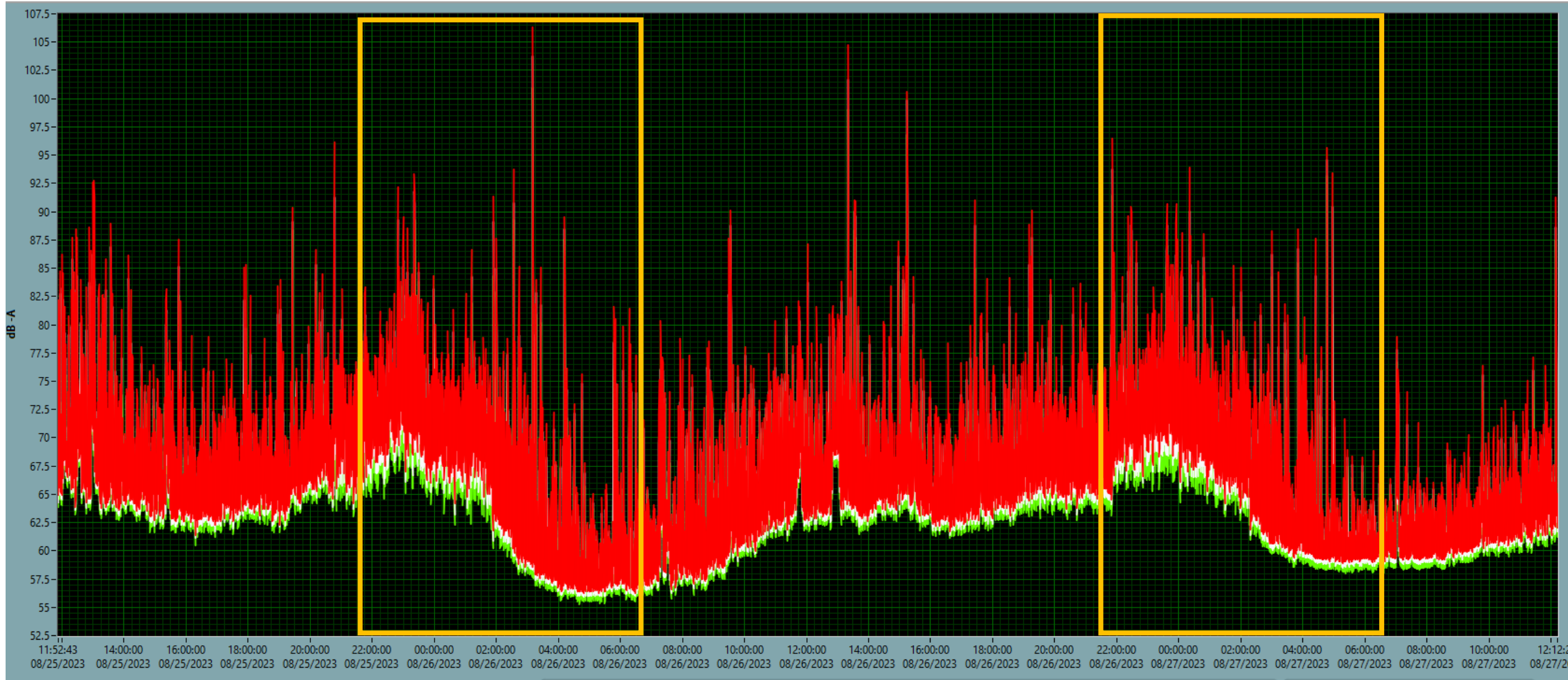


Sound level measurements at the Bedroom Window

August 30 to September 7 (Wed - Thurs)



A normal weekend Aug 25 Friday + Saturday Aug 26



Nightlife ~~Contribution~~ Cost to the City (pg 24)

- Residents are exposed to excess noise during nighttime hours every weekend
- Suffer long term health impacts (sleep disturbance, chronic fatigue, annoyance, reduced cognitive functioning, anxiety and depression, ischemic heart disease, strokes, induced hopelessness, etc.)
- Residents experience frustration over the reporting, investigation and enforcement process
- Not of being heard – apathy, induced hopelessness
- Hating where they live
- Having to endure people using lawns and alleys as bathrooms, sidewalks with yelling drunk people, cars honking to pick people up.
- Litter, puke and other items on roads and sidewalks in the morning.

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Enforcement and Problematic Establishments

- **Weekly analysis of 311 complaint data** informs the development and implementation of proactive enforcement strategies for problematic establishments, such as certain licensed restaurants operating as unlicensed nightclubs.
- In addition, BEOs are not emergency responders and **cannot be dispatched to investigate a complaint right away**. Instead, MLS' bylaw enforcement team responds to service requests using a priority response model. This means that officers are deployed to establishments based on the persistence of issues and/or the level of risk to public use or community nuisance



SAFETO?

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Penalties and Fines

- No change in fines or penalties- currently \$500
- However, s.86(2) of the City of Toronto Act enables the City to temporarily suspend a business licence for up to 14 days without a hearing if it believes that the continuation of that business poses an **immediate danger to the health or safety** of any person or to any property.

Recommendations

- Level 1 noise plan all “upon request” items made mandatory
- Ensure that eating and drinking establishments and retail all submit complete level 1 noise control plans.
- Review 8.13 & 8.14 together with Noise Bylaw review is complete
- Improve reporting and enforcement process
- BEO proactive enforcement visiting areas with sound level meters
- Noise zoning, not just physical zoning

Get ahead of noise

- Remove priority action approach for Noise issues as per SAFETO mandates
- Annual Toronto Nightlife Industry Town Hall to help set priorities.
 - how the public can collaborate with the City in shaping, planning, and protecting the night (and protecting residents and their health)
- Toronto Noise Advisory Committee
 - Complex issue
 - The same noise source may not always have the same solution (i.e. amplified sound from land-based establishments versus water based).
- Night45TO
 - Aim to get to 45 decibels during nighttime hours in residential areas.
 - Protect the night and protect our health

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Problems you need to fix first before go expanding

- Getting patrons getting home at night
 - enhancing transit service past 1:00 a.m. will be explored with the TTC
- Publicly accessible washrooms
 - share the findings with relevant divisions to advocate for solutions to the issue.
- Enforcement
 - If you can't put an enforcement officer at the noise source at 3:30 am (staff it)
 - Or put meters at people's residences for 3 weeks.
 - If this sounds complicated to you, call me and I'll do it.
- Preventative Actions
 - Have bylaw proactively visit eating and drinking establishment areas
 - Priority Action Approach – change to prevention
 - Review the reporting workflow and enforcement process
- Align with Noise Bylaw - Review all it once.

Noise is a global health issue

- From a 2017 TPH report, How Loud is Too Loud? over 92% of residents are over the WHO recommended level of 45 decibels for a restorative, restful sleep.
- Suffer long term health impacts (sleep disturbance, chronic fatigue, annoyance, reduced cognitive functioning, anxiety and depression, ischemic heart disease, strokes, induced hopelessness, etc.)
- This needs to be addressed as a public health issue.

Toronto Public
Health Report



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Creating Better Cities by Reducing Noise

www.nomorenoisetoronto.com

