

Implementation Review of the Noise By-law

Date: December 22, 2023

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

In a city as large and vibrant as Toronto, certain levels of noise are reasonable and reflect life in a densely populated city. Toronto Municipal Code, Chapter 591, Noise (“Noise By-law”) balances the city’s vibrancy with the needs of residents and visitors and provides time restrictions and sound level limits for various types of noise. The By-law works to set out clear and enforceable noise rules across the City, while providing flexibility to meet local needs.

As directed by City Council, the purpose of this report is to review the successes and challenges of the implementation of the comprehensive changes to the Noise By-law that were made in 2019, and to recommend refinements to the By-law. The amendments made in 2019 resulted in notable changes such as the introduction of sound level limits for amplified sound and motorcycles, enhancements to the noise exemption permit process, and the introduction of a dedicated noise enforcement team with late night coverage.

After a thorough review of the current Noise By-law in 2023, including extensive research scans, stakeholder engagement and technical advice from an acoustical engineering firm, staff recommend several refinements to the By-law, including:

- Modernizing the exemption permit process, such as introducing activity-based permits that differentiate higher and lower impact activities.
- For the amplified sound section, lowering nighttime indoor limits by 3 decibels and incorporating instrument sound into the section, with an associated definition.
- Implementing Council direction to add a motor vehicle noise decibel limit (in addition to limits currently in place for motorcycles), to be enforced alongside the Toronto Police Service (TPS).
- Introducing a pathway for residents to submit complaints on waste collection noise and for City staff to communicate with industry on persistent noise issues.
- Making technical amendments to definitions, such as clarifying the language of “point of reception” in the By-law to accommodate measurements from the property line of a point of reception as needed.

- Incorporating sound-induced vibration into the prohibition on “unreasonable and persistent” noise to enable a more sufficient response to public concerns about the health impacts of prolonged exposure to sound-induced vibration.

This report also includes several additional actions, including updating the 311 service requests (complaints) process, conducting a City-wide public education campaign, requesting the provincial government change legislation to allow for the City’s use of automated noise radar when the technology is ready, updating fees for noise exemption permits and noise monitoring along with an associated resource request to support upgrades to the noise exemption permit process, and operationalizing adjustments for sound level measurements, such as a penalty for tonal elements such as a hiss, hum, or buzz.

According to public opinion research conducted on behalf of the City in 2023, 51% of residents believe that noise levels in Toronto are reasonable and reflect life in a big city, while 49% believe that more needs to be done to restrict noise levels because of potential negative health consequences and impacts to quality of life and well-being. Managing and regulating noise is a complex undertaking and proposed changes attempt to maintain the balance of multiple competing interests of people living, working, and visiting the city.

This report was prepared in consultation with Legal Services, Technology Services, Toronto Public Health, and Solid Waste Management Services.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend Toronto Municipal Code Chapter 591, Noise as follows:

Definitions

1. Add a definition of “Exemption Permit Screening Criteria” to mean “Criteria developed by the Executive Director in accordance with 591-3.2J and published by the Municipal Licensing and Standards Division.”
2. Add a definition of “Instrument Sound” to mean “Sound made by any musical instrument, including the unamplified playing of percussion instruments.”
3. Amend the definition of “Large Crane Work” to mean “The erection and dismantling of a crane or any other crane work that requires a road closure for the work.”
4. Amend the definition of “Leq” to mean “The continuous sound level which, for a specified time period, produces the same total sound energy as would the actual time-varying sound level. Also referred to as the energy equivalent sound level.”

5. Amend the definition of “Motor Vehicle” to mean “The same meaning as in section 1(1) of the *Highway Traffic Act, 1990*. This meaning is noted as follows, for reference purposes only: ‘Includes an automobile, a motorcycle, a motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a roadbuilding machine.’”
6. Amend the definition of “Persistent Noise” to mean “Any noise or sound-induced vibration that is continuously heard or felt for a period of ten minutes or more or heard or felt intermittently for a time totaling ten minutes over a period of one hour.”
7. Amend the definition of “Point of Reception” to mean “Any location on the premises of a person where sound originating from other than those premises is received. The following list provides examples of points of reception, and is not exhaustive:
 - (1) An outdoor area that is:
 - (a) near the façade of a building, at a height of 1.5 metres above ground, typically in backyards, front yards, terraces or patios; or
 - (b) on a balcony or elevated terrace (for example, a rooftop) provided it is not enclosed; or
 - (2) An indoor area that is inside a building.”
8. Amend the definition of “Power Device” to mean “Any equipment driven otherwise than by muscular power used in the servicing, maintenance or repair of property or lawns, including chainsaws, lawn mowers, leaf blowers, grass trimmers, power or pressure washers, or any other similar equipment. A power device does not include construction equipment as defined in this chapter or equipment used to remove snow or ice.”
9. Add a definition of “Sound-Induced Vibration” to mean “The oscillatory motion generated by sound waves that can be felt physically and which may be transmitted through solid structures, liquids, surfaces, or the ground.”
10. Amend the definition of “Stationary Source” to mean “A source of sound which does not normally move from place to place, including the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance. A stationary source does not include a residential air conditioner or similar residential device.”
11. Amend the definition of “Unreasonable Noise” to mean “Any noise or sound-induced vibration that would disturb the peace, rest, enjoyment, comfort, or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation.”

12. Add a definition of “Waste Collection” to mean “The collection, transportation or removal of waste, including equipment being used to load, unload and transport containers for handling waste, but does not include the processing or disposal of waste.”

Amplified Sound

13. Remove the word “continuous” and change “amplified sound” to “amplified sound or instrument sound” in 591-2.1A and 2.1B.
14. Amend 591-2.1A and 2.1B to change “a point of reception in an outdoor living area” to “an outdoor point of reception in a living area” and “a point of reception in an indoor living area” to “an indoor point of reception in a living area”.
15. Amend 591-2.1.A(2) and B(2) to identify that the ambient sound level is “expressed in terms of Leq for a ten-minute period”.
16. Amend the quantitative limits for amplified sound in 591-2.1.B(1) such that it reads as follows “(1) That has a sound level (expressed in terms of Leq for a ten-minute period), exceeding 42 dB(A) or 57 dB(C) from 11 p.m. to 7 a.m. or 50 dB(A) or 65 dB(C) from 7 a.m. to 11 p.m.”

Construction Noise

17. Amend the prohibition on construction noise, while maintaining current time prohibitions in 591-2.3, as follows “No person shall emit or cause or permit the emission of sound resulting from construction or any operation of construction equipment that is clearly audible:

(1) from 7 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays; and/or
(2) all day on Sundays and statutory holidays.”

Motor Vehicle Noise

18. Amend the unnecessary motor vehicle noise prohibition so 591-2.5A reads as follows “No person shall emit or cause or permit the emission of sound resulting from unnecessary noise from a stationary motor vehicle that is persistent noise, such as the sounding of a horn, revving of an engine, or any like sound that is clearly audible at a point of reception.”
19. Replace 591-2.5C with the following “No person shall emit or cause or permit the emission of sound from a stationary motor vehicle exceeding the following when measured at least 50 cm from the exhaust outlet using a sound level meter:
(a) 92 dB(A) at idle; or
(b) 96 dB(A) at any engine speed greater than idle.”

Stationary Sources and Residential Air Conditioners

20. Replace 591-2.8 so that it reads as follows:

“A. No person shall cause or permit the emission of sound from a stationary source that, when measured with a sound level meter at a point of reception in an outdoor living area, has a sound level (expressed in terms of Leq for a one-hour period) exceeding (1) 45 dB(A) from 11 p.m. to 7.a.m. or 50 dB(A) from 7 a.m. to 11 p.m.; or (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.

B. If, during the course of an investigation related to Subsection A, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a stationary source, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding (1) 40 dB(A) from 11 p.m. to 7.a.m or 45 dB(A) from 7 a.m. to 11 p.m.; or (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.

C. Subsections A and B do not apply to the emission of sound from a stationary source that is in compliance with a provincial Environmental Compliance Approval (ECA) or is an activity registered on the Environmental Activity and Sector Registry (EASR).

D. No person shall cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an outdoor point of reception in a living area:

(1) That has a sound level (expressed in terms of Leq for a one-hour period) exceeding 45dB(A) from 11 p.m. to 7 a.m. or 50 dB(A) from 7 a.m. to 11 p.m.

(2) Where the ambient sound level (expressed in terms of Leq for a one hour period) exceeds the maximum sound level permitted under Subsection D(1), that has a sound level (expressed in terms of Leq for a one-hour period) exceeding the ambient sound level.

E. If, during the course of an investigation related to Subsection D, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding 40 dB(A) from 11 p.m. to 7.a.m or 45 dB(A) from 7 a.m. to 11 p.m.”

Unreasonable and Persistent Noise

21. Amend 591-2.9C so that it reads as follows “C. Where a type of noise or sound is permitted in § 591-2.1 through § 591-2.8 but the noise or sound is also unreasonable and persistent noise, the Executive Director may, despite anything

to the contrary in this chapter, require the person causing or permitting the noise or sound to obtain an exemption permit under § 591-3.2, and such person shall obtain and comply with the exemption permit.”

Noise Exemption Permits

22. Amend the title of 591-3.1 such that it reads as follows: “Public safety, government work, and waste collection”.
23. Amend the first paragraph of subsection 591-3.2A such that it reads as follows “A. Any person may apply for an exemption permit from a noise prohibition or noise limitation provision in this chapter, in connection with one or more events or activities, by filing the following with the Executive Director at least 28 calendar days prior to the start of the event or activity”.
24. Remove 591-3.2A(2) “The non-refundable application fee set out in Chapter 441, Fees and Charges”.
25. Amend subsection 591-3.2A(3) such that it reads as follows: “(3) Any information relevant to the application as requested by and to the satisfaction of the Executive Director including but not limited to: (a) Reasons supporting an exemption permit; (b) A noise mitigation plan; (c) a statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.”
26. Add subsection 591-3.2.A.1 as follows: “A.1. If an applicant wishes to apply for an exemption permit less than 28 calendar days prior to the proposed event or activity, the applicant must pay a late application fee in addition to the application fee set out in Chapter 441, Fees and Charges, as part of their application. The late fee requirement shall not apply to a person applying for a permit under 591-2.9C.
27. Add a new subsection to 591-3.2 as follows: “B. Upon receipt of an application under subsection A, the Executive Director shall assess the application in accordance with the Exemption Permit Screening Criteria in order to determine which level the application falls under for the purpose of determining applicable additional conditions under subsection F.1 and applicable fees”.
28. Amend subsection 591-3.2B to be “B.1” and amend the provision so that it reads as follows: “B.1. After assessment of an application under Subsection B, the Executive Director shall give written notice to the Councillor of any ward where each event or activity is to be held and, where each event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.”
29. Amend subsection 591-3.2C(1) so that it reads as follows “(1) All of the Councillors notified under Subsection B.1 have either, within 14 calendar days of the notice:
 - (a) Not responded; or

(b) Responded indicating that they have no objection to the application being approved.”

30. Add a provision to 591-3.2C(3) as follows: “(g) Any other information or documents that may be required by the Executive Director related to the exemption permit application.”
31. Amend subsection 591-3.2C(4) such that it reads as follows: “The applicant has paid all required fees, including the non-refundable application fee set out in Chapter 441, Fees and Charges.”
32. Add a provision to 591-3.2C: “(5) The applicant does not have any outstanding fines or fees with respect to this chapter”.
33. Amend subsection 591-3.2D(1) such that it reads as follows: “(1) A notice of the exemption permit shall be posted in a visible location determined by the Executive Director where each event or activity will occur 7 days prior to the start of the event or activity. This condition may be altered or waived by the Executive Director and if the applicant is unable to post a notice of the exemption permit at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner”.
34. Remove 591-3.2D(4) and replace it with updated decibel limits as follows: “(4) The sound emitted from any equipment shall not exceed a sound level (expressed in terms of Leq for a ten-minute period):
 - (a) For amplified sound, of 85 dB(A) or 105 dB(C) when measured from the lot line of the property where the event or activity is occurring; or
 - (b) For any other event or activity 85 dB(A) or 105 dB(C), when measured 20 metres from the source.”
35. Amend 591-3.2D(5) as follows: “Where the sound level exceeds the limits specified in Subsection D(4), the applicant shall comply with any request made by a police officer or a Bylaw Enforcement Officer with respect to the volume of sound.”
36. Amend 591-3.2D(6) by removing “sound equipment or construction.”
37. Amend 591-3.2D(8) as follows: “(8) The permission granted shall be for the date and times for each event or activity as set out by the Executive Director in the exemption permit.”
38. Add a provision to subsection 591-3.2D as follows: “(9) If required by the Executive Director, a copy of the exemption permit shall be posted in a visible location determined by the Executive Director for the duration of the event or activity. This condition may be altered or waived by the Executive Director and if the permit holder is unable to post a copy of the exemption permit at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner”.

39. Amend 591-3.2F to remove Subsection B as a requirement for an exemption permit for continuous concrete pouring or large crane work and replace 591-3.2F(b) so that it reads as follows “Notice for continuous concrete pouring and large crane work shall be distributed by the permit holder to those within a 120 metre radius of the activity at least 7 days prior to the start of such activity.”

40. Add the following provision to 591-3.2F as follows: “(c) The Executive Director shall provide a final copy of any exemption permit issued under this Subsection to the Councillor of any ward where such activity is to be conducted and, where the activity is to be conducted on a boundary street between wards, to the Councillors of the adjoining wards”.

41. Add Subsections F.1 and F.2 to 591-3.2 enabling activity-based exemption permits as follows:

“F.1 In addition to those conditions set out in Subsection D, where the noise described in an exemption permit application is categorized as ‘Level 2’ or ‘Level 3’ under the Exemption Permit Screening Criteria, the Executive Director may impose the following conditions on the exemption permit:

- (1) The permit holder must distribute a notice of the exemption permit, in a form and manner satisfactory to the Executive Director, to those within a 120-metre radius of the activity at least 7 days prior to the start of the event or activity;
- (2) The permit holder must adhere to specific orientation of equipment for the duration of the event or activity, as determined by the Executive Director;
- (3) The permit holder must install sound dampeners or deadeners, or any other noise protection equipment determined by the Executive Director for the duration of the event or activity.

F.2. In determining which additional conditions under Subsection F.1 are appropriate, the Executive Director will consider criteria, including but not limited to:

- (1) The duration of the event or activity and the hours the event or activity will be occurring;
- (2) The total number of participants or attendees at an event or activity with amplified sound or the type of construction development;
- (3) The proximity of the noise to a residential area and the likelihood that the noise for which an exemption is requested may negatively affect persons in that residential area; and
- (4) The applicant’s compliance with this chapter, including any previous exemption permits, if any, issued to them.”

42. Add a section to 591-3.2 as follows: “1. Despite anything contained in § 591-3.2., where an application for an exemption permit is made by a not-for-profit organization, the not-for-profit organization will not be required to pay the exemption permit application fee in Chapter 441, Fees and Charges.”

Transition

43. Add subsection to 591-4.5 as follows: “C. All prosecutions and other enforcement processes commenced under this chapter between October 1, 2019, and May 31, 2024, which have not been completed on June 1, 2024, shall be completed as if the chapter had not been amended on that date.”

44. Add subsection to 591-4.5 as follows: “D. The provisions of this chapter do not apply to exemption permits granted between October 1, 2019, and August 31, 2024, provided that the holder of such permits continues to comply with the conditions of their original permits and that such permits are not revoked, terminated, and do not expire.

2. City Council delegate authority to the Executive Director, Municipal Licensing and Standards to establish exemption permit screening criteria in Toronto Municipal Code Chapter 591, Noise, in order to determine which level the exemption permit application falls under, for the purpose of determining applicable additional conditions and fees and amend Toronto Municipal Code Chapter 591, Noise by adding a section to 591-3.2 as follows:

“J. The Executive Director will develop Exemption Permit Screening Criteria for the purposes of categorizing types of events or activities contained in an exemption permit application and use the Exemption Permit Screening Criteria in the assessment of exemption applications, including determining the applicable conditions and applicable fees. The Exemption Permit Screening Criteria will categorize types of events or activities into levels depending on their impact, considering factors including the duration of the event or activity, the total number of participants expected (if applicable), the hours of the event or activity, the location of the event or activity in relation to a residential zone, the applicant’s historical level of compliance with Chapter 591, and any other criteria determined by the Executive Director, and such Exemption Permit Screening Criteria may be amended by the Executive Director from time to time.”

3. City Council amend Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by amending the following fees in the table below:

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
59	By-law Exemptions	REVISED Noise exemption permit appeal fee	Full Cost Recovery	Per application for appeal	REVISED \$405	REVISED Yes
60	By-law Exemptions	REVISED Monitoring by City staff (Bylaw	Full Cost Recovery	Per staff per hour	REVISED \$79	REVISED Yes

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
		Officer) of sound levels at an event or activity				

4. City Council amend Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards by adding the associated fees in the table below:

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
NEW	By-law Exemptions	Noise exemption permit application fee (General – Level 1)	Full Cost Recovery	Per application	\$110	Yes
NEW	By-law Exemptions	Noise exemption permit application fee (General – Level 2)	Full Cost Recovery	Per application	\$340	Yes
NEW	By-law Exemptions	Noise exemption permit application fee (General – Level 3)	Full Cost Recovery	Per application	\$570	Yes
NEW	By-law Exemptions	Noise exemption permit application fee – continuous concrete pouring or large crane work	Full Cost Recovery	Per application	\$458	Yes
NEW	By-law Exemptions	Monitoring by City staff (Bylaw Officer) of sound levels at an event or activity – overtime coverage or statutory holiday	Full Cost Recovery	Per staff per hour	\$93	Yes

Ref.	Service Fee	Description	Category	Fee Basis	Fee	Annual Adj.
NEW	By-law Exemptions	Monitoring by City staff (Supervisor) of sound levels at an event or activity	Full Cost Recovery	Per staff per hour	\$87	Yes
NEW	By-law Exemptions	Monitoring by City staff (Supervisor) of sound levels at an event or activity – overtime coverage or statutory holiday	Full Cost Recovery	Per staff per hour	\$103	Yes
NEW	By-law Exemptions	Late noise exemption permit application fee	Full Cost Recovery	Per late application	\$85	Yes

5. City Council amend Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C – Schedule 12, Municipal Licensing and Standards to delete the noise permit application fee (Ref. No. 58).
6. City Council direct that the amendments above come into force on the following dates:
 - a. The amendments described in the following items take effect June 1, 2024:
 - i. In Recommendation 1: Definitions (2 through 12); Amplified Sound (13-16); Construction Noise (17); Motor Vehicle Noise (18-19); Stationary Sources and Residential Air Conditioners (20); Unreasonable and Persistent Noise (21); Transition (43);
 - ii. Recommendation 3; and
 - iii. In Recommendation 4: Fee amounts for Monitoring by City staff.
 - b. The remaining amendments in Recommendations 1 and 4 and amendments in Recommendations 2 and 5, take effect September 1, 2024.
7. City Council authorize the City Solicitor to introduce the necessary bills to give effect to City Council's decision and authorize the City Solicitor to make any necessary clarifications, refinements, minor modifications, technical amendments, or by-law amendments as may be identified by the City Solicitor, and the Executive Director, Municipal Licensing and Standards.
8. City Council authorize the Executive Director, Municipal Licensing and Standards, to fund, using updated fee revenues recommended as part of this report, 1 permanent full-time Coordinator position to lead the administration of noise exemption permits within the Dedicated Noise Team, By-law Enforcement, Municipal Licensing and Standards Division.

9. City Council reiterate to the Government of Ontario its previous requests that the province:
 - a. Increase fines for violations of modified exhaust and excessive vehicle noise under the Highway Traffic Act, and that a violation results in demerit points; and;
 - b. Make necessary regulatory changes to enable the City of Toronto to initiate a noise activated camera/mobile automated noise enforcement pilot project.

10. City Council request the Government of Ontario:
 - a. Consider incorporating decibel limits for motor vehicles into the Highway Traffic Act or its regulations to ensure comprehensive and consistent enforcement of vehicle noise; and
 - b. Update provincial environmental noise guidelines, including but not limited to NPC-216 and NPC-300, and provide clear communications to the public and industry regarding the province's role and authority related to noise from stationary sources.

11. City Council direct the Executive Director, Municipal Licensing and Standards to develop a process to monitor noise issues from waste collection operations and report back as necessary if issues need to be addressed.

12. City Council direct the Executive Director, Municipal Licensing and Standards to initiate public education efforts, as part of implementation of all approved amendments to Chapter 591, Noise, regarding the provisions of the Chapter, best practices for compliance, and steps taken by Municipal Licensing and Standards when a noise complaint is issued.

13. City Council authorize the City Solicitor, in consultation with Municipal Licensing and Standards, to amend or increase current set fines related to the recommendations in this report and express its support for higher set fine penalties for offences.

FINANCIAL IMPACT

The proposed By-law amendments contained in this report include amending the noise exemption permit process and proposing new and updated user fees to support the process of administering noise exemption permits. MLS reviewed the application and renewal fees to ensure they are based on a cost recovery model, are in alignment with the City's User Fee Policy, and appropriately reflect operating and capital costs as well as updated permit service levels and delivery methods. Proposed amendments to Chapter 441, Fees and Charges, will result in an estimated \$160,000 of additional revenue per year. Fees would include an annual adjustment based on the annual rate of inflation.

To support the administration of noise exemption permits, and organizational efforts of the dedicated noise enforcement team, staff recommend the addition of a Coordinator position to the Team. Municipal Licensing and Standards (MLS) projects this role to have a total annualized impact of approximately \$132,000 on the operating budget, fully

funded from additional proposed revenue increase. If the recommendations in this report are approved, the adjustments will be made to the operating budget through the subsequent 2024 variance report.

To support the processing of noise exemption permit applications, staff in the Technology Services Division (TSD) will be conducting significant technology upgrades to implement a new online exemption permit process. TSD will require a Corporate Application Technical Lead and a Senior Systems Integrator with a cost of \$137,084 and \$186,797 respectively. Funding for these resources will be supported in part by projected fee revenue increases, with additional costs managed within MLS' approved budget. Should additional resources be necessary, they will be requested as part of MLS' 2025 budget submission or subsequent reports to Council.

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

EQUITY IMPACT

The proposed refinements to the Noise By-law have been analyzed for potential equity impacts on Indigenous, Black, and equity-deserving communities.

Residents' experiences with noise and the Noise By-law are affected by many intersectional factors, including gender, age, and place of residence. Many residents from a diverse cross section of communities described that the current level of noise in the City have worsened since 2019, and are negatively impacting their physical and mental health, well-being, and quality of life. There is a growing body of evidence that shows the detrimental impacts on cognitive function, sleep quality, mental health, and cardiovascular health could occur at noise levels commonly experienced in urban health environments. Proposed refinements to the Noise By-law, such as lowering decibel limits of amplified sound at indoor points of reception at nighttime, operationalizing sound level adjustments such as tonal penalties, and capturing "sound-induced vibration" into the definition for unreasonable and persistent noise, are anticipated to have a positive impact on residents by reducing the level of noise in certain contexts in the city.

The City recognizes that certain levels of noise are reasonable, reflect life in a densely populated city, and can contribute to the city's cultural vibrancy. During the consultation process, residents, businesses, and local artists raised concerns about the negative impacts of increased noise regulations on their ability to enjoy music, including during cultural, outdoor, and live music events. The proposed refinements to the Noise By-law aim to balance the City's cultural vibrancy, with a safe and healthy quality of life.

DECISION HISTORY

On July 19, 2023, City Council adopted [2023.IE5.1 - Two-Stroke Engine Small Equipment: Steps to Pursue a Ban](#), expressing its support for a ban on the use of two-stroke small engine equipment in Toronto as a precaution against any adverse impacts to human health and climate. City Council directed the Executive Director, Environment

and Climate, the Executive Director, Municipal Licensing and Standards, the Medical Officer of Health, and the City Solicitor, in consultation with Divisions that operate two-stroke engine equipment, to, if adequate resources are funded in the 2024 budget, initiate the work for City Council to enact a by-law imposing a ban on use of two-stroke equipment.

On July 19, 2022, City Council adopted [2022.EC31.4 – Report on Outstanding Noise Directives](#), which requested MLS to report back during the Noise By-law Review in 2023 regarding developments on motor vehicle noise, additional options to set a decibel limits for stationary motor vehicle noise, consultation with Toronto Public Health on health impacts of noise, a report on noise from City fleets such as waste collection services, and decibel limits for power devices.

On November 26, 2019, City Council adopted [2019.HL10.5 - Noise Action Plan](#), requesting MLS consider Toronto Public Health’s Noise Action plan to identify additional opportunities to mitigate noise.

On April 16, 2019, City Council adopted [2019.C3.6 - Noise By-law Review- Proposed Amendments to Chapter 591, Noise](#), which resulted in the introduction of sound level limits for amplified sound and motorcycles, alignment of time constraints between similar activities, enhancements to the noise exemption permit process, and the introduction of a dedicated noise enforcement team with late night coverage. A request was also made for MLS to report back on the implementation, success, and outstanding issues from these changes to the Noise By-law.

On April 24, 2018, City Council adopted [2018.LS24.1 Noise By-law Review - Update](#) directing MLS to complete additional research and consultation for the review of Chapter 591, including engaging independent professional facilitators to refine the consultation process, and report back to the Licensing and Standards Committee by the third quarter of 2019 with recommended changes to the By-law.

This report fulfills seven directives from two City reports: [2022.EC31.4](#) (Recommendations 5, 6, 10, 11, 12, 16) and [2019.EC3.6](#) (Recommendation 5).

COMMENTS

Purpose of Implementation Review

The purpose of this implementation review is to assess the 2019 amendments to the Noise By-law, including successes and outstanding challenges as directed by Council in Item [EC3.6](#) in 2019. This report reviews the implementation of the 2019 amendments to the By-law, including patterns and trends in complaints and resolutions, effects on enforcement, and matters raised by residents and enforcement staff. Recommendations in this report intend to further refine the By-law to regulate the level of noise more effectively in the City by clarifying definitions and provisions to improve compliance and enforcement and streamlining the noise exemption permit process.

Since 2019, there have been several directives from Committees and City Council to assess various topics related to the By-law, which this report also responds to. As part of this review, staff engaged with enforcement staff, industry stakeholders, and the public about what is working well and what needs improvement related to the By-law and the 2019 review.

Some noted successes include:

- Clarifying specific prohibitions in the 2019 review that set out clear thresholds for compliance depending on the noise event or activity;
- The addition of specific decibel limits for amplified sound measured from the point of reception to provide objective enforcement;
- The establishment of dedicated staff resources for a noise enforcement team, with late night coverage. Not many jurisdictions in North America have this, and since 2020, even though the number of service requests has increased exponentially, the noise team's average response time has been improving;
- Developing a new case management system integrated with 311 to allow noise service requests to be received by telephone and online;
- Conducting vehicle noise enforcement initiatives alongside the Toronto Police Service (TPS);
- Working with other enforcement partners, such as the Alcohol and Gaming Commission of Ontario (AGCO) and TPS to respond to problematic establishments and attending TPS community events to outline By-law regulations; and
- Introducing a partnership with Toronto Neighbourhood Group Community Service (TNG), which provides free voluntary community mediation services to residents on noise issues.

Some noted challenges include:

- Lasting impacts of the pandemic, which affected enforcement capacity in 2020 and 2021 and introduced new noise and sound sensitivities, with more residents working from home;
- Increasing tensions between noise generators and those disturbed by noise;
- The need to ensure that decibel limits in the By-law are sufficient and responsive to excessive noise events;
- Managing public expectations related to enforcement capacity and outcomes;
- Concerns from operators that some noise exemption permit conditions are unreasonable to comply with and that the City does not have the appropriate infrastructure or resources to administer permits efficiently; and
- Limited public knowledge of the By-law and its associated requirements, which affect voluntary compliance efforts.

Background

City of Toronto Municipal Code Chapter 591, Noise ("the Noise By-law") regulates noise in Toronto. The By-law is designed to balance the city's vibrancy with the needs of residents and visitors and provides time restrictions and sound level limits for various types of noise. The Noise By-law applies to all properties and individuals in the City and

must balance the needs and interests of residents, businesses, and the overall community. Managing and regulating noise is a complex undertaking and the intent of the By-law is to maintain a livable and reasonably peaceful atmosphere in Toronto, while recognizing that it is unreasonable to expect that a city of almost 3 million people have no noise. The By-law was last comprehensively reviewed in 2019.

2019 Noise By-law Review

In 2019, Toronto City Council adopted amendments to the Noise By-law ([EC3.6](#)), including the introduction of sound level limits for amplified sound and motorcycles, alignment of time constraints between similar activities, enhancements to the noise exemption permit process, and the introduction of a dedicated noise enforcement team with late night coverage. These amendments were developed after a comprehensive review of the Noise By-law in 2015-2019, which consisted of several meetings with a Noise Working Group, broad public consultations, third-party public opinion research, and data analysis of complaint trends. Further details on updates made to each component are contained in subsequent sections below.

Overview of Noise Regulations and Enforcement of the Noise By-law

Noise is managed and regulated through municipal, provincial, and federal guidelines and regulations. There are also several noise guidelines from national and international bodies that provide advice on noise control and management. Toronto's Noise By-law regulates a variety of noise sources including animals, amplified sound, construction, domestic power equipment, motor vehicles, and other stationary sources. The Noise By-law does not regulate environmental noise, noise in the workplace, noise from airports, airplanes, railway or wind turbines, or noise from moving motor vehicles, each of which have rules set out at the provincial or federal level. A summary of noise regulations and guidelines under provincial, federal, or international jurisdictions is provided in Attachment A.

The City's Dedicated Noise Enforcement Team

Upon implementation of the updated Noise By-law in 2019, MLS introduced a dedicated noise enforcement team (the "Noise Team") to undertake investigations and enforce the By-law. The Noise Team currently consists of 28 staff, including a manager, three supervisors, and by-law enforcement officers. 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. The Noise Team is one of MLS' largest specialized enforcement teams and staff receive specialized technical training to conduct sound level readings. No additional By-law Enforcement Officers are being requested as part of this report, as MLS is prioritizing filling officer vacancies within its current staff complement. Should additional resources be necessary, they will be requested as part of MLS' 2025 operating budget submission.

In 2019, MLS also implemented a new case management system integrated with 311 to allow service requests to be received by telephone and online and to prioritize the high volume of requests, and adopted a priority response model, with incoming service requests being assessed according to urgency, frequency, and impact. When

responding to service requests, the Noise Team is not resourced to respond to requests on an emergency basis, and staff are not immediately dispatched to investigate noise complaints. By-law Enforcement Officers do not have the authority to immediately stop a noise event or order a business to shut down due to noise but may request that the volume of a specific activity be turned down and may take enforcement action if it is not, including issuing tickets.

Sound level measurements and technical elements of the By-law

Noise investigations may include both late night and daytime indoor or outdoor measurements in decibels (dB). The decibel is the universal unit of sound measurement and is measured with a sound level meter¹. Decibels are a logarithmic unit, with every three-decibel increase resulting in a doubling of intensity of “sound energy” or noise. During investigations, to account for the ambient (i.e., background) sound level, two sound measurements are required, close in time, both preferably at the point of reception; one measurement with the source off (which would yield the ambient sound level), and one measurement with source on (which would give the cumulative sum of ambient sound level plus the source sound level). Subject to what the difference is, a calculation may be needed to determine the source sound level [(source + ambient) – ambient = source]. In Toronto, the ambient sound level is usually caused by traffic noise.

Decibel readings may be done using two decibel weightings, A-weighted [dB(A)] or C-weighted [dB(C)]:

- **dB(A)** is the standard weighting and gives a single number measure of noise by including sound energy at all frequencies as experienced by the human ear. It is structured to be a realistic representation of human hearing.
- **dB(C)** is used to measure bass or low frequency sound as it weighs lower frequencies. It is also a sufficient representation of human hearing, particularly from sources with louder volumes.

Sound levels vary depending on one’s distance from the noise source. Example decibel levels at common distances from the noise source are outlined in Attachment A. During public consultations, several participants suggested that the City use Z-weighted decibels, or dB(Z). dB(Z) is unweighted and is not used in any municipal by-laws or local regulations. The acoustical engineer advised staff that there is not sufficient rationale to include dB(Z) as there is much less consistent data available about typical community sound levels and criteria for its use.

Public Concerns on the Health Impacts of Noise

During public consultations and through public opinion research, residents cited the negative impacts of excessive noise on their physical and mental health, well-being, and quality of life, particularly sleep deprivation due to increased noise and vibration from bass. Toronto Public Health (TPH) was consulted as part of the implementation review to support reducing the health impacts of excessive noise levels that may be experienced in urban environments. TPH developed a [Noise Action Plan](#) in 2019 aimed

¹ A sound level meter registers sound pressure and displays these readings on a sound level scale.

at reducing exposure to ambient environmental noise over time, which included recommended actions for several City divisions and provincial and federal partners, with a specific focus on reducing traffic-related noise. More information, including a summary of a 2016 noise monitoring study conducted by TPH is provided in Attachment A.

Two actions described in this report respond directly to these concerns. The first is to provide noise enforcement staff with guidance to operationalize sound level adjustments to account for special qualities of sound, like tonal qualities (e.g., a whine, screech, or buzz). Second, a definition of “sound-induced vibration” is recommended to be introduced in the By-law and incorporated into the definitions for unreasonable and persistent noise, to ensure that staff are able to respond accordingly when there is excessive vibration from noise. These changes are described in detail below.

Consultation and Research

Proposed refinements described in this report are based on consultation and research completed throughout 2023, including third-party statistically significant public opinion research, broad public consultations, dedicated e-mail account to solicit additional feedback, technical support from an acoustical engineering firm, research and data analysis (including jurisdictional best practices/approaches), and meetings with internal and external stakeholders.

Third Party Public Opinion Research

MLS procured third-party, statistically significant public opinion research to understand the opinions and attitudes of Toronto residents as they relate to noise and the Noise By-law and build upon similar research conducted as part of the 2019 Noise By-law Review. A representative sample of 1,003 Toronto residents completed the survey. The full report of the research is provided in Attachment B. Key findings include:

- Just over half of residents (53%) identified reducing noise as an area of concern. Residents also cited other areas of concern, including housing and rental affordability (83%) and improving public safety and crime prevention (83%).
- A majority of residents believe that is acceptable for noise to begin in their neighbourhood at 8:00 am (34%) or 9:00 am (30%) on weekdays. Less (18%) agree with noise starting at 7:00 am.
- The majority of residents agree with using sound level limits (decibels) to enforce the Noise By-law, with 70% agreeing that they should be used to measure how loud an event or object is, and 68% agreeing they should be measured from the location of the complainant.

Public Consultations

MLS procured a third-party facilitation team to lead public consultations for the implementation review of the Noise By-law. Working with Third Party Public, MLS hosted 6 virtual and in-person public consultation meetings from September 12-21, 2023, which were attended by approximately 750 participants, the majority of which were residents. The feedback provided during these meetings is documented in Attachment C.

E-mail Feedback

In addition to the public consultations, members of the public were invited to provide written feedback. MLS received over 2,200 emails, mostly from residents/individuals with a few submissions from organizations and associations. Staff analyzed the written feedback by key themes, which informed report recommendations. A summary is in Attachment D. Key themes include:

- Majority of feedback received was about amplified sound, with 94% of all amplified sound-related emails expressing support for live music/outdoor events and concerns about any additional restrictions on amplified sound in the By-law.
- Motor vehicle noise was the second top category of feedback received with residents citing the negative impacts of motor vehicle noise on their physical/mental health, well-being, and quality of life.
- Some residents expressed concerns about construction noise in the city and the negative impact on their quality of life, including sleep disturbance.

Technical Support and Expert Advice by an Acoustical Engineering Firm

MLS retained the services an acoustical engineering firm, Valcoustics Canada, to provide technical and expert advice to support the review of the Noise By-law and proposed refinements, including identifying issues and areas of concern in the current Noise By-law, assessing options to implement a motor vehicle decibel limit and strengthening regulations on amplified sound. Where appropriate, advice from Valcoustics Canada from meetings with City staff and in the final report are described in the corresponding sections below. The final report provided by Valcoustics is provided in Attachment E.

Service Request and Enforcement Data

Table 1 below outlines service request (complaint) data received by the City through 311 related to noise since 2020 and up to November 30, 2023. Provincial limitations and enforcement of emergency COVID-related orders had an impact on the City's ability to investigate noise complaints during the pandemic, particularly in 2020.

Table 1: Total Noise Service Requests in the City of Toronto (January 1, 2020-November 30, 2023)

Noise Service Type	2020	2021	2022	2023*	Total	Total %
Amplified Sound	6,821	9,822	9,890	8,764	35,297	52.45%
Construction Noise	2,238	2,795	4,855	4,556	14,444	21.46%
Loading and Unloading Noise	404	447	457	186	1,494	2.22%
Motor Vehicle Noise	449	565	677	490	2,181	3.24%
Power Device Noise	255	345	326	380	1,306	1.94%
Stationary Source Noise	905	1,372	1,125	941	4,343	6.45%
Unreasonable and Persistent Noise	2,129	1,977	2,137	1,986	8,229	12.23%
Grand Total	13,201	17,323	19,467	17,303	67,294	100.00%

*Data to November 30, 2023.

Note: This table does not include animal noise complaints, which are enforced by Toronto Animal Services. Total animal noise complaints were 6,876 from 2020 to November 2023.

Additional key findings include:

- Since 2020, the top 3 noise service request categories were amplified sound (52.5%)², construction noise (21.5%), and unreasonable and persistent noise (12.2%)
- Of the 19,467 service requests in 2022, approximately 71% (total of 13,804) resulted in an investigation. Those that did not result in an investigation may have been one-off requests or calls that were referred to another enforcement body.
- An analysis of repeat complainants/addresses in 2022 showed that 2,269 people complained more than once. Of the 2,269 repeat complaints, the vast majority complained 2 to 3 times, 16% complained 4-10 times, 1% complained 11-20 times, and 0.4% complained greater than 20 times.
- In 2022, there were a total of 294 charges under the Noise By-law.

MLS' goal is to ensure compliance through education first and to escalate further as needed. Service requests and charges are one measure to indicate compliance with the Noise By-law, and there are many investigations where compliance is achieved without a formal charge or enforcement action. More data is available in Attachment F.

Proposed Refinements to the Noise By-law

1. Definition Changes and Sound Level Adjustments

Definition changes

With advice from the acoustical engineer, staff recommend clarifying the definition of point of reception to align more closely with provincial noise guidelines. This will clarify that outdoor points at or close to the property line of a point of reception can be used and that the examples provided in the definition are not an exhaustive list. This responds directly to feedback received during consultations to permit measurements from the property line of a point of reception (specifically when measuring amplified sound). In addition, some minor technical amendments are proposed to definitions of large crane work, Leq, and motor vehicle to support clarity for operators and enforcement staff.

Sound level adjustments

As part of the implementation of this report, staff will operationalize a specific provincial noise guideline (NPC 104: Sound Level Adjustments) to support controlling for special qualities of noise, like tonal qualities and impulses. Enabling sound level adjustments will allow officers to account for special qualities of sound, like tonal qualities (e.g., a

² There was an error in the total column in some of the [public consultation materials](#) (presentation decks) with 311 noise complaint data. The presentation deck cited a total of 45,049 complaints across all categories instead of 62,372. The proportions of total complaints by noise service type were therefore overrepresented in the presentation decks (i.e., proportion of amplified sound is 53% as opposed to 73%)

whine, screech, or buzz) and supports a more holistic response to the health impacts of noise. This will be particularly relevant to the By-law section on stationary sources, which typically have special noise qualities (like whining or buzzing).

2. Amplified Sound

Overview and Current Regulations

During the 2019 Noise By-law Review, a specific prohibition with quantitative limits was approved for amplified sound, replacing a blanket prohibition on amplified sound being projected beyond the lot line into any street or public place. This change was made to increase the objectivity of the By-law, and decibel limits were determined in consultation with an acoustical engineer. The strengths of this approach are that it accounts for varying environmental contexts, ensures staff are focusing on legitimate noise disturbances, and supports prosecuting By-law violations.

Currently, the By-law prohibits amplified sound measured at a point of reception in an outdoor living area that exceeds 55 dB(A) or 70 dB(C) during the day (7 a.m. to 11 p.m.) and 50 dB(A) or 65 dB(C) at night (11 p.m. to 7 a.m.). If it is not reasonable to measure from a point of reception in an outdoor living area, when measured from an indoor living area the limits are 45 dB(A) or 60 dB(C) from 11p.m. to 7 a.m. and 50 dB(A) or 65 dB(C) from 7 a.m. to 11 p.m. Currently for both outdoor and indoor living areas, where the ambient sound level at a point of reception exceeds the prescribed sound levels, the sound level should not exceed the ambient.

Research and Consultation Findings

- Amplified sound is the top category of noise complaints. Between January 1, 2019 – November 30, 2023, MLS received a total of 35,297 noise complaints related to amplified sound, representing 52.5% of all noise complaints received during this time period.
- Public opinion research showed that 70% of respondents agree with using sound level limits (decibels) to enforce the Noise By-law.
- During consultations, there was significant discussion on finding a balance between ensuring reasonable levels of amplified sound for residents, while maintaining the vibrancy of the city and its culture, music, and arts scene.
- Residents that attended public consultations reported an increase in issues with amplified sound since 2019 in residential areas, particularly from concert venues, party boats, restaurants/clubs, and short-term rentals, and considered existing limits too lenient and disturbing.
- Some participating businesses owners said that their experience with amplified sound has improved due to the decibel limits introduced four years ago (which has brought clarity to the limits) and cautioned against a reduction in the limits. This was reiterated in the written feedback submitted to MLS, where over 1,700 e-mails were received (78% of all submissions) that spoke to potential negative impacts on the live music industry and nightlife if more stringent regulations were placed on amplified sound.

- Staff engaged with a group of live music and nightlife operators, supported by the Economic Development and Culture Division, including the Toronto Music Advisory Committee (TMAC). Feedback from these groups reiterated the importance of live music and nightlife to the City’s vibrancy and economy, particularly in the midst of economic challenges and lasting impacts of the COVID-19 pandemic. Specific to amplified sound, this group maintained its support for decibel measurements from the point of reception and to preserve current decibel levels instead of lowering them.

Proposed Changes

Staff are recommending various amendments to clarify rules and strengthen enforcement. First, two technical amendments are proposed, as per advice from acoustical engineers:

- Removing the word “continuous” from the sections on amplified sound. It is not needed as it is captured within existing definition of “Leq” in the By-law.
- Adding language to the section to also capture musical instruments, such as drums, that are not technically amplified but are still capable of producing excessive sounds that should be captured under this section.

Second, in order to ensure a reasonable level of noise for residents while maintaining the City’s entertainment and activity, staff recommend that the sound levels measured from indoor points of reception during the nighttime (11 p.m. to 7 a.m.) be lowered by 3 decibels. This lowers the potential level of amplified sound overnight, while ensuring levels are not reduced in a way that makes it unrealistic to comply. A reduction of 3 decibels will make a noticeable difference to complainants, as it reduces the sound level pressure by 50%.

Currently, if the ambient is at or exceeds the decibel limits noted in the By-law, amplified sound equal to or exceeding the ambient level is prohibited. Staff recommend retaining this provision, which permits enforcement staff to better respond to issues in different areas of the City.

3. Motor Vehicle Noise

Overview and Current Regulations

Vehicle noise is regulated under Ontario's Highway Traffic Act (HTA) and the Noise By-law. The HTA is enforced by police and includes prohibitions on modifying a vehicle’s exhaust or using an improper muffler, any unnecessary motor vehicle noise, vehicle speeds, racing or stunt driving. Toronto’s Noise By-law prohibits unnecessary motor vehicle noise, such as the sounding of a horn or revving of an engine and sound resulting from repairing, rebuilding, modifying, or testing a vehicle (with specific time constraints added in 2019). During the 2019 Noise By-law Review, City Council introduced a 92 dB(A) limit for motorcycles measured from the exhaust at 50cm while the motorcycle is at idle.

Bylaw Enforcement Officers do not have the authority to pull over a vehicle; this authority is, appropriately, granted to police officers under Section 216(1) of the Highway Traffic Act. Bylaw Enforcement Officers therefore have primarily taken enforcement action against noise from stationary vehicles and in recent years have worked with the TPS to address issues of noise with moving vehicles. In particular, the decibel limit for motorcycles has been primarily enforced through collaborative data-driven enforcement initiatives between TPS and MLS, strategically targeting areas with a high volume of complaints. Initiatives have taken place during summer months over recent years, most recently in 2022, and have included various intersections close to the Don Valley Parkway. MLS has also conducted roadside education events to inform motorcycle riders and enthusiasts on acceptable noise levels.

As an outcome of a 2022 staff report ([EC31.4](#)) to respond to factors contributing to motor vehicle noise, MLS informed 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 HTA, and that all licensed establishments must comply with federal, provincial and local regulations as a condition of receiving a business licence from the City.

Research and Consultation Findings

- Between January 1, 2020 – November 30, 2023, MLS received a total of 2,181 noise-complaints related to motor vehicle noise, representing approximately 3.2% of all noise complaints received during this time period.
- As of June 2023, MLS also began capturing complaints about moving motor vehicle noise through 311. These complaints do not result in formal investigations but were intended to be used to guide future policy and enforcement initiatives. 652 complaints were recorded from June 1 to November 30, 2023, with almost half coming from Ward 6 – York Centre.
- Public opinion research showed that traffic noise is an important type of noise that the public would like to see the City restrict and minimize, representing 18% of all responses. The most common issues cited on motor vehicle noise related to sound from modified exhausts of all types of vehicles, speeding cars, blaring music from cars, and emergency sirens.
- Residents expressed some frustration with reporting vehicle noise complaints given the challenges around moving motor vehicle noise. There was general support for more cooperation and involvement from TPS and other levels of government to respond to excessive motor vehicle noise.

Proposed Changes

Staff recommend technical amendments to the “unnecessary motor vehicle noise” prohibition in the By-law to clarify that the scope of municipal By-law Enforcement will be limited to persistent vehicle noise complaints when the vehicle is stationary. This ensures the By-law is clearly distinguished from provisions in the provincial Highway Traffic Act (HTA) that apply to all vehicles whether stationary or moving and aligns with consultation feedback where general support was received for the City to clarify its area of focus in regulating this kind of unnecessary motor vehicle noise.

This report also sets out the introduction of additional decibel limits for motor vehicle noise in the By-law. Staff maintain that the best strategy for a comprehensive response to moving motor vehicle noise would be for decibel limits to be specified and regulated via the HTA. However, in the absence of decibel limits in the HTA, subject to enforcement support from TPS, and in accordance with direction from City Council ([EC31.4](#)), staff have proposed amendments to introduce a decibel limit for stationary motor vehicles in the By-law.

Staff are proposing simple stationary limits to be used for both motor vehicles and motorcycles of 92dB(A) at idle and 96dB(A) if any speed greater than idle, measured 50cm from the exhaust. These limits were determined in consultation with an acoustical engineer and align with industry standards and associated test procedures and environments (as identified in detail in Attachment E). If approved, this would require TPS involvement to be adequately enforced. Staff will monitor the effectiveness of these limits in ensuring compliance, with the goal of targeting excessively noisy vehicles and motorcycles that have modified their emissions systems.

Concerns were expressed by TPS in a Toronto Police Services Board (TPSB) meeting in March 2023³ that the current Noise By-law only addresses the noise created by motorcycles and only allows for testing of motorcycles at idle. With updated decibel limits that respond directly to these concerns, TPS staff have confirmed their support in conducting periodic joint enforcement initiatives with MLS to address excessive vehicle noise and illegally modified vehicles. MLS and TPS will work to develop operational enforcement strategies and plans if the proposals are approved and will endeavour to undertake initiatives in summer 2024. As part of this report, staff are also recommending that a request be made to the Government of Ontario to consider adding decibel limits for motor vehicles to the HTA.

4. Construction Noise

Overview and Current Regulations

The Noise By-law prohibits any person from causing sound resulting from the operation of construction equipment or any construction that is clearly audible from a point of reception from 7pm - 7am on weekdays, and 7pm - 9am on Saturdays. Construction noise is prohibited all day on Sundays and statutory holidays. Any construction work that may need to be completed outside of the permitted times can apply for a noise exemption permit.

Research and Consultation Findings

- In public opinion research, 24% of those surveyed cited construction noise, such as renovation, drilling, excavation, construction equipment, and engines as one of the top types of noise the City should restrict and minimize.

³ <https://tpsb.ca/jdownloads-categories?task=download.send&id=775&catid=32&m=0>

- Construction noise is the second top category of noise service requests between January 2019-November 2023, representing approximately 21.5% of all noise complaints during this time period.
- In 2022, MLS received the highest number of construction noise complaints between 8:00 am – 8:59 am, representing 8% of all construction noise complaints.
- Residents noted the importance of finding a balance of building more housing and transit in the city with the negative effects of noise on their mental physical health and quality of life.

Representatives from the construction industry did not voice significant concerns related to the changes made in 2019 but noted that any additional restrictions on construction noise would have negative impacts on the industry. At a stakeholder meeting in October 2023, including representatives from industry associations RESCON and BILD, there was general support to maintain the current time prohibition as-is. The City was also asked to consider providing more flexibility to the industry, such as removing the current exemption permit requirement for continuous and large crane work and allowing earlier start times for the delivery of construction materials.

Proposed Changes

Staff are recommending a technical amendment to the construction provision by removing the requirement that construction noise be clearly audible from a point of reception. As the current provision includes a time prohibition, the point of reception language is not needed and has resulted in some challenges for enforcement as By-law Enforcement Officers required access to a complainant’s location to determine non-compliance with the time prohibition.

No other changes to the construction noise requirements are proposed in order to balance residents’ needs with broader City goals for the rapid development of housing and infrastructure. Additional time restrictions may have negative impacts on the construction industry’s ability to work. In particular, staff do not have sufficient rationale to recommend extending hours for construction on Saturdays or Sundays, given feedback from residents about the negative impacts of construction noise on their health and quality of life, and support for maintaining Sundays and statutory holidays as zero construction noise days. Operators will continue to be able to apply for an exemption permit if needed (e.g., to extend hours of operation beyond what is stated in the By-law).

5. Waste Collection Noise

Overview and Current Regulations

The Noise By-law prohibits any individual from making sound resulting from loading/unloading of containers or materials from 11 pm to 7 am the next day, except 11pm to 9 am on Saturdays, Sundays, and statutory holidays. These restrictions do not currently apply to waste collection activity, as Council adopted a motion in July 2022 as [\(2022.EC31.4\)](#) to exempt all waste collection from the Noise By-law.

No public and stakeholder consultation had been conducted on waste collection noise as part of the 2022 report; and prior to it, waste collection noise was subject to the time prohibitions listed above. Without a definition of waste collection introduced alongside the exemption, there have been interpretation and enforcement challenges. As part of this review, staff conducted public consultation on waste collection noise to assess whether to maintain or remove the exemption and consulted with the City's Solid Waste Management Services Division.

Research and Consultation Findings

- In public opinion research, 67% of those surveyed felt that it is acceptable to allow waste collection noise at all hours, with 24% indicating it is completely acceptable.
- In public consultations and through written feedback, some participants expressed desire for the City to eliminate the exemption, citing the negative impacts of overnight waste collection noise, such as sleep disturbance and concerns that the exemption was introduced in 2022 without public consultation.
- Some residents noted that removing the exemption could potentially increase waste collection costs and safety concerns if companies were required to operate when roads were busy as opposed to overnight.
- MLS received written feedback from organizations currently using private waste collection services supporting the exemption for private waste collection, citing the importance of greater flexibility for overnight waste collection services.
- MLS engaged with private waste collection operators through the Ontario Waste Management Association (OWMA)/Waste To Resource Ontario (W2RO). Operators supported maintaining the exemption to allow waste collection services to be conducted outside of the loading and unloading noise hours in the By-law to ensure safety, control for public health and odour, and minimize sidewalk and street obstruction.

Proposed Changes

MLS staff recommend that the exemption for waste collection noise be maintained, and for a definition of "waste collection" be introduced in the By-law to provide clarity to operators and the public. Maintaining the exemption ensures that critical municipal and private services can operate as needed and in a way that minimizes potential health and safety impacts.

To balance residents' needs with the needs of the waste collection sector, staff propose working with 311 to develop a clear pathway to track complaints related to waste collection noise, and establishing dedicated mechanisms to communicate with the waste collection industry when issues arise in consultation with Solid Waste Management Services. Developing this process will enable the City to better monitor where and how often overnight waste collection noise occurs and help address noise-related issues as required. Staff also recommend monitoring noise issues from waste collection operations and reporting back as necessary should issues need to be addressed.

6. Power Devices

Overview and Current Regulations

In 2019, the Noise By-law was amended to include a separate section for power devices. The By-law defines power devices as any equipment driven otherwise than by muscular power used in the servicing, maintenance, or repair of lawns, including chain saws, lawn mowers, leaf blowers, grass trimmers or any other similar equipment. A power device does not include equipment used to remove snow or ice. The By-law prohibits any person from emitting or causing sound from a power device from 7 p.m. until 8 a.m. the next day, except until 9 a.m. on Saturdays, Sundays, and statutory holidays. The start time was changed to 8 a.m. from 7 a.m. in September 2022 ([2022.EC31.4](#)). Power devices used to maintain a golf course or public park or to carry out City-run and contracted services are exempt.

Research and Consultation Findings

- Between January 1 and November 30, 2023, MLS received 1,306 noise complaints related to power devices, representing approximately 1.94% of all noise complaints received by MLS during this time period.
- During public consultations, some residents provided feedback about the negative impacts of noise from power devices, such as two-stroke small engine equipment on their physical/mental health and quality of life.
- In August 2023, a dedicated email account was made available on a temporary basis to track power device noise complaints during permitted hours. From August 2023 to November 2023, 83 complaints were sent (49 of which were from the same complainant).

Proposed Definition Change

Staff propose that the definition of power devices be broadened to include other equipment beyond those used in lawn maintenance, including pressure washers and similar repair equipment. Broadening the definition of power devices to include other equipment aligns with the advice of the acoustic engineer consultant, provides clarity on the scope of the power device provision, and support operations. Power devices used to maintain a golf course or public park, or to carry out City-run and City-contracted services are recommended to continue to be exempt from the provisions of this By-law.

Setting a Decibel Limit for Power Devices

As part of a 2022 staff report ([2022.EC31.4](#)), City Council directed MLS to report back on an assessment of setting decibel limits for power devices. Staff assessed the feasibility and practicality of implementing sound level limits for small engine equipment in consultation with the acoustical engineer.

Should a decibel limit be enacted, it would require a phased approach with advanced notice given to manufacturers, suppliers, and contractors to develop equipment that would meet specified decibel limits. A sound-level limit for small engine equipment could be enforced by outlining and updating a list of models that do not exceed the specified

limit, requiring that manufacturers note that a model does not exceed the specified limit, or by requiring a quantitative measurement with a sound level meter at a point of reception. These options are administratively burdensome and challenging to enforce.

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 for small-engine equipment would be challenging given that different devices exceed different noise thresholds. Sound emitted from devices is also 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.

City Council has also directed staff to initiate the work for Council to enact a by-law imposing a ban on two-stroke engine equipment, if adequate resources are funded in the 2024 budget ([2023.IE5.1](#)). Layering on decibel limits would be redundant if such a ban were enacted. Staff will continue an education campaign in 2024 regarding leaf blower use to encourage people to adopt best practices to reduce noise from power devices and to use battery-powered or low-noise equipment or alternatives to leaf blowers. This campaign has been ongoing since 2022 in consultation with the Environment and Climate Division.

7. Stationary Sources and Residential Air Conditioners

Overview and Current Regulations

Under the provincial Environmental Protection Act, 1990 (EPA), many businesses that carry out activities that have the potential to adversely impact the public or natural environment must obtain an Environmental Compliance Approval (ECA) before they can construct, operate, or upgrade a facility or site in Ontario. An ECA is a permission that allows businesses to operate a facility or site with appropriate environmental controls. If an ECA is not required, some businesses must self-register their activities on the province's Environmental Activity and Sector Registry (EASR). Stationary sources that must have an ECA, or self-register on the EASR, are subject to enforcement by the province.

One kind of adverse impact the EPA is concerned with is sound, and as such, the province has developed environmental noise control guidelines on the proper controls for noise emissions into the environment. The province's noise pollution control guidelines (NPC-300) speak, among other things, to sound level limits applied by the province to stationary sources such as industrial and commercial establishments going through the ECA process, EASR self-registry or other enforcement action taken by the province. Included in the NPC-300 are sound level limits for stationary sources falling under the purview of the EPA.

Recognizing the EPA regime, the City in 2019 adopted regulations on noise from stationary sources of noise excluding those in compliance with a provincial ECA.

Under the City's current by-law, individuals are prohibited from making sound from a stationary source or residential air conditioner, that when measured with a sound level

meter at a point of reception, has a sound level exceeding 50 dB(A) or applicable sound level limit prescribed in the provincial noise pollution control guidelines.

Research and Consultation Findings

- Between January 1, 2020, and November 30, 2023, MLS received a total of 4,343 complaints related to stationary sources, representing approximately 6.5% of all noise complaints received during this time period.
- During consultations, residents noted stationary sources, such as noise from air conditioning units were an area for concern. Participants also expressed confusion about how provincial noise guidelines apply to these sources.
- MLS did not propose specific refinements to this section of the By-law during public consultations but received a significant amount of feedback to clarify the rules in the By-law.

Proposed Changes

Several amendments are proposed to this section, including differentiating decibel limits for daytime and nighttime as well as outdoor and indoor points of reception. In addition, amendments are proposed to ensure the By-law aligns as much as possible with the province's regime. This includes separating out different rules for stationary sources and residential air conditioners, as provincial noise control guidelines do not include residential air conditioners as a stationary source (they are something that the province determined municipalities should deal with in a municipal noise bylaw).

Currently, the section only sets out a 50dB(A) limit from a point of reception in an outdoor living area, and staff recommend different decibel limits be set out for daytime (50 dB(A)) and nighttime (45 dB(A)) to align more closely with the provincial noise guidelines, with the provincial guideline to be used if one applies. In addition, staff recommend specifying indoor limits to support enforcement of potential noise disturbances due to a stationary source or residential air conditioner that is within the City's authority to regulate. The proposed limits align with provincial noise guidelines and are 45 dB(A) for daytime and 40 dB(A) for nighttime.

Currently the By-law only exempts activities with a provincial Environmental Compliance Approval (ECA) and not an activity on the Environmental Activity and Sector Registry (EASR). To ensure alignment with the EPA and per advice from the acoustical engineer, staff recommend a small technical amendment to clarify that stationary sources regulated under the By-law would not apply to activities on the EASR. To respond to confusion about stationary source noise regulations, particularly when provincial noise guidelines apply and the nature of provincial enforcement, staff recommend requesting that the Government of Ontario clarify rules surrounding stationary sources and residential air conditioners and provide easy-to-understand public communications on the regime.

8. Unreasonable and Persistent Noise

Overview and Current Regulations

In 2019, Council removed a general prohibition on any noise that is “likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City” and replaced it with a provision that prohibits any person from making, causing, or permitting noise at any time that is “unreasonable and persistent noise” to improve clarity and reduce potential confusion and misinterpretation of the By-law. This provision only applies when noise is not captured by one of the specific prohibitions (e.g., amplified sound or construction noise). Both “unreasonable noise” and “persistent noise” are defined in the By-law to provide clarity to enforcement staff and the public.

Research and Consultation Findings

- Between January 1, 2020, and November 30, 2023, there were a total of 8,229 noise complaints regarding unreasonable and persistent noise, representing 12.2% of all noise complaints during this time period.
- Residents expressed how vibration from noise can be heard and felt and have negatively impacted their physical/mental health.

Proposed Changes

Staff propose changing the definitions of “unreasonable noise” and “persistent noise” to capture sound-induced vibration from noise, in response to stakeholder feedback that excessive and/or persistent vibration from sound is resulting in negative health impacts, such as stress or anxiety. The acoustical engineer advised on a definition of “sound-induced vibration” that is proposed to be added to the By-law. In addition, staff are recommending a technical amendment to subsection C of the unreasonable and persistent noise section in the By-law to clarify that the Executive Director can require a person to obtain and comply with an exemption permit if something is both identified under a specific prohibition and is unreasonable and persistent noise. This will ensure staff can place conditions on more dynamic events or activities.

To manage and prioritize any complaints where this prohibition applies, MLS will continue to assess complaints using the priority response model.

9. Noise Exemption Permits

Overview and Current Regulations

The Noise By-law allows individuals to apply for a permit that exempts them from an existing noise prohibition or noise limitation on a temporary basis. In 2023 (up to the end of November), MLS issued 1,216 exemption permits, representing a 40% increase from the 868 permits issued in 2022. The current process sets out general permit application requirements and permit conditions, including an 85db(A) decibel limit (measured 20 metres from the source) regardless of the event or activity. Permits are subject to review by the local Councillor, with a 14-day review period. Where a permit is refused, the applicant is notified and may appeal the decision within 21 days to the local Community Council. Five exemption permit refusal appeals have been issued from January 2019 to November 2023.

The exemption permit process was in place prior to the 2019 By-law Review, with modifications made in 2019 to allow permits for one or more events or activities, as well as to enable MLS to require a noise mitigation plan and/or sound level monitoring by City staff (with associated per hour fees), and to provide MLS with the authority to revoke a permit with or without notice if there is non-compliance with the permit's terms. Currently, exemption permits are administered manually by staff through e-mail.

In 2019, a blanket exemption for continuous concrete pouring or large crane work was removed and replaced with a streamlined exemption permit application process. This allowed for flexibility for construction activity and limited potential project delays, while balancing resident concerns about excessive noise. These specific permits do not require Councillor approval.

Research and Consultation Findings

- During the 2023 consultations, MLS proposed some potential refinements to exemption permit conditions and suggested an activity-based exemption permit process to prioritize high-impact events.
- Public opinion research found that 63% of participants agree that exemption permits should be divided into categories based on high and low-impact events.
- Through written feedback, a few residents suggested that permit details be made available to the public and event operators urged staff to consider removing Councillor's authority to review permits.
- Feedback from live music and nightlife operators focused on the 85dB(A) condition applied to all permits; noting that measuring from the source is unreasonable and makes it difficult to structure events, particularly for outdoor event organizers. Operators suggested it should be measured from the nearest point of reception or property line of the event or activity.

Proposed Changes

Staff are recommending various amendments to the noise exemption permit process to clarify rules and strengthen enforcement, including amending the requirements for permit applications.

Staff are proposing amendments to general exemption permit conditions to clarify guidelines for compliance as well as support the efficient administration of exemption permits, including the following:

- Changing the decibel conditions and incorporating C-weighted measurements to reflect reasonable limits for compliance, as measuring amplified sound so close to the source is an inefficient strategy to appropriately capture potential disturbances to the public and/or nearby residents. Staff propose two separate limits:
 - For an amplified sound activity, 85 dB(A) or 105dB(C) measured from the lot line of the property where the event or activity is occurring; or
 - For any other activity, 85 dB(A) or 105dB(C) measured 20 metres from the source.

- Specifying that permit applications should be submitted 28 calendar days prior to the start of the event or activity.
- Clarifying that the Councillor has 14 calendar days to respond to notification of permit applications.
- Specifying that an exemption permit may only be issued if the applicant does not have any outstanding fines or fees with respect to the By-law.
- Exempting not-for-profit organizations from the general permit application fee.
- Allowing online notice of the exemption permit, if MLS is satisfied it is appropriate and the applicant is unable to post a notice of the exemption permit at the physical location (e.g., for a temporary event).
- If requested by MLS, requiring a copy of the exemption permit be posted visibly for the duration of the event or activity.

Staff also recommend introducing an activity-based exemption permit process to reflect differing levels of potential impact. Upon application intake, specific criteria would be assessed to determine whether an event or activity is higher impact and should meet additional requirements compared to the standard permit. Proposed screening criteria are described in Attachment G, and include number of attendees, type of equipment, duration, and location (e.g., proximity to residential areas). Recommendations include giving MLS staff delegated authority to set specific screening criteria and to amend them as necessary. Where an event is screened as level 2 or level 3, the exemption process would provide staff with the ability to add specific conditions to an exemption permit to address negative impacts (in addition to standard permit conditions), such as:

- Distribution of a notice of the exemption permit to those within a 120-metre radius of the activity at least 7 days prior to the start of the event or activity;
- Specific orientation of noise equipment for the duration of the event or activity, as determined by the Executive Director; and/or
- Installation of sound dampeners or deadeners, or any other noise protection equipment for the duration of the event or activity.

Administration of Exemption Permits

MLS has re-allocated existing resources from other business lines to support the administration of permits, given the exponential increase in exemption permit applications and the absence of a modernized online technology portal to administer permits. In response to this, staff are requesting an additional FTE within the dedicated noise enforcement team to lead the administration of permits as well as other operational support for the team. The cost of this new role will be fully offset by projected revenues from fee updates, which are proposed to be increased.

Staff in Technology Services, with support from MLS, will begin development in 2024 on a new online noise exemption permit application platform to support processing noise exemption permit applications, which should be operational as of Q1 2025. An online permit process will result in permits being issued more efficiently, making it easier for applicants to provide and upload required information, pay associated fees, and interact with staff on permit conditions. Funding for these technology upgrades will be supported in part by projected fee revenue increases, with additional core costs allocated from within MLS' approved budget. During implementation, staff will also explore options to

increase transparency of the exemption permits process and make information on approved permits available on the City of Toronto website, including the City's Open Data Portal.

10. Changes to Exemption Permit and Noise Monitoring Fees

Staff have found that the current exemption permit application, appeal, and monitoring fees are not cost recovery nor reflective of the cost to process permits and enforce non-compliance. In addition, the current permit and appeal fees have not been adjusted annually based on the rate of inflation. As such, staff recommend amending existing fees and introducing new exemption permit and noise monitoring fees to reflect proposed changes and to ensure alignment with the City's User Fee Policy.

Staff are proposing the following changes, with all new or amended fees adjusted annually for inflation:

- Amend the non-refundable exemption permit application fee (currently \$100) required for each application to be a range of \$110, \$340 or \$570 depending on the relative impact of the permit and the staff resources required to review and process each application and its specific conditions.
- Introduce a specific permit application fee for continuous concrete pouring or large crane work (\$458) to capture the specific nature of their approvals.
- Introduce a new \$85 fee for an exemption permit application that is not submitted 28 days prior to the start of the event or activity.
- Increase the appeal application fee from \$200 to \$405 to fully recover actual costs for staff to administer an appeal, including preparing a notice letter and refusal report and attending Community Council meetings on occasion.
- Amend the noise monitoring fee for Bylaw Enforcement Officers from \$60 to \$79 (per hour per staff). The current fee does not reflect current salaries and the cost of monitoring equipment.
- Introduce a new \$93 monitoring fee for Bylaw Enforcement Officers (per hour per staff) for noise monitoring that requires staff overtime or is conducted on a statutory holiday.
- Introduce associated monitoring fees for Noise Supervisors to accurately capture staff time needed to monitor particular events (\$87 per hour per staff, and \$103 for overtime or statutory holiday coverage).

Additional Actions and Responses to Outstanding Directives

Automated noise radar

In 2022, to respond to a request from City Council to assess the feasibility of automated noise radar equipment, MLS undertook research on the equipment, including consultations with jurisdictions that are conducting pilots (see [2022.EC31.4](#), including [Attachment B](#)). Through this research, it was determined that the equipment is not reliable enough to be used as evidence in enforcing the By-law and would need to be enabled via amendments to the Highway Traffic Act.

As directed by City Council in 2022 ([2022.EC31.4](#)), City staff requested the Ontario Ministry of Transportation make necessary regulatory changes to enable the City of Toronto to initiate a noise activated camera/mobile automated noise enforcement pilot project. The province has indicated that no plans have been made to explore this.

Staff have also continued to monitor the evolution of the equipment. MLS maintains its position that automated noise enforcement equipment is not at sufficient technological readiness to be introduced at this time. Taking into consideration additional updates since the previous noise report in 2022 ([2022.EC31.4](#)), the technology is still unable to automatically identify vehicles and still requires manual review by officers, as is the case in New York City. The equipment is currently priced at an approximate \$46,000 per system. Updated research is available in Attachment H.

While the technology is currently not at sufficient readiness to be deployed in the City, staff recommend reiterating the 2022 request to the Government of Ontario to consider regulatory changes to the Highway Traffic Act to provide the City with the authority to use the equipment once the technology becomes more reliable. MLS will continue to monitor the technology as it develops and make associated recommendations as appropriate, including an assessment of the financial impact for the capital and operating costs that would be associated.

Noise from City sources/vehicles

In 2022, City Council directed staff to report on noise from City vehicles and fleets, including waste collection services ([2022.EC31.4](#)). Currently, MLS takes steps to obtain compliance if City staff are in violation of the Noise By-law. MLS can and does issue notices to City divisions where there are long standing issues, but the general approach is to resolve these issues internally with the respective division. There is no formal referral process for these instances or to register complaints. Specific to waste collection vehicles used by the City, Fleet Services has engaged original equipment manufacturers and internal maintenance and operational staff to reduce noise levels as much as possible. These vehicles are typically compliant when delivered but there are other factors that contribute to the excessive noise levels, including the actions of emptying or compacting materials.

Noise service requests and 311

Starting with the by-law changes implemented in 2019, staff have continually worked to improve the intake and processing of service requests related to noise. During consultations, many participants expressed concerns about the City's noise data and the process of submitting a complaint via 311. Participants expressed concerns that the 311 process is tedious, noting experiences of being connected to multiple City departments for follow-up and a general concern that noise complaints are only being collected if the City can enforce the issue. Currently, residents cannot register a service request about an activity that is permitted under a given by-law, as MLS is unable to investigate or take enforcement action on an activity that is permitted (e.g., currently a complaint can only be registered for loading or unloading noise if it is within the prohibited time period).

Recently, MLS has taken action to respond to these concerns. As identified in the motor vehicle noise section above, as of June 2023, 311 is collecting complaints related to moving motor vehicle noise. These complaints do not result in formal investigations, but data is intended to be used to guide future policy and enforcement initiatives. In addition, in August 2023, recognizing Council's direction to work toward a ban on two-stroke engine equipment and based on stakeholder input, a dedicated email account was made available on a temporary basis to track power device noise complaints outside of permitted hours, to be used to identify patterns and trends in complaints.

As part of the implementation of this report, MLS will work with 311 to make appropriate changes to noise service request types and will work to include pathways within the 311-intake process and system to submit noise complaints for activities during permitted hours or those that do not exceed a provision in the By-law (and thus are not actively enforced by bylaw enforcement officers). This work will be added to other priority changes required to the 311 system.

By-law Compliance and Enforcement

According to public opinion research, residents expect rapid response times to noise complaints, with almost half (47%) believing that a bylaw enforcement officer should respond to a noise complaint in one day (18%) or less (29%). A further 20% believe 1-3 days is acceptable and 17% indicate that they do not care, as long as the problem gets resolved. Only 35% of respondents believe that the City has sufficient resources to enforce the Noise By-law.

Noise service requests constitute 14% of the total service requests received for all By-laws MLS enforces. For context, only property standards and wildlife receive more service requests than noise. As identified earlier in the report, MLS uses a priority response model to prioritize the high volume of requests. If there is a complaint or information about a possible bylaw violation, officers investigate, educate, refer to mediation and/or take enforcement actions. Each issue is addressed on case-by-case basis to make sure reasonable, fair, and appropriate actions are taken. The Noise Team has focused on proactive measures, such as placing conditions (like noise mitigation plans) on noise exemption permit holders and utilizing targeted noise enforcement initiatives in areas that have a higher volume of noise complaints. By-law Enforcement Officers do not have the authority to immediately stop a noise event or order a business to shut down due to noise but may request that the volume of a specific activity be reduced and may take enforcement action if it is not.

The enforcement tools used by the officers include education, voluntary compliance, Orders to Comply and charges, when appropriate. There are currently 13 set fines ranging from \$500-\$700 for the Noise By-law, which were last reviewed in 2019. Any person who contravenes any provision of the By-law or fails to comply with an exemption permit order issued under the By-law is guilty of an offence and upon conviction is liable to a fine of up to \$100,000. As the City cannot independently establish a set fine schedule, staff may apply to the province to request higher amounts for set fines.

Public Education Campaign and Communications

Throughout the implementation review, stakeholders identified opportunities to increase awareness and understanding of the City's Noise By-law. Public opinion research showed that residents appear to have limited understanding of the City's noise rules, as well as specific provisions of the Noise By-law. When residents were surveyed about how familiar they were with noise rules, only 39% agreed that they are familiar with the rules, with only 8% strongly agreeing.

As part of implementation, staff are proposing public education initiatives to support awareness and compliance of By-law regulations and best practices to mitigate noise (such as updates to the City's webpages with information on the noise regulations). To increase clarity of the noise complaint reporting process, City staff will also develop a publicly available, step-by-step process on how residents and organizations can report noise complaints through 311 Toronto, how complaints are triaged to MLS, and how noise rules are enforced. This will build on efforts that have been taken by the City's corporate communications teams, who worked with 311 and TPS to launch a "Make the Right Call" social media campaign in 2023 that aims at creating greater awareness with the public on when to call respective emergency and non-emergency numbers.

To complement the proposed refinements to the Noise By-law, City staff will develop a "best practice" fact sheet and voluntary guidelines on how residents and organizations can help mitigate the level of noise in the City, to be included on the City's webpages and for distribution by enforcement staff.

Implementation and Next Steps

If the proposed changes to Chapter 591, Noise and Chapter 441, Fees and Charges, are adopted, staff recommend a phased approach to implementation.

Amendments to some fees (noise monitoring and noise exemption permit appeal fees) as well as Bylaw amendments for specific prohibitions, including amplified sound and motor vehicle noise, are recommended to come into effect June 1, 2024, in order to ensure the costs of noise monitoring and exemption permit refusal appeals are fully covered, and in the case of motor vehicle noise, to enable timely joint initiatives between MLS and TPS staff. This phase of implementation would include updating 311 noise service request intake processes to reflect the new bylaw regulations, training By-law Enforcement Officers, and updating internal standard operating procedures and public communications.

The remaining proposed amendments, including those for exemption permits, are recommended to come into effect as of September 1, 2024. The September 1, 2024, date would provide time to carry out a detailed implementation plan, which will include components related to back-end system changes, necessary updates to administrative processes, public education and communications, and additional training of By-law Enforcement Officers. MLS will also launch public education efforts close to the in-effect dates through both 311 and the City's websites, in order to enhance public awareness and knowledge of the refinements to the Noise By-law.

MLS may request additional staff resources for consideration in the Division's submission for the 2025 Operating Budget. These resources would support any additional enforcement capacity that may be needed to support the refinements proposed in this report. Staff will also continue to work with Technology Services in the development of a new online exemption permit platform, to be operational in Q1 2025.

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SIGNATURE



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ATTACHMENTS

- Attachment A: Additional Background
- Attachment B: Summary of Public Opinion Research
- Attachment C: Summary of Public Consultation Feedback
- Attachment D: Summary of Email Feedback
- Attachment E: Summary of Third-Party Technical Advice
- Attachment F: Additional Data
- Attachment G: Exemption Permit Screening Criteria
- Attachment H: Updated Research on Automated Noise Radar