



City Councillor
Dianne Saxe
Ward 11, University-Rosedale

Wednesday, January 10, 2024

Re EC 9.5 – implementation review of the noise by law

Dear Economic Development Committee,

As Council's environmental champion, and as a former noise enforcement prosecutor, I am writing to express my concern about several omissions from the proposed Noise Bylaw amendments.

I do want to start by thanking staff for their hard work on this review, and on seeking to balance the conflicting needs and interests of Toronto's large, growing and diverse population. Their proposed changes and additions to the bylaw are a good start.

Unfortunately, I don't believe that these changes go far enough in several difficult respects that adversely affect human health and the quality of life in our city. In particular, I believe that they do too little to:

1. protect residents' from health-damaging sleep interruptions, and
2. permit effective enforcement of bylaw limits.

Four key examples of this inadequate ambition are:

1. Vehicles racing their engines
2. Amplified sound, including noisy parties
3. Garbage trucks at night
4. Ineffectiveness in the face of known breaches.

Vehicles racing their engines

Vehicles racing their engines at night are a chronic problem in areas of my ward, such as Avenue Road. I am glad to see that the vehicular noise prohibition will now be extended to vehicles of all sizes, not merely motorcycles. However, the prohibition alone will not be of any value unless it is accompanied by enforcement. Since bylaw officers are not permitted to stop a

moving vehicle, only the overburdened Toronto police can stop racing vehicles and issue charges.

Noise radar may not be advanced enough to be used directly in a prosecution, but it would be valuable in equitably documenting patterns of intrusive and disruptive noise which in turn could equitably focus limited police enforcement resources. I also propose that there should be a formal noise enforcement liaison committee between MLS and the Toronto police, and that they should report to council annually on their effectiveness and opportunities for improvement.

Amplified sound, including noisy parties

Amplified sound, e.g. from noisy parties, is another highly disruptive, chronic problem that my constituents and I have reported many times without effective response. In Christie Pits, for example, parties with loud amplified sound go late into the night over and over every summer, to the misery of the surrounding residents. On the comparatively few occasions that by law officers attend, they merely request that the volume be turned down, even when no permit has been issued to have amplified sound, or the permit time has expired. Unless police attend, they claim to be unable to do anything further.

It appears that nothing in the proposed by law changes will make any difference to this chronic problem.

As for vehicle racing, I propose that noise radar should be deployed to equitably collect accurate, information about the chronic pattern of excess noise in such areas, to focus limited police enforcement resources. I also propose that there should be a formal noise enforcement liaison committee between MLS and the Toronto police, and that they should report to council annually on their effectiveness and opportunities for improvement.

Garbage trucks at night

I accept the safety and congestion benefits of having public and private garbage trucks minimize their use of our very congested roads during peak hours. However, this innovation was brought in in 2022 without public consultation, and has adversely affected many constituents. If we are going to continue to permit garbage trucks to operate at night, we should learn from this painful experience and require them to take all practicable measures to minimize noise. The proposed complaint-based system of requesting that companies voluntarily reduce noise is extremely unlikely to be effective.

Instead, I propose that a permit should be required to operate a garbage truck on Toronto roads at night. The permit should only be available to organizations who are using the quietest reasonably available trucks and other equipment, who have trained their operators in quiet operation, and who have adopted a management system to identify and rapidly resolve noise problems. The permit should be revocable, or subject to geographic limitations, if the organization is the subject of repeated noise complaints. This will allow garbage collectors to

economically carry on their business while there is ample space on our roads, without sacrificing the health and comfort of nearby residents.

Ineffective response to known breaches

For many types of noise complaints, the city does not effectively enforce existing bylaw limits. This lack of effective enforcement makes a mockery of the by law and abandons those adversely affected.

Too few charges are laid, only about 400 in response to 18,000 complaints. When charges are laid, the resulting fines are typically too low to change offenders' behaviour. I propose that noise bylaw breaches should be made enforceable through the city's growing Administrative Monetary Penalty system, Part Two under the Provincial Offences Act.

I also propose that enforcement officers should have explicit authority to require those using amplified sound in public to produce identification and their permit. If not, no enforcement takes place and the noise goes unabated, to the considerable discomfort of others in the area.

A handwritten signature in black ink, reading "D Saxe". The signature is fluid and cursive, with the first letter of "D" and "S" being large and stylized.

Councillor Dianne Saxe
Ward 11, University–Rosedale