



January 10, 2024

Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

Re EC9.5 Implementation Review of the Noise By-Law V2

Dear Alejandro Bravo, Chair, and Members of the Economic and Community Development Committee

The Toronto Noise Coalition (TNC) was formed in 2016 as recommended by Councillor Wong Tam to provide a way for residents to provide input to City staff work on the development of a new Noise Bylaw. Representatives of the TNC met regularly over a number of months with City staff and representatives of relevant “noise making” businesses to discuss the issues and proposals for new Noise By-law regulations and other actions required to address noise issues. The MLS report was adopted by City Council in 2019 and the new Bylaw came into effect later in that year.

In our 2019 submission, the TNC raised a number of issues that we felt were not adequately addressed at that time. EC9.5 addresses some of these issues but further improvements are required.

The City has been growing and the density in many areas of the City has been substantially increased, bringing increased noise issues. According to public opinion research conducted on behalf of the City in 2023, almost half of residents now believe that more needs to be done to restrict noise levels. We must address the negative impacts of excessive noise that impacts our health, quality of life and well-being.

Managing and regulating noise is a complex undertaking. Key issues raised in the series of consultations held in the fall to be addressed in the Noise Bylaw Review included that:

- The increase in noise and vibration is impacting physical and mental health.
- The 311 processes to report noise complaints and to receive appropriate responses are frustrating.
- There is a need for stronger and more effective enforcement.
- Many residents want to see the City proactively manage noise and vibrations.
- More transparency is required regarding the different aspects of, and processes followed by the City in implementing and enforcing the Noise By-law, including what, when, and how data are reported.

- The language in the Noise By-law needs to be clearer and simpler to understand.
- There is a need for more public education on the By-law and its rules.

The Implementation Review Report attempts to maintain the balance of multiple competing interests of people living, working, and visiting in the City.

The TNC supports many of the proposed changes in the report but also makes a number of recommendations for changes to the recommendations to specific recommendations and for additional work to be done. We also recommend that a consultation process be established perhaps similar to that 2019 where MLS met with residents and noise makers on outstanding issues. Or perhaps an ongoing Noise Advisory Council, recognizing that issues will change and emerge as City grows, new technology becomes available, and new powers are granted to the City by the Province.

Here are the TNC comments and recommendations regarding the bylaw provisions, enforcement and public education for specific topics.

1. Amplified Sound

Concerns were raised in the consultations that issues re amplified sound have increased since 2019 and that densification of the City is outpacing regulations. As well there were concerns about ineffective enforcement. Amplified sound is the top category of noise complaints. These complaints related to concert venues, party boats, restaurants/clubs, and short term rentals. Measuring noise at Point of Reception (ie generally a residence) is problematic. Inspectors visits to homes are intrusive and up to 5 days after a complaint is made.. There are no noise measurements taken at the time of the complaint. The complainant may be required to attend at court, and court appearance may be needed. One past example is that of the Toronto Islanders who had to prepare their own logs to record noise levels from a nearby entertainment facility and then go to court to support their case. However, the point of reception measurement may be needed in some cases so must remain as a backup.

Clarification is required regarding the interaction of regulations for the new Night Economy uses and those of the Noise Bylaw.

TNC Recommendations

Support

1. recommendation 11. to include sound induced vibration.
2. recommendation 2. to add the definition of instrument sound.
3. recommendation 4. including vibration in the definition of sound as vibration in noise impacts.

Add new or amend recommendations

1. amend the noise limits in recommendation 16. amplified sound to be more than 3 sound levels (expressed in terms of Leq for a 10 minute period) exceeding 42 dB(A) or 57 dB(C) at night and 50 dB(A) and 65 dB(C) at night.
2. add a recommendation that MLS improve processes regarding measuring sound at Point of Reception, such as in a person's home, must be retained as a fall-back option, sound must be measured where possible at property line of the source not at

point of reception. The noise maker must be responsible for their noise impacts on the public.

3. add a new recommendation to require a further report as to how to coordinate the enforcement of the Night Economy Level 2 Noise control plans with the Noise Bylaw provisions. The Noise Bylaw report has no reference to this new noise control provision that is tied to licensing. Noise control plans can help with compliance. Level 2 plans require an engineer to certify noise levels and no compliance can result in the loss of a licence to operate.
4. add a new recommendation for a further report to appropriate ways to regulate noise levels on party boats to reduce current major impacts on the many residents nearby.
5. add a new recommendation that, given recent improvements to noise camera technology (as used by New York City), the City undertake a pilot project to explore the use of noise cameras on streets as an effective way to measure excessive noise from amplified sound outside entertainment facilities.
6. amend recommendation 34. which divides requirements to measure sound levels close to the source into two separate categories – for amplified sound 85dB(A) or 105dB(C) for vibration measured at the property line where the activity is taking place, to reduce the 85 dB(A) limit to 75dB(A) or better 70dB(A) and related dB(C) levels.

2. Motor Vehicle Noise

Complaints about motor vehicle noise have increased considerably – the excessive noise levels especially at night by souped up motorcycles and cars, frustrations with calls to 311, lack of enforcement, and the impacts of illegally modified exhausts. Further issues include blaring music from cars, emergency vehicle sirens, noise from large trucks, including waste collection trucks, private and public delivery trucks, and construction vehicles.

Suggestions were made in the consultations such as to create a media campaign to highlight negative impacts of motor vehicle noise on mental and physical well-being, what efforts can be made to decrease noise, and inform the public of standard noise measurement decibels and enforcement processes.

Enforcement was found to be insufficient. Noise radar can be extremely helpfully in identifying excessive noise levels in moving vehicles and should be introduced as soon as possible. New York City is now beginning to use noise radar equipment. But the City requires Provincial approval to regulate moving vehicles. One suggestion made in the consultations was that the City monitor and identify shops/mechanics that are modifying vehicle exhausts.

The main proposed bylaw changes are to clarify that the City is responsible only for stationary vehicles and to clarify what the permitted noise levels should be. The Province is responsible for moving traffic.

TNC Recommendations

Support

1. recommendation 18 which prohibits excessive noise from a stationary vehicle.
2. Transition recommendation 43.9 to increase fines for modified exhausts.
3. recommendation 10. to request the Province to add decibel limits in the Highways Act and update its environmental noise guidelines re stationary vehicles.

4. recommendation 9. that requests that Province to increase fines for modified exhaust and excessive vehicular noise make regulatory changes to enable the City to initiate a noise activated camera noise enforcement pilot project.

Add a new or amend recommendations

1. that MLS investigate businesses that make illegal modifications to vehicle exhausts.
2. amend a reduction in permitted noise in Recommendation 19 to reduce the permitted noise level measured at least 50 cm from the exhaust outlet at idle from 92 dB(A) to 85 and from 96 dB(A) or 93 moving. This will provide for the much needed substantial reduction in noise. And preferably a further reduction to 70 or 75 dB(A).

3. Construction

An effective option in some communities is the use of construction management plans that are developed by the construction manager in consultation with neighbouring residents. They are helpful in resolving some local issues upfront by including solutions in the plan and also provide for contacts to assist in the resolution of issues that arise.

The excessive noise from back up beepers was noted in the Noise Bylaw Review Consultation and newer broadband beepers were recommended as much quieter.

TNC Recommendations

Support

1. Recommendation 17 that deletes a redundant reference in the provision that prohibits “the emission of sound resulting from construction if any operation of construction equipment that is clearly audible” during specified hours and on Sundays and statutory holidays”.

Add new recommendation

1. Add a recommendation that MLS promote the use of construction management plans that are developed in consultation with neighbours who will be affected by the development process to include the advice of residents and other affected neighbours to advice on potential local issues and also assist with communication during the construction period.
Construction management plans can help ensure that nearby residents and others in the area are adequately protected from other construction noise including noise from equipment. Complaints can be dealt with directly between the affected neighbours and construction staff. The 311 process is not involved.
2. That MLS require construction projects to use broadband beepers rather than the current excessively noisy back up beepers.

4. Waste Collection

Comments at the consultations added waste collection noise as a major new issue for people living in higher density areas where there is private waste collection. Noise from private waste collection vehicles lasts 20-40 minutes at a time over as many as 6-7 nights per week.

Note that in 2022 the City exempted private waste collection from the noise bylaw *without any public consultation*. There must now be public discussion to find ways to reduce the excessive noise at night.

TNC Recommendations

Support

1. Report proposals to better monitor and address waste removal noise issues by working with 311 to develop a clear pathway to track complaints and work with operators when issues arise in consultation with Solid Waste Management and to report back as necessary on issues to be addressed.
2. Transition Recommendation 43.11 that the Council direct MLS to report as soon as possible on a process to monitor noise issues from waste collection operations and to also report back on proposals to address the issues, given urgency of addressing the issues of sleep deprivation, MLS must report as soon possible on solutions, such as changing operating hours in certain locations.

Add new recommendations

1. that the City develop strategies to encourage the use of new systems as other cities have, for example using more effective and quiet pneumatic systems in new development areas, such as the Portlands and the proposed new Downsview neighbourhood.
2. to support MLS initiatives for residents to submit complaints re waste collection noise and for the City to communicate to industry on persistent noise issues.

5. Power devices

City Council has already directed MLS to report on banning noisy and polluting gas powered leaf blowers. But the current report noted that is not mandatory to include decibel levels on small engine devices as “a decibel limit would not have the effect of banning gas powered equipment”, that a decibel level could not be established for the equipment. Also that there rather should be an education campaign to encourage people to reduce noisy power devices, and to use battery powered or low noise or alternatives to power blowers. But MLS had previously reported that a decibel limit that reflected the much reduced noise levels of electric equipment should be considered. This reduced limit would ban the gas powered version. Ways to eliminating the noisy and polluting gas powered engine must be found given that their noise and exhaust are major health issues. Many other municipalities have successfully banned these machines.

TNC Recommendation

Add new recommendations

1. that, given that public education is not sufficient to eliminate noise and pollution from gas powered equipment, MLS include in their report requested for 2024 on banning these machines, other options to eliminate gas powered equipment.
2. to measure sound at source.

6. Stationary Sources and Residential Air Conditioners

The current Noise Bylaw includes regulations for these devices that are excluded from regulations in the Environmental Protection Act, setting the maximum level at 50dB(A) at point

of reception for outdoor areas. Noise from air conditioners was not a topic at the fall consultations but staff subsequently received over 4,000 complaints and now recommend a reduced night-time limit. Staff received recommendations regarding establishing different standards for day and night time, and indoor and outdoor locations to help support City enforcement efforts.

The current Noise By-law treatment of Residential Air Conditioners (RACs) is very problematic, allowing 50 dB(A) indoors or outdoors, day or night. For context, this is 20 dB(A) above the World Health Organization (WHO) recommendation of 30 dB(A) in sleeping areas, reflecting empirical evidence that noise above this level is associated with severe negative health impacts due to disrupted sleep.

TNC Recommendation

Replace the recommendations

1. Further decrease the decibel limits on RACs in Clauses 20(D) and 20(E). The outdoor decibel limits should be reduced to 45 dB(A) during the day and 40 dB(A) at night, and the indoor decibel limits should be reduced to 40 dB(A) during the day and 30 dB(A) at night, since levels exceeding this are known to lead to serious negative health impacts due to disrupted sleep.
2. Remove the inappropriate restrictions in Clauses 20(D) and 20(E) on outdoor and indoor measurements of RACs. Provincial Guidelines NPC-216 ('Residential Air Conditioning Devices'), Annex A.1 ('Sound Level Measurements') states: "The measurements shall be performed outdoors at a sensitive location on neighbouring residential property in the vicinity of the air conditioning device, where the sound of the device may cause annoyance. Typically this would be a patio or a window. The measurements may also be required at a point of reception in the plane of an open window facing the unit to ensure that the sound level at noise sensitive indoor spaces in a neighbouring residence is not in excess of the guideline limits". Clause 20(D) violates NPC-216, A.1, since 20(D) requires that outdoor measurements for RACs take place in 'outdoor living areas' (e.g., decks or patios), as opposed to "at a sensitive location [such as] a window". Clause 20(E) violates NPC-216, A.1, since 20(E) requires that indoor measurements for RACs only take place "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". Again, NPC-216, A.1 places no such restriction. NPC-216 recognizes that what is relevant, for both living and sleeping, is how the sound impacts people *indoors*.
3. Operationalize impact of special qualities of noise, including vibration, buzzing, and tonal variation (e.g., by adding 5 dB(A) penalties to measurements), since RACs often have such noise qualities.

7. Unreasonable and Persistent Noise

The report recommends clarification of regulations re persistent sound to include the important impacts of vibration. They also support use of this category when there are multiple noise sources.

TNC Recommendations

Support

1. Report Recommendation 21 to change the definition of “unreasonable and persistent noise” to mean any noise or sound - induced vibration that would disturb the peace, comfort or convenience of a reasonable person in the circumstance.
2. use of this category when there are multiple noise sources.

Add a new recommendation

1. that MLS and Emergency Services to find ways to reduce the noise from emergency sirens, with possible further reductions at night. reduce the sound levels of sirens in the City, especially at night.

8. Noise Exemption Permits

The major change is to introduce 2 levels of exemptions reflecting potential impacts of the events. Making information about exemption permits public to neighbours is essential.

TNC Recommendations

Support

1. Recommendations 22 to 42 that include improvements to the process including provision of notices to councillors and posting of notices and updating permitted sound levels from equipment and that this sound is to be measured at a lot line or 20 metres from the source and that that a special exemption is not needed for large crane work but that a notice be provided to those within 120m radius of the activity at least 7 days prior.

Amend

1. Recommendation 38 to require posting on site a copy of all exemption permits and not leave this up to the discretion of the Executive Director.

9. Enforcement

The consultations showed many issues with the 311 complaints process especially the lack of timely responses to complaints, and the lack of response after 2am. The current 5 day time frame for enforcement officers to respond to amplified sound complaints is simply not acceptable. Consideration should be given to more pro-active enforcement by adding requirements to include soundproofing and proper acoustical barriers for restaurants, bars, and clubs. Additional officers will be required to support the new Night Economy initiatives that continue all night.

The report proposes 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 webpage, and for distribution by enforcement staff. The need for community involvement was stressed during the consultations.

TNC recommendations

Support

1. the MLS initiative to develop a “best practice” fact sheet and voluntary guidelines on how residents and organizations can help mitigate the level of noise in the City.
2. Transition Recommendation 43.13. re increasing fines for non compliance with the Noise Bylaw.
3. initiatives to improve 311 operations with better technology and services.

Add new recommendations

1. that MLS request additional funding in this year’s budget to add more inspectors give to provide more timely service such as to reduce the five day waiting time for a noise inspector to report on a complaint and to support the new Night Economy initiatives and reduce the delays in responding to complaints, such as up as an unacceptable 5 day delay for noise complaints. MLS is not asking for increased funding this year for more staff given the present large number of vacancies for officers.
2. that MLS reduce the 5 day period allowed for investigating complaints.
3. that the City encourage the streamlining of the court process.

10. Development Standards

Consideration should be given improvements to planning regulations and to building standards to address noise issues. Examples improvements to insulation in walls and floors between residential buildings and requirements for enclosed waste collection space for multiunit buildings.

TNC recommendation

Add a new recommendation

1. That Planning and Buildings report on guidelines, changes to processes, changes to regulations and provision of public information and other measures that will help improve noise protection in new developments and renovations.

Submitted by

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for the Toronto Noise Coalition