



Economic & Community Development Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Jan 11, 2024

Dear Members of the Economic & Community Development Committee,

Re: EC9.5 – Implementation Review of the Noise By-law

ABC Residents Association (“ABCRA”) is an incorporated volunteer body that has been in existence since 1957. ABCRA represents the interests of residents who live in the area between Yonge Street and Avenue Road and Bloor Street to the CPR tracks.

ABCRA has participated in many iterations of the Noise By-Law review, and was a member of the Noise Working Group (“NWG”) process and has attended all meetings in the lead up to the 2019 Noise By-Law review. The livability of the City is being eroded by excessive unrestricted noise and a lack of enforcement for the rules that we do have.

This review is important in order to address some of the deficiencies in the 2019 update and help create a policy that establishes clear, meaningful limits on noise and adequate, efficient enforcement. ABCRA did attend multiple community consultations and submitted comments and concerns that we hoped would be addressed through the staff recommendations.

It is good some of our key recommendations have been included in the staff report, especially around 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 vibrations.

However, we think it important that the City place more emphasis in its public communications about the proven health-related impact of excessive noise as noted by the World Health Organization, the Ontario Ministry of Environment and Climate Change, and the Toronto Medical Officer of Health. The City should have a statement of the intent or purpose of the Noise by-law that includes the importance of noise control to

protect public health. Presently, City communication such as the Noise section on the City's website speaks more about what the City cannot do to control noise rather than what it will do and contains no mention of the negative impact of unreasonable noise on public health.

We also find the matter of enforcement is not adequately addressed. We urge the committee to review the Toronto Star article by Matt Elliott dated January 9, 2024 "*What good are new noise bylaws if Toronto doesn't enforce the rules it already has?*" for a very clear review of this concern. Without investment in enforcement that can be investigated in real time and on the spot, changes to the bylaw decibel levels, and definitions will not result in the changes intended. It is not reasonable to ask residents to let investigators into their homes at 1:00 a.m., 5 days after an incident to prove that the sound levels from a nearby construction site or a bar are in violation.

We also want to highlight the importance of aligning this review with the ongoing Night Economy Review and specifically demand that any business hour extensions for entertainment venues for the night economy not be approved until an increased noise enforcement budget is approved by City Council.

In order to properly address the concerns described above we recommend delaying the adoption of this report until:

- 1. The committee receives a report from the Board of Health that reviews and analyzes the report from a public health lens.**
- 2. There has been a robust review on how the City intends to properly enforce the Noise by-law.**
- 3. The Noise By-law review specifically addresses changes contemplated to the night economy.**

Lastly, ABCRA would like to commend and support the recommendations from the Toronto Noise Coalition. The full list of the Coalition's recommendations is attached below.

Sincerely,

The ABC Residents Association,
Ian Carmichael and John Caliendo,
Co-Chairs
abcra@abc.ca

Toronto Noise Coalition Comments and Recommendations:

Excessive Vehicle Noise:

- Support recommendation 18 which prohibits excessive noise from a stationary vehicle.
- Support a reduction in permitted noise from that in Recommendation 19 but 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).
- Support Transition recommendation 43.9 to increase fines for modified exhausts and also to request the Province for regulatory changes to enable the City to initiate a noise activated camera noise enforcement pilot project.
- Add a recommendation that the City investigate businesses that make illegal modifications to vehicle exhausts.

Amplified Sound:

- Support the proposed lowering of the permitted noise levels limits in recommendation 16. by 3 dB to refer to lower outdoor night time sound level (expressed in terms of Leq for a 10 minute period) of 42 dB(A) or 57 dB(C) and a daytime limit of 50 dB(A) and 65 dB(C).
- Support the proposed new definition of sound that includes induced vibration, as this results in increased noise impacts.
- Add a new recommendation regarding improvement to the complaints process. While 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.
- 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 By-law provisions. The Noise By-law 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 license to operate.
- Add a new recommendation for a further report to develop appropriate regulations to control noise levels on party boats to reduce impacts on the many residents nearby.
- 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 as an effective way to measure excessive noise from amplified sound outside entertainment facilities.
- Support the recommendation of the MLS report 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, but require that the 85 dB(A) limit be reduced to 75dB(A) or better 70dB(A) etc. to help reduce noise in the City.

Construction Noise:

- Support 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 recommendation that the use of construction management plans be promoted which provide for residents’ advice as to local issues and assist with communication during the construction period. Complaints are dealt with directly between the affected residents and construction staff, and 311 is not involved. Construction management plans should provide that nearby residents and others in the area are adequately protected from other construction noise including noise from equipment.
- Add recommendation that MLS require construction projects to use broadband beepers rather than the current excessively noisy back up beepers.

Waste Collection:

- Support the staff 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.
- Support 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 a recommendation 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 Downsview and other appropriate new development projects.
- Support initiatives for residents to submit complaints re waste collection noise and for the City to communicate to industry on persistent noise issues.

Power Devices:

- Add a new recommendation 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, especially given that other municipalities have successfully done so

Stationary Sources and Residential Air Conditioners:

- Support the report Recommendation 20 re changes that include new provisions for outdoor areas of 50 dB(A) during daytime and of 45dB(A) for night time, and for indoor areas daytime 45dB(A) and 40 at night. and “that the Ontario government clarify rules surrounding stationary sources and residential air conditioners and provide easy to understand public communications on the regime.”

Unreasonable and Persistent Noise:

- Support 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.
- Support use of this category when there are multiple noise sources.

Noise Exemption Permits:

- Support 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 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.
- But amend 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.

Enforcement strategies:

- Support 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. Support public education initiatives including the development of voluntary guidelines on how residents and organizations can help mitigate noise levels.
- We note that given the current large number of vacancies for officers, MLS is not asking for increased funding this year for more. But to provide service in a more timely way and to support the new Night Economy initiatives, add new recommendations that MLS to give high priority to recruitment of new inspectors and that MLS request additional funding in this year’s budget to add more.
- Request MLS to report on ways to reduce the five day waiting time for a noise inspector to report on a complaint.
- Support Transition Recommendation 43.12. re public education as part of their implementation of the new by-law changes and best practices for compliance and processes when a complaint is issued.
- Support Transition Recommendation 43.13. re increasing fines for non compliance with the Noise By-law.
- Support initiatives to improve 311 operations with better technology and services.

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