

City Council

Notice of Motion

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| MM28.27 | ACTION | | | Ward: All |
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Support of Better Hearing for Torontonians - by Councillor Stephen Holyday, seconded by Councillor Vincent Crisanti

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Board of Health. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council request the Ontario Minister of Health to consider regulatory changes which would allow for the use of earbuds to operate as hearing assistive devices or hearing aids as a secondary auxiliary feature.
2. City Council request the Ontario Minister of Health to consider regulatory changes which would increase the availability and accessibility of over-the-counter hearing aids to citizens.
3. City Council forward this Item to all Provincial and Territorial Health Ministers.

Summary

According to Statistics Canada, 38 percent of adults aged 20-79 have some hearing loss, and that number rises with age. This condition can impact the quality of life of Torontonians, and can negatively affect social participation, learning, and mental health. While assistive technologies exist, there can be barriers such as cost and perceived stigma. Not everyone that can benefit from a hearing aid uses one, and in some cases may not even have access to one.

Many residents are familiar with active noise cancelling earbuds which utilize onboard microphones to process environmental noise and adapt the amplification to improve the sound quality for the listener. Apple, the manufacturer of AirPods Pro 2's, released a software update to their equipment and mobile operating system in 2024 which allows for three technologies that leverage the noise cancellation hardware of their devices; a hearing aid feature, a hearing test feature, and a hearing protection feature. Owners of these kind of earbuds have the potential to utilize them in these new ways beyond their original intended use to simply listen to music or take phone calls.

According to their website "Due to regulatory restrictions, Apple is unable to release the Hearing Test and Hearing Aid features in Canada at this time." The free hearing aid feature and the hearing test feature is not available within the Canadian version of the software, unlike how it is to users geographically located in other countries such as the United States.

In December 2024, Health Canada provided approvals for the Apple hearing aid software and firmware. However, the availability of hearing aids over the counter – i.e. without a prescription – is restricted in Ontario and in other provinces. The earbud manufacturer would need regulatory permission in all of the jurisdictions within Canada to activate the restricted hearing aid and other related features of its software. Recent media articles have brought attention to this issue, and illustrate public support for changes.

More generally, over-the-counter hearing aids are also not available to Canadians for similar regulatory reasons. While this is an important public health debate, there is an arguable difference between a purpose-built hearing aid device being accessible with or without a prescription, and using a secondary auxiliary feature of earbud electronic devices. Due to physical and performance characteristics, earbud devices may be used in shorter duration or more limited application and may not need to be considered in the same way.

Most people appreciate the difference between amplifying earbuds and a fitted hearing aid prescribed from an Audiologist. This is the same difference between prescription eyeglasses, and simple magnifying “drug-store readers” available over the counter. One does not fully replace the other, and is meant for convenience, accessibility, and as a stepping stone possibly leading to a more custom solution when the time is right. For very practical reasons they are regulated differently.

The availability and accessibility of hearing assistive devices and hearing aids is a very important public health consideration because it affects the quality of life of many Torontonians, especially seniors and those facing financial barriers. Regardless of who the manufacturer is, the availability of onboard hearing assistance or hearing aid functions of earbuds and consumer electronic devices has vast potential to help many people in different ways. The proposed motion below enables Council to take a position and bring attention to this important issue.

Background Information (City Council)

Member Motion MM28.27