

Noise Exemption Permit Refusal Appeal – 33 Yorkville Avenue

Date: February 2, 2026

To: Toronto and East York Community Council

From: Director, Bylaw Enforcement, Municipal Licensing and Standards

Wards: 11

SUMMARY

The matter before the Community Council is an appeal application for a noise exemption permit submitted by PEM (Yorkville) Holdings Inc.

The project, located at 27-37 Yorkville Avenue and 26-56 Cumberland Street, Toronto, also known as Concord Canada House, is a 72-storey condominium with 1397 Units.

The noise exemption permit was requested to conduct construction of a mixed-use residential and commercial development consisting of a 46-storey and 69-storey residential building above a commercial podium containing above-grade residential parking and retail, and below-grade commercial parking garage for Toronto Parking Authority.

The application was refused by Municipal Licensing and Standards (ML&S) on the basis of the Ward Councillor's objection. The permit was inadvertently sent to the applicant and was later clarified and reverted in accordance with the Ward Councillor's objection. The applicant has appealed the refusal.

As required for the appeal process, this staff report provides information to assist in the decision making for which Toronto and East York Community Council has delegated authority from City Council to make a final decision, namely a final decision under Toronto Municipal Code Chapter 591, Noise (Noise By-law) to either grant or refuse a noise exemption permit application given the appeal.

If the Community Council grants the noise exemption permit application, it is subject to the conditions set out in § 591-3.2.D of the Noise By-law, unless the Community Council determines otherwise, and to any other conditions respecting health, safety and nuisance as the Community Council considers advisable.

RECOMMENDATIONS

The Director, By-law Enforcement recommends that the Toronto and East York Community Council consider the noise exemption permit application submitted by PEM (Yorkville) Holdings Inc for construction noise related to the development located at located at 27-37 Yorkville Avenue and 26-56 Cumberland Street, Toronto and decide to:

1. Refuse the application. OR,
2. Grant the application subject to the conditions set out in § 591-3.2.D of the Noise By-law, unless the Community Council determines otherwise, and to any other conditions respecting health, safety and nuisance as the Community Council considers advisable.

FINANCIAL IMPACT

There are no financial impacts expected as a result of a decision by Community Council to either refuse or grant the noise exemption permit.

DECISION HISTORY

As required by the Noise By-law:

On September 12, 2022, PEM (Yorkville) Holdings Inc. submitted an application for a noise exemption permit pertaining to construction noise, including a continuous concrete pour and the use of a large crane, at the development located at 33 Yorkville Avenue, Toronto ON.

The history regarding these noise permit applications are below:

Permit # P45-5226714 was reviewed, approved, and issued on September 15, 2022, for continuous concrete pouring and the operation of a large crane, to be conducted on Saturdays from 7:00 a.m. to 7:00 p.m., as the bylaw only allows Saturday construction operations to begin at 9:00 am. The permit was valid until March 15, 2023.

From March 15, 2023, through to March 18, 2024, the applicant requested and was issued Noise Exemption Permits for continuous concrete pouring and the operation of a large crane, to be conducted on Saturdays from 7:00 a.m. to 7:00 p.m. The bylaw only allows Saturday construction operations to begin at 9:00 am.

On July 22, 2024, Permit # P45-5447888 was issued to the applicant for construction work. The applicants requested these construction operations to begin at 7:00 am on Saturdays, as the bylaw only allows Saturday construction operations to begin at 9:00 am. Work was permitted on Saturdays from 7:00 a.m. and 9:00 a.m. only for stripping

forms, rebar placing, plumbing/electrical/HVAC rough-ins. No concrete pouring. The permit was valid until October 19, 2024.

September 19, 2024, Permit # P45-5462584 was issued to the applicant permitting continuous concrete pouring and the operation of a large crane. Monday to Friday, 7:00 a.m. to 12:00 a.m., and on Saturday from 9:00 a.m. to 12:00 a.m. Concrete pouring is to conclude no later than 7:00 p.m., with activities from 7:00 p.m. to 12:00 a.m. limited to only concrete finishing power floats.

Permit # P45-5465138 was issued to the applicant on October 21, 2024, for a Level 3 Construction Noise Permit related to the development of a mixed-use residential and commercial building, which includes above-grade residential parking and retail spaces, as well as below-grade commercial parking garage. The applicant requested noise exemption permit to begin work on occasional Saturdays 7:00 a.m. to 7:00 p.m., as the bylaw only permits construction work on Saturdays beginning at 9:00 a.m. This permit was valid until January 1, 2025.

On January 6, 2025, Permit # P45-5487707 was issued to the client for continuation of Level 3 Construction Noise on occasional Saturdays 7:00 a.m. to 7:00 p.m.

March 25, 2025, Permit # P45-5512073 was issued to the applicant for continuous concrete pour. The applicant requested noise exemption permit to conduct work related to tower crane hoisting, concrete pumps placing, concrete finishing equipment and lighting on Saturdays from 7:00 a.m. to 7:00 p.m.

On August 8, 2025, the applicant submitted an application for a Level 3 Construction Noise Exemption Permit related to the ongoing development of a mixed-use residential and commercial building. The work includes form stripping, rebar installation, rough-ins for plumbing, electrical, and HVAC systems, as well as truck entering and exiting the site and the operation of tower crane hoisting. The applicant requested these construction operations to begin at 7:00 am on Saturdays, as the bylaw only allows Saturday construction operations to begin at 9:00 am.

Municipal Licensing and Standards (ML&S) provided notice of the application to the Ward Councillor via email on August 12, 2025. Subsequently, the Ward Councillor responded to the notice objecting to the application being approved. The permit was inadvertently sent to the applicant and was later discovered by the ML&S. The applicant was contacted and made aware of the Ward Councillor objection.

On November 27, 2025, ML&S provided notice of the refusal to the applicant, advising the applicant that this refusal could be appealed to the local Community Council. (Attachment 2)

On December 12, 2025, the applicant filed an appeal of the refusal. (Attachment 3)

The hearing is scheduled for February 19, 2026.

ML&S will be providing the Notice of Hearing to all residents within 100 metres of the location on or before February 5, 2026.

COMMENTS

Noise Exemption Permits – Process:

The Noise By-law provides standards for noise and applies to all properties in Toronto. Applications for noise exemption permits may be made for special events, events in parks, and construction activity that extends beyond permitted hours under § 591-3.2 of the Noise By-law. The applicant is required to submit an application, pay the applicable fee, and provide any supporting information relevant to the noise exemption permit application. This information may include reasons supporting an exemption, a noise mitigation plan, or a statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.

Level 3 Construction exemption applications are reviewed by the Ward Councillor(s) and issued if the Councillor does not have an objection. The Noise Exemption application submitted by the applicant on August 8, 2025, fulfilled all the requirements of the Bylaw (591-3.2 C 3 (a-f) including payment of the applicable fees

If the application is approved, then the applicant is required to adhere to the eight conditions in § 591-3.2.D. These conditions include posting the noise exemption permit in a visible location, following the noise mitigation plan provided, adhering to a maximum sound level of 85 dB(A), and if required, paying for City staff to monitor the sound levels.

If an exemption permit is objected by the Ward City Councillor(s), an applicant may appeal within 21 days of the decision to the local Community Council(s). If appealed, then notice of hearing is sent to all residents within 100 metres of the location where the event or activity is proposed to be held.

The Executive Director, Municipal Licensing and Standards (ML&S) has the authority to revoke a noise exemption permit if there is non-compliance with its conditions.

Applicant is seeking a Noise Exemption Permit For: Construction Noise

Construction Noise

Under § 591-2.3 of the Noise By-law, the prohibited time periods for construction noise are from 7 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays, and all day on Sundays and statutory holidays.

The applicant, PEM (Yorkville) Holdings Inc., is seeking a noise exemption permit to conduct construction activities from August 8, 2025, to August 8, 2026, on Saturdays between 7:00 a.m. and 9:00 p.m.

The main construction activities will be:

- General construction activity, including the loading and unloading of material, operation of construction equipment, use of power tools and devices to perform construction, and operation of motor vehicles
- This permit is requested so as to expedite the overall completion of construction activity and mitigate the long-term exposure of neighbors to construction noise.
- The noise permit is specifically requested to remove the restriction of bylaw § 591-2.3.(1), which restricts noise between 7am and 9am on Saturdays only

The applicant has proposed the following noise mitigation measures:

- A Construction Management Plan (CMP), Traffic Control Plan, and site personnel in place to manage construction activities at all times.
- Usage of equipment that is rated at lower noise levels
- Taking steps to minimize usage of the noisiest equipment late at night and early in the morning
- Conditions of the Noise Exemption Permit and mitigation plan placarded (posted) and placed in a location that employees and public have access to
- Training for employees, contractors and sub-contractors on the conditions and expectations of the noise bylaw, Noise Exemption Permit conditions and mitigation plan
- Identifying someone responsible for the following (name and contact information required)
 - Monitoring sound levels
 - Ensuring start and stop times are followed
 - Identified and available to professionally respond to public complaints at the site
 - Have authority to stop or reduce the noise impact of an activity or event

Complaint History:

Municipal Licensing and Standards (ML&S) has received a total of 55 complaints, from January 2020 to January 2026, in relation to construction noise for the project located at 33 Yorkville Avenue, Toronto ON.

Enforcement History:

From July 2025 to September 2025, the applicant has received a total of seven (7) Noise Exemption summons for offence category: NO103 NOISE - Construction activity during prohibited time.

CONTACT

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SIGNATURE

Anna Fernandes
Director of Bylaw Enforcement

ATTACHMENTS

Attachment 1: Noise Exemption Application – PEM(Yorkville) Holdings Inc.
Attachment 2: November 27, 2025, ML&S Notice of Application Denial
Attachment 3: December 12, 2025, Applicant's intent to appeal Letter to ML&S