



NOISE BYLAW REVIEW

Public Meeting 1 – Power Equipment Summary

North York Civic Centre Member's Lounge, 5100 Yonge St
January 28, 2019, 6:00 – 8:00 pm

On Monday, January 28, 2019, the City of Toronto hosted the first of five public meetings to share and seek feedback on options being considered by Municipal Licensing and Standards (MLS) as part of the City's Noise Bylaw Review. Eleven members of the public participated, including four people representing different resident associations, three unaffiliated residents, and four people representing a manufacturer from the power equipment industry. Representatives from MLS and Toronto Public Health also participated. Note that a snow storm occurred that evening, which may have impacted participant attendance.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized.

The intent of this summary report is to capture the range of perspectives that were shared at the meeting. It does not assess the merit or accuracy of any of these perspectives nor does it indicate an endorsement of any of these perspectives on the part of Municipal Licensing and Standards or the City of Toronto.

Note that the numbering of the points is intended for ease of reference only and not intended to imply any type of priority. Responses from MLS are *in italics*.

Feedback on the Criteria to Consider when Updating the Noise Bylaw

Participants said that the criteria used by the City to assess the potential Noise Bylaw updates did not seem unreasonable, however, a range of concerns were raised regarding public health, environmental health, and enforcement. They also said:

- 1. Protection of public health is an important criterion missing in the list of criteria.** Residents said that updates to the Noise Bylaw should be framed with public health in mind to protect the public from excessive noise and vibration. Impacts on physical and mental health should be prioritized over economic objectives. Some said they feel that contractors are taking shortcuts at the expense of public health, including mental health. Participants also said that WSIB claims of landscape workers resulting from use of non-automated equipment (physical injuries from longer and more demanding effort required when using rakes) is not a reasonable trade off over the worker and public health issues caused by power equipment, including hearing loss, air pollution, anxiety, etc. A resident suggested that protection of public health should replace the “reduces impact on residents” and “reasonable” criteria. *During the discussion, MLS acknowledged there are possible health implications related to noise and noted that Toronto Public Health (TPH) is leading this work. MLS will continue to work, and share feedback received from public*

consultations with TPH. The TPH representative present at the meeting also took note of this feedback.

2. **Take a more holistic approach to problem solving to achieve multiple objectives.** For example, the operation of leaf blowers creates many more impacts than just noise. They create issues with dust, air pollution from gas combustion, and negatively impact native plants required to sustain pollinators. The City needs to think more broadly than just noise when considering why it's important to limit use of leaf blowers. For example, consider the ecosystem value of leaving leaves to decompose on the ground, and also encouraging residents to use native plants instead of grass as a ground cover. *During the discussion, MLS noted that the Environment & Energy considered the environmental implications of two-stroke, gas powered equipment as part of TransformTO. The result was that based on the available research, there is not enough evidence to make a strong link between the use of small engine equipment and air quality. There is insufficient data to support discussions on an absolute ban, but that it may be feasible for the City of Toronto to address concerns through the use of noise regulations.*
3. **Enforcement needs to improve.** There are concerns with bylaw enforcement and the City's ability to respond quickly to complaints. Bylaws don't matter if they are not properly enforced. Residents expressed that having a separate discussion on enforcement is important as many issues with the bylaw are regarding enforcement. *In response to participants' concerns, MLS staff reiterated that enforcement is always considered when assessing potential updates to the bylaw.*
4. **The "reasonable" criterion is too vague and missing important references to public health.** Some residents said that the criterion's lack of reference to public health may seem to override the importance of public health for the promotion of a growing and vibrant city.

Feedback on Options being Considered for Bylaw Updates

Although the overall intent of the meeting was to discuss bylaw proposals for power equipment, which includes nail guns, lawn mowers, etc., the conversation almost exclusively focused on leaf blowers because they were identified as the equipment causing the most disturbance to residents.

1. **Preference for a combination of Options 2 and Option 4, with suggested edits.** There were participants who said that some modified version of Options 2 (new time constraints) and 4 (Leaf blowers – equipment standards and prohibition by distance) are better than the status quo because of the constraints on the time of day that power equipment can be used and the decibel limits that can be enforced. Suggestions included:
 - Having a decibel limit lower than 65 dB(A) (measured at 15m away) and prohibiting operation of leaf blowers that could emit noise over 65 dB(A). Members of the power equipment industry flagged that although 65 dB(A) is achievable, but it will produce a lower power;
 - Extending the time of day provisions (recognizing that many people work at home);
 - Prohibiting overnight work;
 - Prohibiting use of leaf blowers on small/narrow lots (25 feet) to avoid excessive noise impact on nearby neighbours, apartment building grounds (given disturbance to low level units), driveways and sidewalks or require use of electric leaf blowers. It was also noted, however, that prohibiting use of leaf blowers on sidewalks may be an issue as removing wet leaves on sidewalks is needed to prevent potential health and safety issue (e.g. slip and fall);
 - Having seasonal use of leaf blowers and banning their use in certain months (e.g. May – August, check Hudson, Quebec) – note that other participants flagged that leaf blowers are needed during these months for general cleaning;

- Having a limit on the number of hours that someone can use a leaf blower each year (though others said that this would be difficult to enforce);
 - Using less powerful (battery-powered, emission-free) leaf blowers in quiet zones and residential areas (with smaller lots); and
 - Applying the noise provision to all power equipment, not just leaf blowers.
2. **SUPPLEMENTAL OPTION:** The City could keep a list of leaf blowers that are in compliance with the City's Noise Bylaw. The City of Portland does this.
 3. **NEW OPTION:** A resident suggested **banning gas-powered leaf blowers** and only allow use of battery-powered leaf blowers to create consistency and allow for easier enforcement. Members of the power equipment industry noted that. **Note added after the meeting:** This suggestion has been withdrawn by the resident as a result of an updated understanding that noise generated by electric leaf blowers is higher than was discussed at the meeting. The resident's amended suggestion is that all leaf blowers (i.e. both electric and gas powered) be prohibited in residential and quiet areas.
 4. **NEW OPTION:** It was also suggested that the City **offer incentives for people to leave leaves to decompose where they fall** (to support ecosystem benefits and reduce impacts due to operation of leaf blowers).
 5. **Replace the term "clearly audible" as it is too open to interpretation.** A lot of sounds are clearly audible. Sounds that are overpowering and crossing a threshold become issues.
 6. **Measurement of noise should be done at the source.** Measuring at source puts the onus on the noise emitter to comply rather than having the residents go through the complaint process.

Other Feedback

1. **Educate the public on possible environmental and health impacts.** Some people may not know the possible negative impacts of leaf blower use (engine emissions, noise, dust, impacts on pollinators, etc.).
2. **Results of the public opinion research must be put into context.** The results of the 2018 public opinion research showing that two-thirds of Toronto residents are not concerned with noise in the city, does not mean that the concerns of the other one-third of residents are to be valued less. The location, demographic and severity of complaints must be acknowledged by the City because everyone experiences noise in the city differently.
3. **The complaints data needs to be put into context.** Though there was no dispute that the number of complaints reported by MLS is correct, there was concern that complaints submitted outside prohibited time frames are not recorded as complaints, suggesting that there are likely more complaints received that are not reflected in the data (because they may not trigger a service request). *Note of clarification added by MLS staff after the meeting: 311 forwards noise complaints to MLS during both prohibited and permitted times.*
4. **Improve training of 311 operators.** The City's 311 operators need to be more knowledgeable about what types of noise the City's Bylaw Enforcement Officers can and cannot enforce. For example, noise from stationary sources is regulated by the Province but is enforceable within the City's noise bylaw. This will help reduce the onus on the public to know appropriate government department to share their complaints.

5. **The power equipment industry is continuously developing equipment that are safer for the public and the environment.** The power equipment industry understands the concerns around noise and gas emissions produced by equipment like leaf blowers. Battery powered equipment is available that produces less noise and fewer emissions, but is less powerful than gas powered equipment. The industry continues to work to improve the technology. The City has also piloted the use of battery-operated leaf blowers in City parkettes, and will continue to explore their use in City parks.
6. **Consider emission testing for leaf blowers**, similar to the emissions test the Province enforces on automobiles (also see California, as an example). This may help remove the onus on MLS to address noise concerns with leaf blowers.
7. **Connect with the landscape industry and Landscape Ontario** to improve education and training of landscape workers regarding negative impacts of power equipment on the public. It is important to note that not all landscape workers are members of Landscape Ontario, so education and training of workers will need to go beyond Landscape Ontario members.

Next Steps

The City thanked participants for coming and reminded participants of the opportunity to share additional comments with MLS by February 28, 2019, to be considered as part of the consultation for the review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in April 2019. The Swerhun third-party facilitation team committed to sharing a draft summary of feedback for participants to review before it is finalized.