



NOISE BYLAW REVIEW

Public Meeting 3 – Amplified Sound Summary

Scadding Court Community Centre, 707 Dundas St West
January 30, 2019, 6:00 – 8:00 pm

On Wednesday, January 30, 2019, the City of Toronto hosted the third 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. Over 110 members of the public participated, the majority of whom indicated they were involved in sectors that produce amplified sound (e.g. music venues, festivals, etc.), with the balance of participants indicating they were residents that had experiences living close to and/or being impacted by amplified sound. Representatives from MLS and Toronto Public Health also participated.

This summary was written by the third party facilitation team from Swerhun Inc., and was subject to participant review before being finalized. It reflects the points discussed verbally, as well as written comments received on worksheets submitted at the meeting.

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*.

Overall Snapshot of Feedback

The following points reflect the overall snapshot of feedback most consistently raised in discussion and in writing during the meeting. The remainder of this summary provides additional details regarding these points, as well as many others, shared by participants.

1. **There was a lot of goodwill and constructive discussion** between participants at the meeting, with several ideas on how to improve the Noise Bylaw and nobody advocating to keep it as-is.
2. **Many want to see the City identify specific decibel limits** based on geographical area (this came from many representatives of the amplified sound-creating sectors as well as residents).
3. **Many participants suggested that the City take a leadership role in ensuring that the onus be put on those constructing new buildings** to ensure the building designs, materials, etc. limits the degree to which they're impacted by (or impacting) existing uses.

4. **There was debate on where it would be best to objectively measure the level of noise being generated** (i.e. at source, at property line, outside the window of the receptor, or inside the receptor building).
5. **The creation of a dispute resolution mechanism** as part of the Noise Bylaw update was suggested by representatives from the music/entertainment/restaurant sector.
6. **Many participants said that people talking and yelling were often as loud as (or louder than) the amplified sound.** Participant note added after the meeting: Noise levels from people talking are not comparable to noise produced from event venues, such as clubs.

Feedback on the Criteria to Consider when Updating the Noise Bylaw

1. **In general, participants said that the criteria used by the City to assess the potential Noise Bylaw updates made sense.** Emphasis was given to the importance of “enforceable”, “jurisdiction/legal authority” and “objective”. There were some questions about what the “reasonable” criterion meant, and many suggested that it was open to interpretation and needed to be clearer. Some participants said that “reasonable” is important and they were glad to see reference to the idea that the City needs to accommodate culture, music and entertainment as it grows and tries to cultivate/maintain its vibrancy. Others thought it should be removed because they felt it was more relevant to the City’s economic development policies, not the Noise Bylaw.
2. **There are different ways to think about amplified sound and public health.** There were residents at the meeting who would like to see the City prioritize public health impacts over economic development interests, and as a result wanted to see public health added to the list of factors to consider by MLS when updating the Noise Bylaw. Others, many representing industry, made the point that culture, music and other related activities improve public health because they contribute to a rich city life where people are entertained, socialize, have fun, and enjoy the city.
3. **The neighbourhood context is important.** There were a number of participants representing both residents and the music/entertainment industries who indicated that blanket rules may not be appropriate in all areas of the City because neighbourhoods differ in the types of activities happening and levels of associated noise. Many encouraged the City to consider how the geography of Toronto could be addressed in the Noise Bylaw update.
4. **Consider the positive economic impact that events and festivals have on society.** Many representatives from sectors that amplify sound want to see the City acknowledge that many people are positively affected by businesses providing music and entertainment opportunities. Any restrictions to night noise need to recognize the night-time economy and take into account the number of jobs it supports.

Feedback on Options being Considered for Amplified Sound Bylaw Updates

1. **Preference for Option 3, with suggested edits.** Many participants said that Option 3 is not perfect but is a better option than the outdated status quo as the decibel limits help set an objective standard and clarity against which complaints can be made and measured. However, there were two main concerns about this option: low decibel limits and measurement of ambient sound levels. Suggestions to address these concerns included:

- Many industry participants would like to see the City increase the proposed decibel limits, particularly for the daytime. The proposed decibel limits were considered too low and unduly restrictive, creating a scenario where almost all music venues/events would be in contravention of the bylaw. This could lead to more complaints, impacting the administrative feasibility of the bylaw. *Note added by MLS staff after the meeting: This concern could be addressed with the provision in Option 3, subsection (2): “Where the ambient sound level, at a point of reception exceeds the applicable maximum sound level established in subsection (1), the sound level of amplified sound should not exceed the ambient sound level”.*
 - Many residents as well as industry participants thought it would be useful for the City to recognize neighbourhood differences by creating different ambient noise standards for different areas. Different parts of the city have different ambient noise levels. There should be different considerations for areas where there is a high concentration of activities/events (note that Option 3 does consider this suggestion, as sound levels would be measured and compared by bylaw enforcement officers to the local ambient). Consider dividing the city into quiet zones, residential zones, and music/entertainment zones, and set a standard for ambient noise for each zone, to adequately protect those who are exposed to undue noise often and allow residents to enjoy peace and quiet in their homes. Some participants recognized that this may be difficult to implement and not administratively feasible.
2. **Difference of opinion on measuring at point of reception.** Some industry participants support point-of-reception measurement because it requires the complainant to demonstrate the level of noise from their residence and limits the ability for a passerby to make complaints about an establishment that does not affect the person’s enjoyment of their home. Other participants said that point-of-reception measurement does not give establishments a tool to mitigate noise at the source (and makes it difficult for the creator of the amplified sound to know how loud the noise is at point of reception).
- If the City goes forward with measuring at point of reception, some participants suggested measuring noise outside buildings as each building has a different sound proofing. Others felt strongly that the measurement needed to be taken inside the complainant’s living space to understand the experience of the resident.
 - If the City decides to measure noise at point of source, some participants suggested that it should be done at the perimeter or lot line of an event instead of measuring 60ft from the source. However, there were also concerns that measuring at lot line might be an issue for establishments as it can be difficult to assess which business noise is coming from. Some event organizers suggested measuring at the gates/entry doors (where there’s a clear division between paid access and outside). There were also those who said that noise measures should never be taken inside the event because people have paid for the experience.
3. **Lack of support for Option 2.** The time constraints option was identified as problematic for some participants from the industry as well as residents because it does not differentiate between different types of events and does not recognize that in today’s economy many people work different shifts and many work from home. The permitted start time of 8:00 am (Monday-Saturday) / 9:30 am (Sunday and statutory holidays) is also too late for certain events like marathons and charitable events.
4. **Suggested changes to the presented time constraints.** Many participants from amplified sound-generating sectors said that the 11:00 pm start time of prohibition is too early. There were participants who suggested that the City consider the following edits:

- Set different time constraints for outdoor events and indoor events. It makes sense to start the prohibition time at 11:00 pm for outdoor events, but not for indoor venues.
 - Some preference for more lenient time constraints. Consider extending the night time cutoff from 11:00 pm to 2:00 am on Thursdays, Fridays, and Saturdays to coincide with the provincially permitted cutoff for last call for drinks. Consider also applying a 2:00 am cutoff on Sundays when the following Monday is a statutory holiday. An exception to the Noise Bylaw, whatever the cutoff, could also be considered for artists of distinction performing in the City.
5. **Need for sufficient enforcement staff.** If the City does decide to pursue a decibel limit, many residents said that it will be important that there also be sufficient City staff responsible for enforcing the bylaw. The current complement of 235 bylaw enforcement officers enforcing 30 bylaws is not enough. A participant suggested collaboration with the Toronto Police Service (TPS) by training them on how to measure sound and equipping them with sound meters. *Note of clarification added by MLS staff after the meeting: As mentioned in the presentation at the meeting, TPS efforts have been re-directed and they no longer enforces the Noise Bylaw. All noise complaints that do not demonstrate an immediate risk to public safety have been redirected to MLS.*
 6. **Differentiate between ambient noise and amplified sound.** There needs to be a mechanism that allows the residents measuring noise/sound to distinguish between what is ambient noise (traffic, construction, etc.) from amplified sound.

Feedback on Options being Considered for Exemption Permits Bylaw Updates

1. **The status quo does not work.** Residents participating in the meeting said that enforcement of current exemption permits put the onus on the public, when it should instead be on the generators of amplified sound.
2. **Support for Option 4.** Several participants said Option 4 (Graduated Exemptions) is the best option presented as it has the potential to address many of the most common issues with the current exemption permits. It also allows for events and festivals to operate properly. It was suggested that the definition of low and high impact events should be clearly defined (e.g. number of attendees, type of event, distance of event venue to residential areas/quiet zones, etc.).
3. **Difference of opinion on Option 5.** Some representatives from sectors responsible for generating amplified sound said they would prefer no exemptions over the status quo. If there was a good bylaw around amplified sound there wouldn't be a need for exemptions. Others said that having no exemption permits is not a viable option for Toronto because it would have a significant negative impact on Toronto's music industry if concerts and events are held to the same decibel limits as residences. It would also open up potential legal actions against the City as it might shut down some existing events.
4. **Difference of opinion on who the delegated authority should be for granting/denying exemption permits.** Some participants said that approving exemption permits should be delegated to MLS, not the Councillors, especially because there are now fewer Councillors which impacts their ability to respond to applications in a timely manner. Having a designated decision-making authority would relieve pressure on Councillors. A reasonable criteria/standard should be developed to ensure objective decision making. Others said that it should remain in the Councillor's responsibility, but extend the response timeframe from 14 days to 21 days. Some

participants suggested putting the decision-making responsibility on Councillors for high impact events, and staff for low impact events.

5. **Consider a collaborative approach to the exemption permit process.** Some participants said that the best exemptions have been in processes where a host has worked with residents and/or neighbours to communicate and manage noise impacts associated with exemptions.
6. **Application process needs to be easily understood by applicants.** The City should outline the application process so that organizers know exactly when they would need to apply and account for it in the project planning. There needs to be enough time between the application and decision date that provides adequate public notification (and public response), and MLS should identify this checkpoint. This would also help event organizers create a better noise mitigation plan.
7. **Difference of opinion on allowing application for multiple events.** Some participants said applications for multiple events will allow for more efficient planning. Others said exemptions need to be granted with careful consideration on a case-by-case basis and should not be done in pack. Either way, consideration of an applicant's history is important. This needs to be balanced with the need not to punish a low-impact event organizer for minor administrative mistakes. A distinction between the venue and the promoter is needed so venues are not punished for the promoters' mistakes.
8. **Develop a mechanism to revoke exemption permits if conditions are not met, as well as an appeal system.** The appeal system would allow denied exemption permit applications to appeal and have the opportunity to address/mitigate noise produced in the event.
9. **Clarify the intent of the 7-day notice prior to an event.** It was unclear whether this notice is meant to give neighbours advanced notice of an event so they can plan accordingly (which is helpful to residents); or if the intent is to give neighbours a chance to object/complain about the upcoming event in advance (which is not helpful to residents because there would be little opportunity to influence whether or not it will happen, or be able to set any conditions). Others said that the 7-day notice seems disingenuous. Most concerts take 6+ months to plan, so having a chance for a concert to get shut down at 7 days isn't reasonable for the promoter/operator. *Note of clarification added by MLS staff after the meeting: The purpose of the notice is to provide residents with notice to plan accordingly. In past consultations, MLS heard that residents would simply like to know about these events happening, either through a posted notice, or through an online system.*
10. **Difference of opinion on decibel limit.** Some said that the outdoor limit of 85 dB(A) is too low for many international acts, so some are skipping Toronto as a place to perform. Some venues would find the 85 dB(A) limit a challenge for large venues like Fort York, which requires higher decibel levels so that attendees can hear music. The Toronto Music Industry Advisory Council's recommendation of 105 dB(A) limit at the source should be considered. Others said that they would like to see the current decibel limit of 85 dB(A) remain.
11. **Measure at point of reception instead of 20m from the source.** The existing measurement of noise 20m from the source is unrealistic and wouldn't allow for any outdoor concert or festivals.
12. **Time limits for exemptions.** Some suggested that exemptions should not provide a complete carte blanche and should still include a time limit tailored to the event. Others noted that there already is a time limit, but it was missing from the status quo description in the meeting materials.

Other Feedback

Feedback related to improving existing systems/mechanisms:

1. **Enforcement needs to improve.** Many participants said that the current service standards do not work. Noise complaints related to amplified sound are not a priority for Toronto Police Services and the Alcohol and Gaming Commission of Ontario to address. The City should put forward a bylaw that will result in a timely response to complaints and infractions.
2. **MLS operational hours should reflect the hours events and businesses operate.** A lot of the events and businesses that generate noise operate outside MLS' working hours of Monday – Friday, 9:00 am to 5:00 pm. *Note added by MLS staff after the meeting: Bylaw enforcement officers do work beyond a 9:00 am – 5:00 pm schedule. Currently, officers work in shifts beginning at 6:00 am and ending at 1:00 am the next day.*
3. **Consider other ways of measuring noise complaints.** Several people said they weren't sure it was a good idea to have an officer enter their property for several hours when there is a complaint, especially since many complaints happen at night. There was a suggestion to consider instead having the officer install a device in the house, ensure it is tamper-proof, and then leave it there for a period of time (potentially 24 hours) to better measure noise.
4. **Allow for an adjustment time for businesses.** This would help businesses make necessary changes to comply with the new bylaw when it is implemented.
5. **There should be some expectation of sound/noise in the City.** Toronto is a big city and residents need to expect that there will be some level of noise, especially in the downtown and entertainment district. A participant suggested notifying people moving into a highly active area that they should expect higher noise levels. *Note added by MLS staff after the meeting: This notification process is already being done in new developments.*
6. **Clarify distinction of noise produced by the event vs noise made by people chatting outside a venue.** The latter should not be violation put against the event/building operator.
7. **Find a way to limit noise from party boats.** The party/cruise boats on Lake Ontario appear to be unregulated and the noise they generate is audible throughout the night.
8. **Treat nuisance noise separately from sanctioned noise** (normal noise produced by licensed businesses, permit holders, and city employees' activities). This could dispel confusion and balance support for Toronto's entertainment/music industry and other legitimate activities with the protection of residents from noise.

Feedback related to new actions/mechanisms to consider:

1. **There's a need for a collaborative dispute resolution mechanism**, especially when there are on-going issues related to noise complaints. Representatives from the music/entertainment/restaurant sector said that the mechanism should allow the complainant, the City, and the potential bylaw violator to resolve disputes. Fines/penalties should not be the only way to deal with violations. There should also be an escalation process if issues continue to persist. Participant note added after the meeting: this mechanism should ensure protection of complainants.

2. **There's a need to educate the public about the noise in the city.** Conduct public awareness campaigns to clearly communicate what is a violation of the Noise Bylaw. This information should be communicated beyond enforcement.
3. **Make complaint data easily accessible to the public.** Data should include information of where complaints came from, percentage of complaints within an area, and the noise levels captured by the City. This data could help show which areas are consistently impacted by noise produced from events and venues. It would also help organizers mitigate noise concerns by adjusting their equipment, shooting maps, etc.
4. **Have two separate discussions about amplified sound for people in north Toronto and downtown due to different concerns.** In north Toronto, the concern is noise from house parties, while in downtown, the concern is noise from establishments.

Feedback involving other City divisions

1. **Involve City Planning in this discussion.** City Planning can require developers to conduct better noise abatement strategies to protect residents from noise impacts. Consider policy approaches that support the 'Agent of Change principle', which is when a new development goes up near a pre-existing venue, it is the developer's responsibility to manage impact of that change, including informing future residents that they'd be living next/near to and making any necessary adjustments to building plans (e.g. soundproofing). This would help longstanding businesses in the existing music/entertainment focused areas defend against complaints from occupants of new businesses/residents. City Planning can also identify if any area is already saturated with performance venues and limit it as a type of land use by creating music and entertainment zones that allow higher noise limits to celebrate, protect, and accommodate longstanding clusters of music, culture and entertainment. Another suggestion was to consider not allowing residential units on the second floor of new tall towers in entertainment areas to help reduce impact of noise/vibration on residents. *Note added by MLS staff after the meeting: The Agent of Change principle is already being used by the City. MLS also has been and will continue to be in discussion with City Planning.* Participant note added after the meeting: a few residents raised concerns that putting the onus on developers for noise abatement costs may mean developers, and ultimately homeowners/tenants, will have to incur soundproofing costs to address noise made by the music industry.
2. **Other suggested actions the City can take to help prevent excessive noise** included: allowing the music industry to access noise measuring equipment to help the industry self-identify if they are in-compliance of the bylaw; providing the music industry with dedicated funds/incentives for proper sound insulation; and standardizing building practices to allow for objective measurement since sound proofing in buildings differ by age of the building, materials used, etc.
3. **Establish a City of Toronto Music Office.** This could help educate people about the benefits music and entertainment brings to the City and its residents, and that also helps the City and residents come to agreements over issues with noise. *Note added by MLS staff after the meeting: There is already a City of Toronto music office.*

Next Steps

The City thanked participants for coming and reminded people 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.