



NOISE BYLAW REVIEW

Public Meeting 5 – General Noise Summary

The Garage, 720 Bathurst St

February 6, 2019, 6:00 – 8:00 pm

On Wednesday, February 6, 2019, the City of Toronto hosted the fifth 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. Approximately 35 members of the public participated, with the majority signing into the meeting as residents (26 in total, including 7 people of those who indicated they were affiliated with resident associations, as well as a few members of the Toronto Noise Coalition), two representatives from an acoustical engineering firm, one person signed in noting that they were affiliated with a law firm representing business establishments. Six people signed into the meeting without identifying an affiliation. Representatives from MLS and Toronto Public Health also participated, and Mayor John Tory attended.

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 considerable support for seeing impacts on public health considered by the City when updating the bylaw.** Participants would like stronger public communication and education from the City regarding noise impacts, noise bylaws, noise mitigation plans, and noise enforcement were also strongly encouraged.

2. **The majority of participants expressed support for keeping the General Prohibition.** Many expressed support for mapping different ambient levels in the City and setting objective measures for noise limits (i.e. dB(A) and dB(C)). There was a range of opinion on time of day constraints.
3. **It's important that the City takes a leadership role on managing noise from public sources,** including emergency services. Noise from air travel was also identified as a challenge, and the City was encouraged to advocate on behalf of residents to minimize impacts of noise generated by the Greater Toronto Airport Authority/Pearson airport.
4. **Significant frustration around lack of enforcement was repeatedly raised.** This relates to all aspects of noise, including exemptions.

Feedback on the Criteria to Consider when Updating the Noise Bylaw

1. **Participants said that the criteria proposed by MLS to evaluate the proposed bylaw updates should prioritize reducing impact on residents, enforceability and objectivity, and suggested that public health be part of the over-arching framework driving the updated bylaw.** Many participants said that noise needs to be treated as a health issue, with some noting that this should be prioritized over economic impact. Several referred to research evidence that noise affects health and mental health. Recognizing the economic cost of noise on public health (e.g. impact on provincial health budget) could help strengthen the case for treating noise as a health issue. *Note: Toronto Public Health attended all noise public consultation meetings to consider the feedback heard.*
2. **Recognize the great deal of stress and frustration inadequate enforcement has on residents.** Many participants said that they have a high level of frustration because they can't solve chronic noise issues and they can't get a response from MLS/bylaw officers. Enforcement needs to happen quicker to deal with noise violations when they occur. Consider witness statements of noise impact and what a reasonable person considers as excessive noise levels (along with results of noise meter readings) when investigating noise complaints,
3. **Establish clear and objective standards.** Several participants said that setting clear, measureable standards (e.g. specific noise levels, times of day, etc.) is important to ensuring everyone understands what is allowed and what is prohibited. Both quantitative and qualitative inputs should be considered when establishing objective standards.
4. **Clarify the City's jurisdiction/legal authority to address noise issues.** The City needs to make it clear what it can and cannot enforce and who has the authority if it is not in the City's jurisdiction.
5. **Clarify the "reasonable" criterion.** Some participants said that the current definition of the criterion suggests that residents have to put up with all the noise in the city. The definition should be focused on balancing a growing and vibrant city with Torontonians' right to peaceful and healthy living and enjoyment of the city. *Note of clarification added after the meeting: MLS does consider the suggested description as it is the overall objective of the Noise Bylaw review.*
6. **Consider "consistency with provincial legislation" as another criterion.** The City's Noise Bylaw should be consistent with the provincial legislation to reduce conflict or overlap with regulation of noise sources subject to provincial limits. Inconsistency with existing provincial legislation and guidelines, particularly with the Ministry of Environment, could make compliance more difficult. *MLS staff clarified that the existing bylaw draws on the Ministry of Environment Guidelines when determining what is considered as accepted noise levels for stationary sources.*

7. **Invest in educating the public about noise to make the bylaw work.** The City needs to play a stronger role in educating the public about a range of issues related to noise, including what the bylaws are, the impacts of noise, what can be done to mitigate noise, etc.

Feedback on Options being Considered for General Noise Bylaw Updates

1. **Many participants said maintaining a general noise prohibition in the bylaw is important as it ensures any noise that is not regulated under specific prohibitions is still covered, but said the language of the status quo should be strengthened to make it less vague and subjective.** They also said they liked that the status quo references “vibration”, which the other options do not. Specific suggestions to help strengthen the status quo include:
 - Define “disturbance”;
 - Include “harm” in addition to “disturb” and “public health”;
 - Remove “is likely to” to just say “which disturbs” because it doesn’t matter what is likely to disturb, only that someone is saying they are disturbed; and
 - Add regulations for when certain loud municipal services are permitted.
2. **Some support for Option 2 – relative to ambient.** Some participants said that the system is already strained, and they are not convinced the City could effectively measure ambient noise. Others said Option 2 could work and suggested limiting permitted noise to the ambient noise plus 5 dB(A). This would allow for a simplified standard of what is and what is not allowed.
3. **Difference of opinion on Option 3 – time constraints.** Some participants supported Option 3, as it provides specific times and a shared understanding of general noise prohibition. Some suggested re-thinking the language as in some cases “the normal course of events” could occur outside the permitted hours of 7:30pm to 8:00am (e.g. a 24-hour gas station), which could be difficult to enforce. Others were not in favour of this option due to concerns that it will give permission to make excessive noise outside the prohibited times (e.g. loud dog barking). *Note of clarification added after the meeting: Loud dog barking is covered under the animal noise provision of the Noise Bylaw, not the general prohibition.*
4. **Difference of opinion on Option 4 – no general prohibition.** Consistent with previous feedback (captured above), many participants were not in favour of removing the general prohibition as they said there needs to be a comprehensive statement to protect residents. There is no guarantee that specific prohibitions can cover all types of noise, so the general prohibition should remain. Others said that there should be no general prohibition as it could supersede specific prohibitions if there was a conflict. There were participants who said that the City should work on making the specific prohibitions stringent and better defined to cover all noise sources.
5. **Some participants suggested a combination of Option 2 and Option 3.** There was some interest in combining the provisions in Option 2 and the first half of Option 3 (excluding specific time constraints). Some participants said that “relative to ambient” is a useful addition because it is technically feasible to establish the level of ambient noise at different places and different environments, which creates different standards of “out of the normal course of events/unusual/unreasonable” in different places in the city. Specific time constraints should be removed as there needs to be a bylaw in effect 24/7 to reflect the realities of people having different work shifts and people working from home.
6. **Suggestions to consider no matter which option the City chooses to implement:**

- Include both dB(A) and dB(C) limits to establish objective limits for measuring noise. Consider setting a lower dB(C) for night time limits;
- Add more nuance and specificity in the language around which kinds of noise are acceptable, and which ones are not (e.g. clarify what is considered a “normal course of event”); and
- Consider how humidity and temperature affect noise.

7. Other comments on the General Noise prohibition:

- **Range of opinions on how/where to measure noise.** Participants said the bylaw should be practical and flexible around how/where noise is measured given the situation. Some participants suggested measuring noise outdoors at the property line of the point of reception so noise is appropriately captured, given that different buildings have different sound dampening qualities. Others supported measuring at source to consider what is producing the noise.
- **Remove blanket exemption for emergency vehicles.** There should be a better balance between maintaining public safety through the use of emergency vehicles with the health impacts of constant noise from sirens. Look into siren technology to see if there are ways of reducing impacts of noise generated by sirens.

Feedback on Options being Considered for Exemption Permits Bylaw Updates

1. **Many participants said that the current Exemption Permits provisions are not good enough, and suggested the following modifications to improve the provision:**
 - Consider a lower noise limit. Participating residents said that the 85 dB(A) limit in the status quo is too high.
 - Make all Exemption Permits revocable if conditions of the permit are ignored or broken. Time limits should also be included in the permit conditions.
 - Exemption Permits should be automatically denied (instead of approved) if there is no response from Councillors.
2. **Participants had a range of opinion on who should be the designated authority to approve/deny applications.** Some participants said that having the Councillor approve/deny applications is safer for residents. Others said that this would create an administrative burden to already stretched Councillor resources, therefore, a delegated authority should manage the approvals process to have an efficient response to applications. They also said that the delegated authority should use publicly approved criteria when considering applications.
3. **Some participants supported Option 4’s Noise Mitigation Plan.** They said that a Noise Mitigation Plan should be a requirement for every exemption application.
4. **Exemption Permit categories should clearly define what activities fall in the low or high impact categories.** For example, the Exemption Permit requirements for a one-day fair in a park should be different from those for noise produced from construction activities at night. A participant also said that all noise produced from night time activities should be considered high impact.

Other Feedback

1. **Participants expressed appreciation for the opportunity to share their opinions and be heard by the City.** They also encouraged the City, particularly the Mayor and Councillors, to be mindful of the people who are not being heard (i.e. children and other vulnerable populations).

2. **Create proactive mechanisms that residents can use to prevent and (where necessary) address noise conflicts.** This includes things like:
 - Rating buildings (based on their age, architecture, etc.) on how noisy they are, and potentially exploring ways to monetize the rating system (i.e. by charging landlords for permits to operate noisier than reasonable buildings, which also acts as an incentive to landlords to invest in noise mitigation strategies);
 - Giving residents tools to mediate conflict on their own, including steps to follow to resolve conflicts, including a noise logbook;
 - Allowing residents to lease an MLS-approved noise meter from a library so residents can measure noise on their own; and
 - Providing residents (owners and tenants) with simple bylaw information and process knowledge to help them mediate conflict with noisy neighbours, which could also help bylaw officers gather noise data.

3. **Clarify roles of condo boards in setting and enforcing noise rules in condominiums.** Residents of multi-dwelling residential buildings are confused with the roles a condo board and the City play in addressing noise concerns from residents. *MLS staff said the first step in processing noise complaints in condo buildings is to put forward the complaint to the condo board. If this first step is unsuccessful in resolving the issues, MLS can then follow up. MLS staff also noted that they are piloting a mediation process with St. Stephen's House to see if noise complaints can be resolved through community mediation services.*

4. **Put the survey results into context.** The number of survey respondents represents a small number of people living in the city, and it may not show the reality of noise experienced by residents. *MLS staff acknowledged the comment, and said while the entire Toronto population was not surveyed, the survey method intended to capture feedback from a group of respondents who were representative of the general Toronto population.*

5. **The City should lead by example and minimize noise, including from:**
 - **Emergency vehicles.** Noise generated from police and emergency sirens were identified as sources of disruptive noise. Adjusting the volume of these sirens should be considered. *As part of the discussion, MLS staff responded that it is important for these emergency services to continue operating their sirens to make sure they can respond to emergencies in the city. They noted that the City is aware of concerns with sirens from police and emergency services. MLS said they will communicate these concerns to Toronto Police Services (TPS) and emergency services.*
 - **City operations (e.g. garbage collection) when combined with other types of noise in busy areas.** There are certain areas where noise levels are already high and City work increases the level of noise. For example, in one residential area next to a grocery store has up to 7-8 garbage trucks per day. Complaints are not responded to because the noise is generated by the City, but the issue is exacerbated by the high ambient noise in the area. Participants suggested that the City consider limiting the number of municipal works (e.g. garbage trucks) a day in a given area.

6. **Participants suggested ways to improve enforcement, including:**
 - Consider having bylaw officers work outside regular 9am – 5pm working hours. This would enable bylaw officers to investigate and respond to noise complaints occurring before 9:00am and after 5:00pm, particularly temporary/transient noise, at the time that they occur. *Note of*

clarification added after the meeting: Bylaw enforcement officers do work beyond a 9:00 am – 5:00 pm schedule. Officers work in shifts beginning at 6:00 am, and end at 1:00 am the next day for officers investigating noise from licensed establishments and 8:00 pm for officers investigating noise from private residences.

- Bylaw officers should be able to fine on the spot and issue stern warnings (and even confiscate noise-making equipment). The court process and the amount of time it takes to penalize someone can be very frustrating to some people. *Note of clarification added after the meeting: Bylaw officers do issue tickets (set fines) for certain charges, if the person(s) responsible for noise is determined to be in blatant violation of the bylaw or if no resolution was found after request to comply with the bylaw. Additional set fines for the Noise Bylaw are also being explored by MLS.*
- Be diligent in collecting fines. The city is very diligent when it comes to parking restrictions, the same should apply for Noise Bylaw violations. Consistently applied and collected fines, as well as potential damage deposits for construction work violating the noise bylaw, could be good revenue sources for the city.

7. Ensure that commercial activities in recreational areas do not interfere with residents.

Participants said as the city becomes more dense they are seeing more noisy commercial activities taking place in residential areas (e.g. school sports fields being used by groups that rent the space out). There needs to be a better balance so that residents aren't subjected to excessive and persistent noise from these activities.

8. Consider noise produced from acoustic (i.e. no electric) amplified sounds. Acoustic amplified sounds should be included under the by-law not just electronic amplified sound.

Feedback involving other City divisions and levels of government

- 1. The City needs to advocate on behalf of its residents to other levels of government to address on-going noise issues resulting from air traffic.** A resident expressed frustration regarding commercial aircrafts flying 24/7 at a very low altitude over residences in the Don Mills and Lawrence area. This frustration is increased by deflection from different government levels on who is responsible and who addresses complaints. The resident said that the City and City Council should take a position with other levels of government (e.g. NavCan and GTAA) to address the impact of aircrafts on residents. The resident suggested that a technical review be conducted to assess and recommend alternative flight paths that will not disrupt residents (e.g. lower impact industrial areas). *MLS staff acknowledged the concern during the discussion and noted that aircraft/air traffic noise is a Federal responsibility. The City has previously worked with NavCan, Transport Canada and GTAA on this issue, and MLS staff said they will note this issue in the review.*
- 2. Change the Building Code to force builders to use better soundproofing in construction.** This would help reduce impacts of noise so that it doesn't get to a point where people have to complain. *Note added after the meeting: The Building Code is legislated by the provincial government and cannot be changed solely by the City. A request from the City to the Province would need to be made. MLS staff also noted that improved soundproofing in buildings was acknowledged as part of TOCore, and City Council has directed Toronto Building to explore this recommendation.*

3. **Go beyond the City's jurisdiction.** Since the Province issues liquor licenses, consider working with them to limit the number of licenses approved in any given neighbourhood (e.g. Kensington Market) to limit the cumulative impact of noise from bars on area residents.
4. **Refer blatant disregard for others to Toronto Police Services** for enforcement of the applicable Criminal Code offences. If there was an intent to harm someone else's well-being by using noise, Section 175, Causing disturbance, indecent exhibition, loitering etc.; Section 430, Mischief; or Section 264 Criminal Harassment could be enforced.

Next Steps

The City thanked participants for attending and reminded them 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.