

# Implementation Review of the Noise Bylaw

## Public Meeting 6 (of 6) Amplified Sound (In-person)

Metro Hall, 55 John Street  
Room 308/309  
Thursday, September 21, 2023



On Thursday, September 21, 2023, the City of Toronto hosted the sixth of six public meetings to seek public input into the successes and challenges of implementing the Noise Bylaw amended in 2019, and to present and seek feedback on draft potential refinements to the Noise Bylaw. This meeting focused on seeking feedback on Amplified Sound. 38 members of the public attended the meeting. Representatives from Municipal Licensing and Standards (MLS), including the Noise Enforcement team, also attended. Councillor Ausma Malik also attended.

This summary was written by Third Party Public Inc., the engagement team retained by the City to facilitate the public meetings. It was subject to participant review before being finalized. It reflects the points discussed verbally, as well as written comments received 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*.

## FEEDBACK SUMMARY

The points below summarize the overall feedback received at the meeting. More details related to each point follow.

### OVERALL

1. **Most participants said their experience with amplified sound in the city is worse than 4 years ago**, with a few who were unsure if it has changed, and a few who said no.
2. **There needs to be a balance** among having music and liveliness in the city, economic viability and livelihood of artists and performers, and reasonable enjoyment of life for residents, especially in mixed use areas.
3. **A range of concerns with the bylaw were shared**, including different parts of the Noise Bylaw not working well together, difficulty attracting performers, etc.
4. **Many supported the proposed bylaw refinement 3** (introduce separate sections for commercial and living area amplified sound).
5. **Mixed opinions on how noise impacts should be measured.**
6. **Many suggested general refinements to the proposed bylaw**, including measuring using db(Z), making the bylaw language simpler, adding clear definitions, and many more.
7. **Mixed opinions on experience with noise coming from those who applied for exemption permits.**
8. **Need for stronger enforcement of the bylaw**, including better real-time enforcement, proactive enforcement by adding noise mitigation requirements (e.g. soundproofing), and many more.
9. **Improve the complaint process**, including more training for 311 operators to provide complainants better information, creating a public app to help with tracking of noise issues and enforcement.
10. **Increase transparency with the public**, including sharing more information on training of bylaw officers, complaint process, number of days it takes to dispatch enforcement after a complaint is made, etc.

## DETAILED FEEDBACK

### 1. Most participants said their experience with amplified sound in the city is worse than 4 years ago, with a few who were unsure if it has changed, and a few who said it hasn't.

Participants consisted of residents mostly from downtown, establishment operators, festival/music events staff, and street performers/musicians. Many participants shared their negative experience with amplified sound in the city, including:

- Noise from bars and nightclubs, especially between 10am-3am.
- Excessive volume from amplified sound
- Noise from businesses/activities taking place in live/work buildings, especially in older buildings that do not have proper soundproofing.
- Vibration from music and bass, particularly for new buildings as participants said the building code does not require acoustical separation.
- Events or establishments operating without a permit or license (e.g., clubs in basements, DJ'd events in parkettes, autobody shops or restaurants not licensed as bars).
- Neighbourhood parties with loud DJs and sound systems, some in laneways.
- Noise from patios.
- Noise from street performers.
- Noise from party boats, especially from parties after 11pm.
- Summer festivals operating until 3am.
- Events lasting several days.
- Large events including protests and parades that make it difficult to do everyday activities.

### 2. There needs to be a balance between having music and liveliness in the city, economic viability and livelihood of artists and performers, and reasonable enjoyment of life for residents, especially in mixed use areas. Toronto is a world class artistic city. Many said that they like music and events and that noise is part of living in the city, however, when the volume of music is too high, it is a problem. Participants said that the sound can be heard through closed windows and residents have to wear ear plugs and headphones at all times to have quiet in their homes, making life unbearable. To some residents, it seems that commercial interests

are prioritized over residents' interests, which is an issue especially in mixed use areas with residents and in particular the entertainment district. Many said that people living in these mixed-used properties should be the priority.

### 3. A range of concerns with the bylaw were shared, including:

- Different parts of the Noise Bylaw not working well together. Specifically, rules around amplified sound trump rules about unreasonable and persistent noise and that is not good.
- Difficulty attracting performers to Toronto because of the noise regulations.
- Exemption permits being "limited to 85 dBA 20 metres from the source" was a concern because it applies the same rules for every circumstance (e.g., for one performer/busker and for a big concert) and that should not be the case.
- Discrimination against the use of amplification devices in the City's regulations for busking and street performing when noise from drums/brass instruments emitting the same or louder sound is permitted. This is a particular concern for performers who need amplification devices to do their work. There's concern that all street performers are then being blanketed as creating noise when many are complying with bylaws and it's those who do not follow rules that create a bad reputation. It also does not make sense to penalize street performers for using amplification devices when the area has many sources of noise (e.g., Yonge & Dundas).

### 4. Many supported the proposed bylaw refinement 3 (introduce separate sections for commercial and living area amplified sound), with one supporting refinement 2 (lower decibel levels + consider additional enforcement pathway). The one participant who supported potential refinement 2 said they liked the additional enforcement pathways and that refinement 3 would negatively impact those who live in mixed use areas. Some shared suggestions to refinement 3, including:

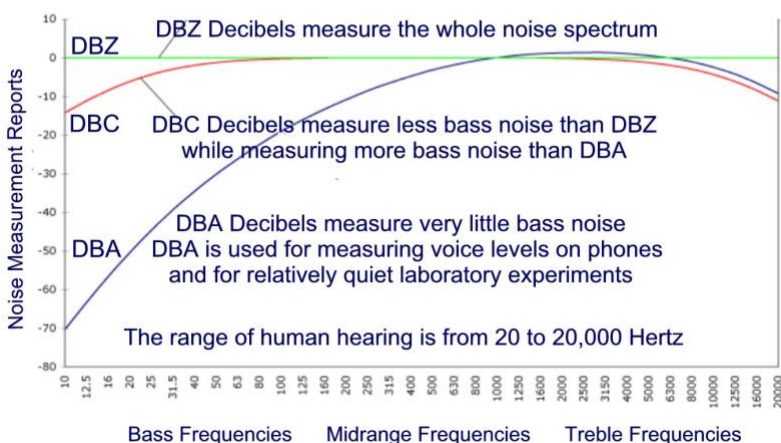
- Defining commercial properties/uses based on commercial activities conducted (e.g., having a liquor licence, special occasions permit, etc.).
- Adding public spaces as a criteria.
- Clarify the regulations for mixed use areas.

5. **Mixed opinions on how noise impacts should be measured.** Many said it should be measured at the source instead of point of reception, while others said to measure noise at reception and the ambient noise in relation to it. Some said the City is avoiding responsibility by measuring only at the source. *Clarification: The City measures at point of reception for many Noise Bylaw categories.* Others said to be cautious of measuring impact only by decibels as impact should also be based on people's experience and how it impacts their quality of life. However, others said that quantitative measures should be used because qualitative experiences are subjective.

6. **Many suggested general refinements to the proposed bylaw including:**

- Strong support from some participants to measure using dB(Z). These participants said that dBA is not a sufficient unit for measuring amplified sound, including bass. See chart shared by a participant below.

Comparing DBA, DBC & DBZ Decibels



- Make language in the bylaw simpler. Include clear and specific definitions for “persistent noise” – what is it and how is it enforceable.
- Include language to provide an indication of what decibels mean to a regular person (e.g., what does 45 dBA sound compare to?)
- Address vibration from amplified sound.
- Consider different decibel level limits/points of reception for different events. It's difficult to set a single standard baseline where everyone will agree.
- Go back to previous bylaw by removing decibel/volume restrictions and go back to

restricting any/all amplified sound beyond the property line.

- Coordinate the bylaw refinements with the Night Economy Review.
- Do not allow amplified speakers on patios of businesses.
- Consider making bars and clubs close their doors if the sound is above a certain decibel.
- Take the context of the event into account to provide a way to navigate the complexities of the bylaw. Many establishments, events, and performers are willing to work with the City to find a reasonable path forward and penalize only those who intentionally want to disturb.

7. **Mixed opinions on experience with noise coming from those who applied for exemption permits.** Some said their experience is worse than 4 years ago, others were unsure. When considering exemptions for events, ensure the venue has enough space/capacity to accommodate the potential higher volume of noise that will be generated.

8. **Need for stronger enforcement of the bylaw.**

There was a recognition from participants that enforcement resources are limited, however bylaws become weak when real-time enforcement is not possible, especially at night when a lot of disruptions happen. The current enforcement model relies heavily on discussions with violators and does not work or translate into change from those who create amplified noise. Enforcement needs to be more proactive by adding requirements to include soundproofing and proper acoustical barriers of restaurants, bars, and clubs. *Participant comment after reviewing the draft summary: Sound proofing is not pro-active enforcement of the Noise Bylaw. It may be a proactive measure to stave off a noise complaint but it should not be used in the context of enforcement.*

Others said enforcement was better before the Bylaw amendments because of discretion given to officers. Other suggestions included:

- Need more enforcement on the volume of amplified devices.
- Increase fines to deter offenders.
- Hire more enforcement officers. A team of 27 officers cannot cover an entire city. Others said the response from bylaw officers have declined (quick response before, but 3-5 business days wait now).



- Consider scaling fines. Fines should be related to the value of the property or business and what they bring in (i.e., the fine should hurt and not be part of doing business – existing fines seem like a drop in the bucket). An example shared was a venue in King-Portland which has 32 noise complaints with no fines to date.
- Consider allowing for community-level responses to noise complaints. Permit residents to compile information and assist when there is non-compliance (e.g., appoint a person who can ask loud neighbours to quiet down).
- Publicly identify venues that have multiple infractions (like health inspection posters)
- Go after building owners/directors. If clubs are charged with violations, they just change their name.

9. **Improve the complaint process.** There needs to be more training for 311 operators so they have better information to provide to people making complaints (what is/is not allowed, what will happen with complaint, etc.). Others suggested the City to create an app that measures decibel levels and records sound. Members of the public could download the app and upload recordings to help with tracking of issues and enforcement.

10. **Increase transparency with the public,** including sharing more information on the training that bylaw officers receive, acoustical engineering report and process/formula used by bylaw officers for determining ambient noise. Interest in understanding things like whether the loud asphalt plant in Ward 12 has an exemption; the number of days it takes to dispatch enforcement after a complaint is made; whether the complaint process is anonymous (since there have been cases where participants called and filed complaints and neighbours shared that the officer said that they had made the complaint); whether accommodations are made for buskers and live performances on patios; and whether amplified noise on patios is banned in the bylaw.

#### Other comments:

- Share a link to the Night Economy Report. *Updates on the Night Economy Review can be found on the City's webpage [here](#).*
- Unreasonable and persistent noise should not be its own category; it should overlap with other noise categories.

- The City needs to have distinct/different rules for what is allowed for essential construction (e.g. building housing) versus renovations done by property owners to increase value of their property.
- Time limits for construction should not just be time-of-day. The City also needs to look at restrictions around the length of construction projects (e.g., 9 months of straight construction).
- Consider requirements for soundproofing to mitigate noise (especially in live-work units).
- Concern about condo boards not acting on noise complaints within the condo.

#### NEXT STEPS

The City thanked participants for attending and reminded them of the opportunity to share additional comments with MLS by October 15, 2023, to be considered as part of the Review. MLS will bring forward a staff report with recommendations to Economic and Community Development Committee in the coming months. To subscribe for e-updates about the Implementation Review, add your email on the City's website [www.toronto.ca/noisereview](http://www.toronto.ca/noisereview).