

Implementation Review of the Noise Bylaw

Public Meeting 5 (of 6) Construction Noise (Virtual)

Via Zoom
Wednesday, September 20, 2023



On Wednesday, September 20, 2023, the City of Toronto hosted the fifth 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 Construction Noise. 63 members of the public attended the meeting. Representatives from Municipal Licensing and Standards (MLS), including the Noise Enforcement team, also participated.

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.

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 construction noise in the city is worse than 4 years ago**, mainly due to the significant increase in construction in the city.
2. **Need to balance the goals of building more housing and transit in the city with the effects of noise on the mental and physical health of residents.**
3. **It seems like the construction industry is not considering the noise impacts it has on residents' health.** Construction seems to be happening at all hours of the day and night, 7 days a week, with noise only stopping when an inspector arrives.
4. **Participants from the construction industry shared insights on what is happening in the industry.**
5. **The construction industry had concerns about the impact of the potential bylaw refinements being considered.**
6. **Voluntary compliance is not sufficient; enforcement must consider bad actors/bad behaviour and there needs to be enough of a consequence for violations.**
7. **Enforcement of bylaws is unclear and lacks transparency**, and too much is left up to individual interpretation by bylaw officers.
8. **There are concerns that the onus is on residents to track non-compliance.**
9. **Many suggested changes to the proposed bylaw refinements**, particularly using clear and more accessible language.
10. **The government should lead by example and be subject to the same requirements as others.**

DETAILED FEEDBACK

- 1. Most participants said their experience with construction noise in the city is worse than 4 years ago**, mainly due to the significant increase in the number of developments and residential construction in the city.

Participants consisted of residents from across the city, people from the construction and real estate industry, including small construction builders and members of the Residential and Civil Construction Alliance of Ontario (RCCAO). Some participants who live in quieter residential areas are more concerned with small-scale construction.

- 2. Need to balance the goals of building more housing and transit in the city with the effects of noise on the mental and physical health, careers, and social lives of residents.**

Participants said that sleep is essential, and noise is detrimental to people's health, with some saying that they haven't had a decent sleep in years due to overnight and early morning construction noises, and others have considered moving out of the city.

- 3. It seems like the construction industry is not considering the noise impacts it has on residents' health.**

Construction seems to be happening at all hours of the day and night, 7 days a week, with noise only stopping when an inspector arrives. Some participants said that the construction/renovation industry is only interested in profits with no consideration of the impact on neighbourhoods. Types of construction noise participants mentioned that are causing frustration included:

- Hours of operation – Large equipment operating 24 hours a day; early morning dump trucks (arriving at 6am); starting before 7am with delivery and refueling trucks.
- Specific activities and tools – Air horns; very loud backup beepers; unshielded generators; front end loaders; augers; etc.
- Metrolinx – construction noise and persistent operational noise (e.g., announcements can be heard 2 blocks away).

- 4. Participants from the construction industry shared insights on what is happening in the industry**, including:

- Pressure on the industry because Toronto needs the infrastructure.

- Pandemic exemptions allowed 24/7 construction.
- Workers don't want to disrupt neighbourhoods and they want to leave neighbourhoods as fast as possible. At the same time, building too fast can result in a lower quality of work.
- There have been supply issues with equipment so some companies are using older equipment that is louder because that's all that's available.

- 5. The construction industry had concerns about the impact of the potential bylaw refinements being considered.** Participants representing small home renovations and large construction firms flagged concerns about any changes that would impact their work. Small home renovators discussed the importance of context as there are differences between home renovations and large site construction, especially with more people working from home.

- 6. Voluntary compliance is not sufficient; enforcement must consider bad actors/bad behaviour and there needs to be enough of a consequence for violations.** Participants do not see sufficient consequences for big developers working outside designated hours and/or using very loud machines. Fines for non-compliance need to be much higher.

- 7. Enforcement of bylaws is unclear and lacks transparency.** Some participants said that too much is left up to individual interpretation by bylaw officers. Clarity on enforcement steps is necessary for bylaw officers and complainants. A publicly available step-by-step process would help everyone understand the process and be able to follow it, including where does each complaint go, who deals with it, who decides how they are enforced. Sharing construction management plans publicly would also be helpful. Others said to clarify who is exempt from the bylaw as the regulations do not seem to apply to Metrolinx, big developers and City projects.

- 8. There are concerns that the onus is on residents to track non-compliance**, so residents do not feel their complaints are heard or tended to. Participants said that it feels like 311 officers and City staff are trained to dissuade them from making a complaint rather than helping address the complaint. Others said

that residents in Scarborough don't feel like bylaw officers take complaints seriously and "they don't want to come out here". Some participants said that when calling 311 to report persistent noise issues, a complainant may get different advice. In one example, after calling multiple times, a complainant was informed that they had to record a video of the persistent noise, which puts a significant onus on the complainant to keep track of violations. Participants suggested making logs of 311 calls and see the trend/frequency of calls on this issue. The documentation would be helpful in future to know which bylaws to be revised/consulted on and create a smoother process of implementation.

9. **Many suggested changes to the proposed bylaw refinements, particularly using clear and more accessible language.** There were suggestions that the bylaw should be refined to create clearer and more accessible language to communicate what is permitted instead of what is not permitted. Some felt that the wording of the suggested refinement on exemption permits is much too vague, noting a need to specify what is high or low impact. Other suggested refinements to the bylaw include:

- The difference between infill and small scale renos should be specified, since small changes (deck renovations etc.) should be differentiated from larger projects.
- Use multiple permanent noise meters and don't average the readings. This eliminates the spikes in sound which have the most impact.
- Require the use of broadband reversal alarms to limit the "beeping" and alarm tones from reversing trucks to be directed only at those in danger (and safer for construction workers).
- Have tighter constraints in areas with single family homes. Smaller construction projects should have tighter constraints because they're right beside residents.
- If construction hours begin at 7 am, then deliveries should begin at 7 am not earlier.
- Protect Sundays and Statutory holidays as zero construction.
- Need Councillors to consult with enforcement officers; Councillors only have 14 days to respond, and participants do not think this is enough time.
- Hire more acoustical experts to meet demands. Participants were surprised by

what they see as the City's lack of technical knowledge and expertise related to measuring noise; there was also a concern about limited access to the acoustical equipment required to measure noise. *Staff go through mandatory training with engineers and have access to sound level measuring equipment.*

- Mitigation (e.g., sound absorption panels) should be a requirement for construction management plans in the same way that construction sites put up visual panels on sites.
- Make noise mitigation plans available to the public for consultation and input since these are a requirement for permits.
- Consider embedding noise prevention into zoning considerations. Bylaws should be drafted to anticipate longer-term noise and be linked to zoning considerations and approvals to consider the possible impact of construction noise on residents. For example, if a building is zoned for 7 storeys but is now being considered for a new 30-storey build, the increased and prolonged noise impacts should be considered as part of the zoning process.
- Measure noise at the point of origin instead of the point of reception.
- Measure and consider ambient noise.
- dBA is not a sufficient unit for measuring sound, in particular vibrations. At other meeting participants suggested using dB(Z) instead to measure sound.
- Provide more information clarity on when and why exemptions are being provided, including the duration of the exemption, what the exemption is being provided for, and the conditions that must be followed. There was concern about the number of exemptions being provided by the City.
- Look to other jurisdictions for ideas.

10. **The government should lead by example and be subject to the same requirements as others.** Elected officials need to advocate on behalf of their constituents to other levels of government if construction noise from a project is outside of municipal jurisdiction. Government construction projects should be subject to the same requirements as others, with the same accountability mechanisms. Many participants raised concerns with Metrolinx noise, including both construction and operational noise. They said that construction noise needs to be addressed regardless of jurisdiction. Currently,

government projects (such as LRT and those companies contracted by the government) are permitted any time of day to conduct construction but regular construction sites must comply with the noise bylaws. Provincial construction should adhere to municipal bylaws.

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.