



April 14, 2019

Mayor John Tory and Councillors

RE: EC3.6 Noise Bylaw Review – Proposed Amendments to Chapter 591, Noise

Municipal Licensing & Standards staff stated that their objective was to make the regulations clearer so they can be more easily enforced. But the most important objective of a noise bylaw must be to protect citizens from excessive and unwanted sound, a public health hazard. For Toronto, noise bylaw regulations must address the noise issues of our large, complex and diverse City. The regulations must be enforced, and the citizens must be able to make complaints and have them addressed. One size cannot fit all. The results of the overly generalised survey done in advance of the bylaw proposals cannot be relevant, or compared to small cities. The Toronto Noise Coalition has promoted the more detailed and complex New York City Noise Code as a relevant model.

How well does the proposed bylaw protect Torontonians from unwanted sound, provide for reasonable exemptions, and allow for effective enforcement? Key issues include:

- **Restore and strengthen the General Provision** – We live in a large and complex City where the noise bylaw must clearly provide protection from any excessive noise. A strong General Provision, missing in the proposed new noise bylaw, must clearly state that the objective of the Noise Bylaw is to protect citizens from disturbing noise, a public health issue. This protection includes being able to make complaints. The important public objective must override any administrative need for a simple bylaw that is easy to enforce. Noise issues in our City are complex. For example, disturbing noise from amplified sound can be intermittent and unpredictable and not fall within the limits of the specified amplified sound regulation. We must retain our ability to complain about unwanted noise, and have the ability to write noise logs when inspectors are not available at “point of reception”. This means citizens must be protected from excessive amplified sound under a general prohibition, such as in clause 591 – 2.9 A. Clause 591 – 2.9B must be removed as it excludes specifically excluded certain noise sources from the general protection of Clause 591- 2.A. But Clause 59 - 2.A must be strengthened to become the General Provisions; protection against excessive vibration must be retained. This was somehow dropped. First and foremost the General Provision must clearly include that its objective is to protect public health.
- **Retain the regulation to allow measurement of the property line for amplified sound** – This has proven to be an easy way to understand and measure noise for bars and restaurants.

- **Add a definition for measuring sound “at source” and make this a requirement for measuring amplified sound** - This term is already used as a requirement in exemption applications and is easy to use by operators and inspectors.
- **Replace the use of Leq to measure amplified with DBZ** - Leq is not a measure of the noise peaks, and it's the noise peaks that people hear as bothersome. The peaks and valleys of noise measurement can be 10-20 decibels apart. Leq methodology will work fine for constant noise, ie. construction noise, leaf blowers, etc. but for concerts and other variable noises, a Noise Peak Measurement, instead of Leq.
- **Expand and enhance the proposed restriction on motorcycle noise to ALL VEHICLES** – Reduce the maximum acceptable sound level at idling and to 82dB (and 86dB at anything greater than idling). The idling sound is actually slightly higher than the sound level from factory installed standards mufflers. Fines should be increased to \$350 to \$450.

We support the requirement for an exemption for continuous pouring, supported by a noise mitigation plan – This process is required to permit necessary construction processes to proceed outside normal construction hours while reducing the impacts of noise and vibration on nearby residents. Construction noise is subject to many complaints and late night work is particularly disruptive. We understand that that the construction industry objects to this provision but do not understand how it could substantially affect them other than to make them better citizens. This process should not be a burden: the permit process can be managed to ensure that construction is not delayed and the noise mitigation plan provisions for a quieter work process should be based on best practices, with no additional costs. There is no reason to believe that this process will deter building affordable housing. The benefit to the health of neighbours will be significant.

We look forward to further reporting on various matters to improve the City’s management of noise, including:

- How the proposed new bylaw complies with Public Health’s upcoming report on a City Noise Management Action Plan and what changes are required for it to comply;
- Introduction of new regulations requiring quieter technologies, such as electric battery powered leaf blowers, now available, particularly in neighbourhoods where noise from gas powered machines is excessive, with support by City initiatives to promote use of the better equipment;
- How the enforcement program will be enhanced and adequately staffed to respond to noise complaints in a timely way relevant to the type of complaint;
- A public and industry education program to encourage use of quieter equipment and work processes close to residential uses; and
- The introduction of a requirement of noise mitigation plans for all construction to promote quieter noise processes. These could be standard plans applicable to the type of project.

It was evident that from ML&S Staff's responses at the April 10 public meeting, that more work must be done. While there are positive changes in the proposed amendments, there are also a number of amendments that appear unworkable. The City began work on a new noise bylaw in 2015 and the Toronto Noise Coalition was formed soon after to provide a voice for citizens in this process. We only had a week to review very new proposals on this complex matter before the Economic and Community Development meeting, and another two weeks until the City Council meeting. We therefore strongly suggest that City Council agree on a 2 month delay to give all engaged stakeholders additional time to arrive at a new bylaw that is workable for staff, residents and businesses.

Respectfully submitted

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Member, Toronto Noise Coalition