



October 26, 2017

Tracey Cook,
Executive Director, Municipal Licensing & Standards
City of Toronto

Re: Noise Working Group meeting of September 27 and lack of progress to date

The Toronto Noise Coalition (TNC) hopes that you have read and considered our lengthy and detailed response to the ML&S staff *Draft Outcomes Report*, an attachment to our email to you. Our comments, which provide practical and creative ideas to make the bylaw more effective, must be considered as a package.

Our submission sets out our significant concerns with the Working Group process and details our comments and proposals on the many complex and interrelated issues. The outcomes interpreted by ML&S staff flowing from the flawed Working Group process must not be seen as any kind of consensus. Please see the attached list of issues encountered in our seven meetings, culminating in the final meeting of September 27.

As Working Group representatives of the City's residents and recipients of unwanted noise, we believe that the City must develop a new kind of noise bylaw regime that will manage the many noise issues in our vibrant and complex City as well as take into account changes in technology. The TNC was formed in 2016 because of major concerns about the changes being proposed to the current Noise Bylaw. These changes removed important protections and did not reflect best practices and did not proactively address management of noise issues, despite a substantial increase in noise complaints over the past four years. We have invested a huge amount of time and effort in understanding what an effective Noise Bylaw regime should be.

This new bylaw must play a key role in the Noise Management Action Plan now being developed by the Medical Officer of Health. The Working Group process could have been used to develop such a regime – one with effective noise regulations, effective noise mitigation and effective enforcement. Tinkering with the current Noise Bylaw and relaxing controls is regressive in terms of public health, well-being and productivity.

We ask for your help in ensuring that Torontonians will have a noise bylaw regime that will address the needs of our 21st century large urban city. We ask to meet with you to discuss our concerns and ideas about how to move forward.

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TNC list of issues with the Noise Working Group process

- Our May 2015 *Position Paper on the Current and Proposed Noise By-law*, submitted to the Licensing & Standards Committee, listed our issues and proposals. These were not considered in the Working Group meetings, which rather focused on the ML&S draft bylaw that took away important protections of the current bylaw. The Working Group meeting were spent reiterating the same information and arguments and just documented the positions of the of the various positions of member groups, with no attempt to develop consensus.
- Our January 29th 2017 memo to Jessica Walters and Vanessa Fletcher proposed a *Simplified Process for the Task of the Working Group* (attached to our submission on *Draft Outcomes Report*) to systematically address the complexities of creating an effective bylaw and its enforcement regime. None of our recommendations were accepted.
- TNC asked for experts to assist at the meetings. We arranged for and offered the services of Charles Shamoon of the New York City Department of Environmental Protection to participate in Working Group meetings to share his extensive experience with the development of a truly world class noise code. All our offers and suggestions were ignored by ML&S staff who are not noise experts. We had to research options on our own.
- TNC also asked for a session with MLS officers and City legal, to discuss the practicalities of evidence gathering and court proceedings. This request was also ignored.
- When the Working Group was mandated, we fully expected to **work collaboratively** with the various “noise makers” and to examine best practices to find solutions that could effectively manage the noise that is increasing in the City and then develop recommendations for a new noise management system that would consider the various sectorial issues. There was very little time for considering best practices or collaborative exploration of solutions during the working group sessions.
- ML&S staff continued to change throughout the process, resulting in problems of continuity and staff understanding of the issues and opportunities in developing an effective new noise bylaw regime.
- TNC members had to continually correct the record of meetings to accurately reflect what was said. Our comments on the staff Outcomes report was so lengthy, as we had to continue to make further corrections and clarifications, as well as to add important points we had not been able to raise at the meetings. .
- TNC members do not understand why staff resisted saying that the purpose of the bylaw was to protect the health of Torontonians, as this is clearly the only purpose of a noise bylaw. It is obviously not to promote economic development as was proposed by other members.
- For the final meeting of the Working Group on September 27, after hours of unfacilitated meetings, ML&S decided to have a meeting facilitator to help the Working Group come to some sort of a consensus; a facilitator was hired to have small groups come to some consensus in 50 minutes - an impossible task.
 - This meeting was planned without any input or discussion with Working Group members. The facilitator appeared to be unprepared to lead a useful meeting and to have little understanding of our issues.

- Submissions made by the members of the Working Group in response to the ML&S draft Outcome Report were not circulated in advance of the meeting so valuable time had to be spent in the table discussions outlining the relevant comments in the submissions.
- The discussion table topics were poorly divided, such as separating the interrelated amplified sound provisions and its exemptions, and leaving out enforcement altogether. This problem was finally fixed but wasted valuable time.
- A very short time, only 50 minutes, was allocated to real discussion of various topics, and this was reduced further by table rotations. The construction table members refused to rotate as they were in the midst of understanding the real concerns of both sides and discussing potential opportunities for workable solutions. They agreed further collaborative meetings would be useful.
- Only the TNC and Construction Industry attended, eliminating the value of table discussions for all but construction. Missing were such groups as lawn and garden maintenance industry and the music industry and Music Advisory Council representatives. The lack of attendance by the latter, given the major issues around impacts of amplified sound, was not even pointed out by ML&S staff. TNC members had developed a number of potential solutions to discuss with them.
- MLS staff tried to interpret what the Working Group members were saying but more often misinterpreted or confused positions, at least from the TNC perspective.
- These flawed positions were then set up as “ideas” for a voting process, which was quite unsuitable for the complex issues we are dealing with and where we had not progressed enough to have useful “ideas” to vote on. Even members of the TNC were confused by the way the “ideas” were written, sometimes voting twice to correct their positions, after realizing they had misinterpreted the “idea”.

The poorly managed Working Group process was a missed opportunity for collaboration and problem solving. It is the intention of the Toronto Noise Coalition to pursue these, such as the productive discussions between representatives of the construction industry and residents. At one Working Group meeting, a representative of the music industry (Phoenix) outlined how she proactively managed noise levels, but City staff made no attempt to follow up with how her initiatives could be used as a model for others, and it is not clear that this important contribution will be considered in new recommendations.