



January 29, 2017

Dear Jessica and Vanessa

The Toronto Noise Coalition (TNC) has reviewed the material from your January 25<sup>th</sup> email for the Noise Working Group and has the following input to the Terms of Reference Document.

**Re: Terms of Reference Document**

With respect to:

**1. Background**

We note you have made a change to the original Council Committee motion that set up the Noise Working Group. We strongly believe that the wording of the original motion approved by Council must not be changed. We are concerned that your proposed draft of the goals and objectives from the Licensing and Standards Committee adds the phrase “such as the Toronto Music Advisory Council”. This gives TMAC special and inappropriate status especially given there are other stakeholders such as construction, etc. in the working group.

If you believe it is important to acknowledge specific stakeholders, then we recommend creating a “Membership” section separately in the Terms of Reference document and list the names and organizations participating in the working group. This way a single industry is not given preferential treatment.

**2. Goals and Objectives**

TNC is very concerned about the addition of the phrase “while supporting business capacity or economic growth” to the goals and objectives. **The purpose of the noise bylaw is to regulate noise and establish compliance, period. It is not to support business capacity or economic growth.** In parallel examples, the goal of the fire code is NOT to support business capacity or economic growth. It is to reduce the risk of fire. The goal of the smoking bylaw is not to support business capacity or economic growth. It is to reduce the health risk of second-hand smoke.

Noise is a public health issue and must be regulated sufficiently to protect public health. This working group was formed in the first place because of concerns about the impact of noise on the health of residents and visitors to Toronto. It is our view that an effective noise management system supports the prosperity and well-being of all Torontonians. Supporting business capacity or economic growth is the purview of the Economic Development Committee, the Night Time Economy Committee and other such groups. It is NOT the purview of this working group.

Research shows an abundance of medical and scientific evidence acknowledging that noise adversely impacts public health. **The purpose of regulating noise is to protect public health, period.** We cannot modify that purpose.

### 3. A Substantive Example

While it is quite detailed, but very inclusive, the well-researched NYC Noise Law is a useful reference and a good model for us to start with.

#### The NYC Code

“§24-202 Declaration of policy. It is hereby declared to be the public policy of the city to reduce the ambient [noise] *sound* level in the city, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the city. It is the public policy of the city that every person is entitled to ambient [noise] *sound* levels that are **not** detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city. For the purpose of controlling and reducing such noises, it is hereby declared to be the policy of the city to set the unreasonable *and prohibited* noise standards and decibel levels contained herein and to consolidate certain of its noise control legislation into this code. The necessity for legislation by enactment of the provisions of this chapter is hereby declared as matter of legislative determination. “

We note that New York City has a robust economy!

### 4. Including all stakeholders

In the short term, a builder, a bar operator or commercial concert promoter may not be concerned if their noise disrupts. Their focus quite understandably is on their short-term profit and they believe noise regulation compliance is costly. Our focus is on preserving, protecting and promoting the public health, safety and welfare, and the peace and quiet of Torontonians.

All these perspectives can be captured and discussed in our suggested process, outlined on the next page.

We have been constructive and supportive in how we deal with this. TNC recommends we address economic interests, **not** by allowing the bias of one particular industry to be front and centre, **but** by using a standard and consistent process without losing sight of the **appropriate purpose of the noise bylaw – “To protect the health and well-being of Torontonians”**. TNC proposes we use the process below.

## Simplified Process for the Task of the Working Group

**Function of the bylaw** - To address and regulate the interface between the Sources of Noise and the Recipients of Noise.

### **Role of the Working Group**

To examine noise sources and make recommendations to MLS about how to regulate unreasonable and excessive noise levels in the City.

### **Steps of the Process:**

#### **1.) Identify Sources of Noise and the context within which they are made**

These are for illustration purposes. Specific noise sources will need to be identified and listed.

- Construction
- Amplified Sound/Impulsive sound
- Lawn Care devices
- Vehicle Noise (e.g. Motorcycles)
- etc.



#### **2.) Process to Address Noise Sources**

- Decide what objective standard best applies to the noise source
- Decide by science the level of noise within the context that is unreasonable
- Discuss what regulation would be needed to stop that level from being exceeded
- Identify any barriers/challenges to keep that level below the level of unreasonable
- Identify accommodation that could help overcome reasonable barriers
- Recommend the regulation
- Other questions

During this process the Noise Working Group may

- Review best practices of other municipalities, particularly NYC and Vancouver to identify inclusions for Toronto's regulations;
- Include discussion on associated prevention, mitigation, permitting, exception, and enforcement provisions
- Consult with relevant experts, organizations and research sources on the issues and opportunities identified;
- Ensure existing Federal and Provincial laws are adhered to

**Noise mitigation** - The process of preventing or reducing the impact of the noise before it becomes a problem. Having regulations at the front end to encourage the reduction of noise levels at the source supports self-regulation and reduces the need and cost of enforcement. NYC relies heavily on this and Industry supports it.

TNC believes that all stakeholder issues can be addressed using this process during each breakout session. This is where each industry can follow standard questions to bring their issues forward. The **"process to address noise sources"** above would ensure consistency and standards throughout the process.

## 5. Achieving Effectiveness

A truly effective noise bylaw is possible. NYC is a vibrant city with a noise bylaw whose explicit intent is to “preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city.” Toronto must not settle for anything less!

We look forward to a productive working session.

Sincerely



**for**

**Toronto Noise Coalition**

Ian Carmichael, Cathie Macdonald, Liz Sauter, Harold Smith, Mary Helen Spence

**Greater Yorkville Residents' Association (GYRA)** - Michael Landry, Bill Etherington, Alan Baker

**York Quay Neighbourhood Association (YQNA)** – Ulla Colgrass, Planning Committee

**Toronto Island Noise Committee** – Lynn Robinson, Chair