



January 31, 2018

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City of Toronto

Re: Toronto Noise Coalition comments: January 8, 2018 Noise Working Group Draft Outcomes Report

Please see the attached responses by the Toronto Noise Coalition (TNC) to your statements in the chart regarding “Feedback from Working Group”, included in the January 8, 2018 Noise Working Group Draft Outcomes Report. As you know, the TNC has made a number of submissions as a member of the Working Group, each covering different aspects so the information and submissions and these need to be considered as a whole.

We find the MLS “Feedback” comments too generalized and simply reiterate the many unresolved issues. The TNC committed to the Noise Working Group process, attending every meeting and presented new workable ideas and solutions. However, as MLS has acknowledged, inadequate resources for the Working Group, coupled with the lack of participation by the music industry in the discussion about amplified sound have resulted in an ineffective and unproductive process. Rather than facilitating a problem solving dialogue between the various sectors to explore new approaches and solutions, the MLS Outcomes Reports chronicles that it was simply an exercise in restating old positions and problems.

The Medical Officer of Health and the City's own consultations and studies prove that noise levels in the City continue to be a problem and complaints are increasing. Night Economy proposals will make it worse. We need a new noise bylaw regime.

On a number of occasions, the Toronto Noise Coalition, residents and businesses have recommended effective ways forward. Lack of adequate funding cannot be an excuse or option – the City must provide an adequate budget for this critical initiative. After two years of study and eight months of participation in the Noise Working Group, the Toronto Noise Coalition calls on the City to:

- Abandon the proposed 2016 bylaw as a base, stop tinkering with out of date thinking, and learn from applicable forward thinking best practices; and
- Allocate a sufficient budget to undertake this essential work. Hire experts in the field and make the investment to produce an effective noise bylaw that addresses the City's 21<sup>st</sup> century issues, make uses of best practices, and reflects advances in acoustic technology.

The City requires a noise management system with:

- Effective regulations – a general provision that states its objective to be to protect the public health of citizens from excessive noise, clear and enforceable regulations setting out objective standards for locations, noise levels, applicable time periods, and measurement, all clearly described for the public and for noise emmitters to comply;
- Effective mitigation measures – with criteria publicly developed and available and related to the activity and its location;
- Effective exemption process – with criteria publicly developed, requiring mitigation measures and publicly available, with notice of application and approval provided to neighbouring organizations and locations, and approved exemptions posted on site; and
- Effective enforcement – based on the onus being on the noise emmitters to comply, with adequate staffing and availability, including an effective offences and penalties program to offset costs, and monitoring of results.

**The New York experience shows it is possible to support a city's 24/7 business and entertainment life and still protect citizens from unreasonable noise. However, it does require political will and leadership.**

Toronto Noise Coalition (TNC)

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**Toronto Noise Coalition Comments:  
MLS Draft Outcomes Report, January 8 – Key Issues Discussed at the Noise Working Group**

1. General Prohibition

Current By law	Proposed By law	Feedback from Working Group	Toronto Noise Coalition (TNC) comments
<p>No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.</p>	<p>No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City during the following time periods:</p> <p>A. in a Residential Area: (1) before 7:00 a.m. &amp; after 11:00 p.m. Mon. – Fri.; (2) before 9:00 a.m. &amp; after 11:00 p.m. on Sat., Sun. and Stat. Holidays</p> <p>B. in a Quiet Zone: (1) before 7:00 a.m. &amp; after 7:00 p.m. Mon. – Fri.; (2) before 9:00 a.m. &amp; after 7:00</p>	<p>Concerns that including time in the general prohibition weakens the noise bylaw. For example, it could leave a sizeable population vulnerable to noise during the day (e.g. individuals who work from home, retirees/seniors, children, shift workers and people with disabilities).</p>	<p><b>The current MLS proposals create a loss of daytime and evening protection from unreasonable sound. There will be no protection for <u>all citizens</u> (not just the ones listed) for 16 hours each day, between 7am weekdays or 9am weekends and 11 pm. It <u>only</u> covers defined “Residential Areas” (any area zoned to permit residential uses) and “Quiet Zones” (hospitals and retirement homes etc.) at night. Other categories such as institutional uses, schools, workplaces, parks and universities are left completely unprotected from unreasonable noise 24/7.</b></p> <p><b>This is unreasonable and irresponsible, and may leave the City open to legal action.</b></p> <p>As noted below, this proposal does not reduce the need for noise specific prohibitions for different noise sources. They still remain in the MLS proposals.</p> <p>Replace the wording in the current bylaw to read as follows: “No person shall make, cause</p>

	<p>p.m. on Sat.; (3) All day Sun. &amp; Stat. Holidays</p>		<p>or permit noise or vibration, at any time, unreasonable or excessive noise or vibration at any time.”</p>
		<p>Acknowledged that there are competing priorities in regards to the purpose of the noise bylaw;</p> <ul style="list-style-type: none"> <li>• Protecting the health and quality of life of residents</li> <li>• Investing in culture, music and entertainment</li> <li>• Promoting densification and a larger housing supply</li> <li>• Investing in new infrastructure and transit, maintaining aging infrastructure</li> </ul>	<p>TNC and residents stress that the purpose of a noise bylaw must be to regulate “excessive unreasonable noise”. In Toronto, it is being confused with an economic development initiative which is taking precedence over health and quality of life concerns.</p> <p><b>Noise complaints have tripled over the past 4 years and despite the May 29, 2017 report of Toronto’s Medical Officer of Health that states “<i>The available evidence suggests that environmental noise in Toronto occurs at levels that could be detrimental to health</i>”, key weaknesses in the current by-law remain unchanged. The changes that have been proposed actually further reduce noise protections and no efforts have been made to strengthen weak enforcement.</b></p> <p>New York City’s Noise Code has proven true balance is possible, but Toronto is pitting one sector against the other and getting nowhere. <b>Toronto must have a new noise bylaw that reflects the City’s changing landscape and advances in acoustic technology and protects public health. Tinkering with an</b></p>

			<p><b>obsolete bylaw will not achieve this goal.</b></p> <p>The City’s current interest in promoting a night time economy, such as discussed in the January 18, ED 26.9 “Night Time Economy – Collection of Data and Protection of Live Music Venues”, must include ensuring protection of residents, park users etc. from excessive noise from amplified music and late night venues. In terms of Toronto’s attraction to the world, the quality of life of our citizens is most important, contributing critical economic benefit for our City. The development of a strong and comprehensive noise bylaw regime is essential to allowing such activities to take place without resulting in excessive and intrusive noise.</p>
		<p>Recognition by some that having a general prohibition for noise as well as 11 specific prohibitions is confusing. Adding time periods in the general prohibition in the proposed bylaw may reduce the need for these specific prohibitions.</p>	<p>This proposal does not reduce the need for noise specific prohibitions; in fact, the proposed bylaw does contain several different noise specific prohibitions. Night time hours should begin at 10 p.m., as they do in Vancouver, Edmonton, and New York City, not at 11 p.m. as proposed.</p>
		<p>Some worry that the subjectivity of the current general prohibition could pose issues for enforcement. "Enjoyment" for one resident may be peace and quiet, but for others it is vibrancy in neighbourhoods. The current general prohibition is subject to</p>	<p>MLS is concerned about the subjective wording of the exiting bylaw, but have left that so called subjective wording in the provisions for construction and leaf blowers.</p> <p>Replace the so called “subjective “wording in the current bylaw to read as follows: “No person shall make, cause or permit</p>

		<p>whether or not the noise "is likely to disturb" at any time in the city. This can result in multiple interpretations.</p>	<p><u>unreasonable or excessive</u> noise or vibration, at any time". These words can be defined in the bylaw and have legal standing in a court hearing as proven in the New York City Bylaw.</p>
		<p>Noted that noise is more than time constraints and decibels. It is also duration.</p>	
		<p>Questioned why "vibration" was removed from the general prohibition. If "vibration" is removed from the Noise By-law, it will only be regulated under Toronto Municipal Code, Chapter 363; Section 3.6 "Construction Vibrations". However, Chapter 363 is only concerned with construction vibration and its effects on buildings and structures. There is concern that the public would not be protected by other vibrations, such as those caused by amplified sound, if vibration is removed from the general prohibition.</p>	<p>"Vibrations" must not be deleted because the Toronto Municipal Code, Chapter 363 Section 3.6 "Construction Vibrations", is <u>only</u> concerned with construction vibrations and its effects on buildings and structures. The General Provision is necessary to also cover other acoustical vibration; for example, construction equipment, amplified noise, and residential stand-by generators.</p>
		<p>Concerned over the use of "quiet" and "residential" zoning to determine an area's time constraints and decibel levels. Some members believe it is out of</p>	<p>Current bylaw noise bylaw definitions for "Residential Areas" and "Quiet Zones" are outdated and must be reconsidered. For example, workplaces, schools and universities are not included and are left unprotected from</p>

		<p>date since there are a growing number of mixed residential and commercial spaces in the city</p>	<p>some noise sources.</p> <p>It should be noted that recently Harvard University provided their students with noise cancelling headphones to protect them from a nearby construction project recognizing the negative impact that noise would have on their studies.</p>
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Specific Prohibition; Amplified Sound

Current By Law	Proposed By Law	Feedback from Working Group	Toronto Noise Coalition (TNC) comments
<p>No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound, that projects noise beyond the lot line of the property from which the noise emanates and into any street or public place.</p>	<p>No person shall operate or permit the operation of a sound system device if when measured with an approved sound level meter for a period of five minutes at a point of reception, the sound level exceeds:</p> <ol style="list-style-type: none"> <li>1. <b>Monday – Friday</b> <ol style="list-style-type: none"> <li>a. Night time (11:00p.m. – 7:00a.m.)               <ol style="list-style-type: none"> <li>i. 45 dB(A) or 60dB(C), indoors or outdoors</li> </ol> </li> <li>b. Day time (7:00a.m. – 11:00p.m.)               <ol style="list-style-type: none"> <li>i. 50dB(A) or 65 dB(C) (indoors); <b>or</b></li> <li>ii. 55 dB(A) or 70 dB(C)</li> </ol> </li> </ol> </li> </ol>	<p>Generally accepted the <i>idea</i> of decibels and time constraints for amplified sound (with the exception of the Toronto Noise Coalition). Decibels and time constraints assist with the collection of evidence, provide certainty for businesses by providing specific compliance standards and provide consistent bylaw interpretation</p>	<p>This statement is an incorrect interpretation of the Toronto Noise Coalition position. <b>All the TNC submissions have supported objective measurements.</b></p> <p>MLS is packaging together the use of decibel measurements, time constraints and place of measurement, confusing the discussion. TNC submissions have offered concrete regulation ideas with options that consider and respond to the differences in noise sources.</p> <p>Objective measurement methodology does not preclude also having a combination of standards and points of measurements sensitive to the noise source. For example <b>The City of New York Noise Code contains the following: for Commercial establishments that play music:</b> They “<i>must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed:</i></p> <p><i>42 decibels as measured from inside nearby residences: AND</i></p> <p><input type="checkbox"/> <i>7 decibels over the ambient sound level,</i></p>



<p>In addition to the above, there is the General Prohibition.</p>	<p>(outdoors)</p> <p>2. <b>Weekends &amp; Stat Holidays</b></p> <p>a. Night time (11:00p.m. – 9:00a.m.)</p> <p>i. 45dB(A) or 60 dB(C), indoors or outdoors</p> <p>b. Day time (9:00a.m. – 11:00p.m.)</p> <p>ii. 50dB(A) or 65 dB(C), indoors; <b>or</b></p> <p>iii. 55dB(A) or 70 dB(C), outdoors</p> <p>3. <b>Ambient noise, add 5dB</b></p> <p>4. <b>Measured at point of reception, which is defined as any location on the premises of a person where noise originating from other than those premises is received.</b></p> <p><i>Note: Under the</i></p>		<p><i>as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Sometimes residents are disturbed by pervasive bass sounds that resonate and can be felt physically by a person.</i></li> <li><input type="checkbox"/> <i>Bass sounds measurements are weighted in the “C” scale and may not exceed 6 dB(C) above the ambient sound if the ambient sound is greater than 62 dB(C).”</i></li> </ul> <p><i>These rules are enforced as follows: “While NYC’s Department of Environmental Protection will often respond to residential complaints and schedule an inspection appointment to take meter readings, NYPD is more readily equipped to respond to complaints in a timely manner due to its existing presence in local communities. All non-emergency noise complaints should still be directly to 311.”</i></p>
	<p>Disagreed on the specific decibel levels and time constraints used in the proposed bylaw for amplified sound. Alternative time constraints and decibel levels could not be agreed upon</p>	<p>It should be noted that NO alternative decibel levels or alternative time constraints were discussed at Working Group meetings.</p> <p><b>Music Industry reps did not attend the Working Group meeting to discuss amplified sound or the September meeting where discussion about amplified sound measures were to take place with other stakeholders.</b></p>	

	<p><i>proposed bylaw, residents would no longer be required to prepare noise logs.</i></p>	<p>Support for point of reception measurement is divided. While some members believe it is an objective measurement (related to the direct experience of the claimant), others feel it is onerous and intrusive for the noise claimant.</p>	<p>Point of reception measurement may be appropriate and necessary in some situations. It is not necessary to set a “one size fit’s all” approach. To be effective regulations must consider and address then issues related to the different noise sources. Alternative options for points of measurements can be included in the bylaw as shown in the above example for NYC Commercial Music.</p> <p><i>"A provision prohibiting 'plainly audible' noise at a specific distance from the source or its property line is an unambiguous bright line for all observers, whether from enforcement or management, against which they can determine compliance, with virtually no preparation required. There is nothing about the standard which is vague, another legal requirement to be adjudged valid. A 'plainly audible' investigation can be conducted relatively quickly, without equipment or extensive training. The plainly audible standard has been held to be valid in courts at every level in the United States. It is a reasonable, common sense, objective standard with which to regulate disturbing noise."</i></p> <p>"Analysis of the “plainly” audible standard for Noise Ordinances", E. Myers, Esq. &amp; Charles Shamoon, Esq.</p> <p>MLS themselves acknowledged a number of problems with Point of Reception measurements as noted below.</p>
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		<p>Some interest in the addition of a sound level limit at the source property line. This allows a venue to monitor its own activities and adjust as required to maintain compliance.</p>	<p>The TNC objects to the removal of the specific prohibition 591 – 2.1 for loudspeaker and other amplified sound projected on streets, sidewalks and public places including city parks.</p> <p>Robert C. Chanaud, Ph.D. a world-renowned acoustician, in his seminal paper, “ Noise Ordinances: Tools for Enactment, Modification and Enforcement of a Community Noise Ordinance”, recommends three kinds of provisions in increasing order of their evidentiary weight:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A general provision.</li> <li><input type="checkbox"/> Subjective clauses for noise sources that cannot be easily enforced by measurement.</li> <li><input type="checkbox"/> Measurement limits for those noise sources that require them and as backup for subjective provisions.</li> </ul> <p>Both objective and subjective provisions in an ordinance are recommended.</p> <p>As exemplified and described at a Noise Working Group meeting by a representative of The Phoenix Club, located on Sherbourne St. and surrounded by housing, there are proven ways amplified sound noise levels can be successfully measured, mitigated and controlled at source by the person in charge of the amplification system. ML&amp;S has unfortunately not provided in “Noise Working Group Outcomes” drafts that this is an example of how</p>
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			<p>a commercial music venue can effectively operate with within a residential neighbourhood.</p>
		<p>Recognized the difficulty in isolating the source of sound; particularly, in noise heavy areas such as the Entertainment District. This is problematic for point of reception measurement.</p>	<p><b>It should also be noted that the May 5, 2016 MLS staff report acknowledged problems with Point of Reception measurements</b> that support the residents' opinion that it is unworkable in most circumstances. These include:</p> <ul style="list-style-type: none"> <li>• The need to enter a residence 24/7 is intrusive and could be a problem for residents, especially older people living alone.</li> <li>• The need to require two by-law officers, doubles the cost of enforcement, causes a delay, and the officers often cannot be in attendance when the noise occurs.</li> <li>• The inability to isolate decibels measured from a source from other sounds in, and entering into, a complainant's residence is a significant problem for establishing the source of the sound in question</li> <li>• TNC submission has pointed out that there are instances when point of reception measurement may be needed. As noted above in NYC commercial music example, both point of emission and standards are included.</li> </ul> <p>TNC submission has also pointed out that there are instances when point of reception measurement may be needed. As noted above in NYC commercial music example, both point of emission and standards are needed. See attached sections of the NYC Noise Code.</p>

			The onus to comply with bylaw regulations and conditions of exemptions mean that the onus is first on the noisemaker.
		Support for noise logs is divided. Some feel it is burdensome, while others feel it provides an opportunity for residents to produce evidence of disturbance. If noise logs were to continue, there was some support for an online, interactive noise log form.	Agree that noise logs should be retained as an option, as they can be useful in some circumstances. With the use of technology, collection of noise logs can be efficient and submitted on line.
		Some support for exemption permits (amplified sound), but only with an approved noise mitigation plan. However, the components of the noise mitigation plan were heavily debated (e.g. if there would be different components for large/small events).	(Note: This point should be in the Exemption Section following.)  Disagree that the components of mitigation plans were heavily debated at Working Group meetings. The music industry representatives did not attend the WG meeting at which amplified sound was discussed, and did not attend the September meeting, at which there was to be discussion between representatives of different interests, They submitted a 2015 report in "response" to the first draft Outcomes report,
		Residents support recommendations to prohibit outside amplified sound for sidewalk patios after 11 pm.	TNC supports the recommended provisions contained in the December 4, 2017 ML&S report, JC1.1 "Harmonized By-Law and Fees for Sidewalk Cafes, Parklets and Marketing Displays": that no amplified sound be allowed for

			any sidewalk café except by special permit (#72) and that sidewalk cafes on local roads be closed by 11 pm unless approved by Community Council (#68) as well as the intent that bylaw enforcement costs be covered by fines. These provisions show how the City can properly deal with excessive noise in the City. Such regulations must also apply to roof top and backyard/laneway patios. The criteria for any exemptions must be publicly approved and take into account the impact the exemptions would have on neighbouring residents,
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*\* Point of reception is any point on the premises of a person where noise originating from other than those premises is received*

2. Amplified Sound – Exemption Permits and Noise Mitigation Plans

Current Bylaw	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<ul style="list-style-type: none"> <li>• Sound shall not exceed 85 dB(A)</li> <li>• Measured 20 metres from the source over a 5-minute period</li> <li>• Councillors would have 14 days to comment on application and no permit issued if Councillor objects</li> <li>• If a permit is refused, applicant can appeal within 21 days of decision to Community Council.</li> <li>• If more than 1 Community Council affected, then each Community Council would make recommendations to Council</li> <li>• If appealed, then notice of hearing</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain the current 85 dB(A) limit</li> <li>• Proposed new 105 dB(C) limit</li> <li>• Measured sound level at point of reception over a 5-minute period</li> <li>• Applicant can apply for one permit to cover multiple events</li> <li>• Councillors would have 14 days to comment on application and no permit issued if Councillor objects</li> <li>• Applicant required to post notice in a visible location 7-days prior to the event</li> <li>• Executive Director could refuse to issue a permit if the event or applicant was associated with previous complaints and noise offences</li> </ul>	<p>Some concern over the rising number of exemption permits.</p>	<p>It is not “some” concern, it is widespread concern. The numbers do not lie and show the problem: <b>Last year, 664 noise exemption permits were applied for and over 90% were approved.</b></p> <p>The majority of applications (396) were for amplified sound. Whole neighbourhoods of the City, such as Harbourfront and the Toronto Islands, are dramatically affected by the high numbers of exception permits. Residents are being driven out of the waterfront area by the noise.</p> <p><b>Exceptions have become the rule. The high number of exemptions permitted must be reduced.</b></p> <p>The approval process for exemptions appears to favour applicants over residents and must be revised to better protect the public. For example, as is common in other jurisdictions, nearby residents, Residents Associations and BIAs must be notified of exemptions well in advance of events and to be able to comment meaningfully. Noise mitigation plans must be approved before an exemption is granted and information about the exemption and its approved mitigation plan clearly posted on the site.</p>

<p>sent to all residents within 100 metres of the location of the event or activity is proposed to be held.</p> <p>No authority to revoke a noise exemption permit once issued regardless of non-compliance.</p>	<ul style="list-style-type: none"> <li>• Executive Director has authority to impose conditions and require a mitigation plan</li> <li>• Proposed appeal provisions are unchanged from current provisions</li> <li>• Executive Director could revoke the permit if terms and conditions are breached.</li> </ul>	<p>Some apprehension for 'series approvals' (applications for more than one event in each application) Members wish to better understand how these would be approved and if the previous record of compliance would be taken into consideration.</p>	<p>Series approvals have their place when properly regulated.</p> <p>Series approvals (applications for more than one event in each application) must only be granted to applicants with an established record of good compliance.</p> <p>A maximum limit of the number of a series of approval in one application should be established depending on the nature of the exemption; i.e. no more than three at a time and revoked when the conditions of approval are not met.</p>
		<p>General acceptance for noise mitigation plans; however, there is heavy debate around its components. Some suggestions include specified noise mitigation items that applicants can "tick off" and areas for applicants to record how they are monitoring their own sound. Members still want to provide input to this process</p>	<p>TNC is pleased with the agreement to accept noise mitigation plans. Noise mitigation is a process of preventing or reducing the impact of the noise before it becomes a problem.</p> <p>All applications for events requiring an exemption to the bylaw must also require an approved noise mitigation plan before the exemption is granted. It must be remembered exceptions are not a right but a privilege that result in imposition of high noise levels on others.</p> <p>We disagree that there was heavy debate around the components of a mitigation plan, as the potential components not even discussed. We were unable to discuss them with the music industry, as they were not in attendance at the Working Group session when the topic was discussed, nor did they attend the September meeting where discussion on these aspects were to be discussed.</p>



		<p>Continued debate over the proposal to allow up to 85 dB at point of reception. Some members believe this is too loud.</p>	<p>The “some members” were reflecting that most residents of the City, (82.5%) responding to the City’s initial noise consultation in April 2015, indicated noise problems in their wards. Respondents indicated that the most common effects of noise in addition to general disturbance were loss of sleep/insomnia and stress.</p> <p>The May (May 29, 2017) Report from the Toronto Medical Officer of Health states</p> <p><i>“There is increasing concern about the impacts of environmental noise on health, especially in urban areas. The growing body of evidence indicates that exposure to excessive environmental noise not only impacts quality of life and causes hearing loss, it also has other health impacts, such as cardiovascular effects, cognitive impacts, sleep disturbance and mental health.”</i></p> <p><b>The NYC Noise Code limits noise at the point of reception inside a residence to 42dB.</b></p> <p><b>The MLS proposal to allow noise at 85 dB (the loudness level of a passing diesel truck or a snow blower) at point of reception, such as in the bedrooms, living rooms, student study halls and workplaces, is incomprehensible. It shows a complete lack of understanding about the issues at hand.</b></p>
		<p>General support for a graduated system of exemptions; one for low impact events and one for high requirements. Some members thought there should be different requirements for a small birthday party in the park and a multi-day festival with a</p>	<p>Criteria for such exemptions should be discussed by the music industry and residents reps on the Working Group. Mitigation Plans must be enforced and exemption permits cancelled for non-compliance.</p>

		<p>large sound system. However, members differ on how they should be defined. The sound engineer argues that the events should be judged on sound levels and not attendees. For instance, a small event could be no more than two speakers with a sound level limit of 85 dB A at 10 m and a major event has no equipment limit but a sound level limit of 100 dB A at 23 m.</p>	
		<p>Agreement that information related to exemption permits (who has applied and their status) should be posted online for residents, businesses, etc.</p>	<p>As well as posted on site.</p>
		<p>Suggestion that any Noise Mitigation/Management Plan should be evaluated <i>before</i> the exemption permit is approved.</p>	<p>Any Noise Mitigation Plan must be <u>approved</u> <i>before</i> the exemption permit is approved.</p>
		<p>Agreement that the Executive Director have the authority to refuse and remove applications for exemption permits</p>	<p>This delegation of authority must be clearly defined and must include a requirement for mitigation plans. Refer to the TNC recommended minimum standards in our September 20, 2017 submission.</p>

### 3. Construction Noise – Exemption Permits and Noise Mitigation/Management Plans

Current Bylaw	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p><u>General Prohibition:</u> No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City</p> <p><u>Specific Prohibition:</u> Sound from construction equipment or any construction is prohibited after 7:00 p.m. one day and before 7:00 a.m. the next day (9:00 a.m. on Saturdays, and all day Sunday and</p>	<p><u>General Prohibition:</u> No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City during the following time periods:</p> <p>a) Residential Area: b) before 7:00 a.m. &amp; after 11:00 p.m. Mon. – Fri.; c) before 9:00 a.m. &amp; after 11:00 p.m. on Sat., Sun. and Stat. Holidays</p> <p><u>Specific Prohibition:</u> no changes were proposed to the Specific Prohibition for</p>	<p>Members of the construction industry generally accept the proposed time constraints; but, ideally they would like them extended. In particular, they are concerned about increased traffic in the city and the potential delays this can cause to their projects if they cannot deploy to sites until 7 a.m.</p> <p>Other members support the time constraints; however, they want a Noise Mitigation Plan and public communications plan for <i>all</i> construction projects – regardless of time of day and</p>	<p><b>According to the September, 2015 MLS staff report, construction noise complaints increased 643% (non-residential) and 751% (residential). It is the highest source of noise complaints.</b></p> <p>In New York City, large construction projects are limited to week days (construction on owner occupied homes is permitted.) <b>While we reluctantly agreed to MLS suggested times, noise mitigation plans must be in place. Without them construction noise is unregulated.</b></p> <p>TNC had offered to work with the construction industry to develop practical construction standards and mitigation standards and suggested easily mitigation processes. We began a constructive dialogue at the September meeting.</p> <p>The TNC understands that the construction industry does not support mitigation plans for work during the day because they do not trust the City of Toronto to be able to approve the plan within a reasonable time. We empathize with this fear.</p> <p>The City's approval process must be timely and</p>

<p>statutory holidays)</p> <p><i>Specific prohibition doesn't apply to the following work that can't be performed during those hours:</i></p> <ul style="list-style-type: none"> <li>• continuous pouring of concrete</li> <li>• large crane work</li> <li>• necessary municipal work; and</li> <li>• emergency work</li> </ul>	<p>construction noise.</p> <p>The proposed Bylaw did not include an exemption for continuous pouring of concrete. Performing this work outside the Specific Prohibition would require an exemption permit.</p>	<p>place. They would like this built into the planning and building permit process. Members of the construction industry did not support a noise mitigation plan for activities during permitted hours.</p>	<p>efficient and plans need not be burdensome and approvals can be built into the building permit process.</p> <p><b>LEARN FROM THE CITY OF NEW YORK!</b></p>
	<p>The proposed Bylaw included exemptions for the City, Province and Government of Canada for Necessary Municipal Work; and for work related to maintenance or health, safety, or welfare of inhabitants</p>	<p>Division over the removal of the exemption for continuous concrete pouring and finishing. Construction would like to keep this exemption. They noted that continuous concrete pouring and finishing is time sensitive work that cannot be stopped to adhere to time constraints. Raised concerns about delays due to permit processing. Support improving communication about planned construction activities with the public.</p>	<p>TNC agrees that continuous pours have to be permitted, but they require relevant mitigation plans.</p>
		<p>Metrolinx and members of the construction and building industry support the continued exemption of "necessary municipal work." However, other members would like to know the current noise mitigation and communication strategies for</p>	<p>TNC agrees that public projects must have similar mitigation plans. City projects should be showing leadership in this regard.</p>

		public construction projects	
		General interest in reviewing any current noise impact statements that the City currently uses, such as the Noise Impact Statement through City Planning.	Agree, building on an existing process is easier than starting from scratch.
		Construction industry noted that if Noise Mitigation Plans are included, they would like it renamed to Noise Management Plan. They believe mitigation implies that they can cancel all noise on a construction site, while in reality they are trying to manage/reduce their noise. However, before the construction industry accepts the noise management plan, they would like to discuss its components with the city	<p>The idea is to “mitigate” noise issues not “manage” noise. Mitigation is not about elimination of construction noise; this is not realistic. But a lot can be done to reduce noise in construction without hampering work, such as use of quieter hoists, shielding passersby from jackhammer noise, use of quieter back up beepers, managing time and location of deliveries to reduce noise impacts for residents etc. There are already construction projects underway in the City that have construction management plans developed with neighbouring residents and businesses. These could provide a model to build on for the development and inclusion of Noise Mitigation Plan to be required as part of City Council approval of an Official Plan Amendment and rezoning, with plan details approved prior to issuance of a Building Permit.</p> <p>Temporary generators are frequently used on construction sites for long periods. Temporary generators must be regulated with noise and time limits in the noise bylaw. Quieter generators exist and must be required.</p>
		Unanimous agreement that the	Construction and residents reps agreed in the

		<p>review and approval of mitigation/management plans must be timely and efficient. Construction industry noted that any delays to their projects can cause further disruption and noise to surrounding areas</p>	<p>limited time available at the September meeting that a 6 week approval time after submission to MLS, suggested by staff, was unacceptable and that timely and efficient options were certainly possible. But was insufficient time to jointly develop such options.</p>
		<p>Significant interest in improved communication between construction, businesses and residents. Residents and businesses want to be informed of construction activity at the time of developers “applying/filing for a construction application/permit.” If possible, they would like to see notification within 2-4 weeks of a developer filing an application. One of the common things heard throughout the process was that residents/businesses were unaware of construction activity until it was already underway</p>	<p>As well, mitigation plans must be enforced.</p>
		<p>Restricted hours should apply to all areas where people live, not just residential – need to include Mixed Use areas.</p>	<p>See previous comment regarding the need to review definitions of areas and zones.</p>

4. Small Engine Equipment

Current	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p><u>Prohibition by time and place, Point of Reception</u></p> <p>The operation of any power device is prohibited...</p> <p>a. <i>Quiet Zone</i>, after 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.</p> <p>b. <i>Residential Area</i>, after 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays</p>	<p>The time and place prohibition for power devices was not included in the proposed Bylaw. Regulation of this noise source would therefore fall under the General Prohibition.</p> <p><u>General Prohibition:</u></p> <p>No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City during the following time periods:</p>	<p>Debate continues over the removal of time constraints for power devices. Some members feel this is weakening the bylaw by allowing the use of these devices until 11 pm</p>	<p><b>City Councillors and residents as well former Medical Office of Heath, Dr. Sheela Basrur, have been calling for increased regulation of leaf blowers for years!</b></p> <p>Note that the Licensing and Standards Committee, at its meeting of September 21, 2016 on considering LS13.1 “Chapter 591, Noise Bylaw Amendments After Further Consideration”, requested the “Executive Director, Municipal Licencing and Standards, to include in her future reports options to address noise leaf blowers by either:</p> <ul style="list-style-type: none"> <li>a. Banning leaf blowers, or</li> <li>b. Setting a decibel limit of 45 decibels for leaf blowers sold or leased in the City.</li> </ul> <p>This report has not yet been submitted. <b>The response from MLS is to now propose less regulation permitting them to be used until 11 pm! This is unacceptable.</b></p> <p>Other small engines must also be included. See comments below.</p>

	Residential Area:	Suggestion that the City should keep the prohibitions by time and place. This is similar to other cities (e.g. New York, 7pm – 8am; Vancouver, 6pm – 8am).	Agree as above.
	a) before 7:00 a.m. & after 11:00 p.m. Mon. – Fri.;	Agreed that educational materials are needed to generate public awareness regarding: <ul style="list-style-type: none"> <li>○ The noise impact of garden equipment,</li> <li>○ The availability of quieter products;</li> <li>○ That blowing debris on public streets is a Municipal Code offence</li> </ul>	Agree.
	b) before 9:00 a.m. & after 11:00 p.m. on Sat., Sun. and Stat. Holidays		
	Quiet Zone:	Suggested phasing in the 65dB limit set in ANSI B175.2-2000, which is a standard developed for gas powered leaf blowers. It is used as a limit for leaf blowers in other cities, such as Portland.	<b>Strongly agree. It is past time the City of Toronto caught up with technological advances.</b>
c) before 7:00 a.m. & after 7:00 p.m. Mon. – Fri.;	A few members indicated that they support a ban on leaf blowers in Toronto. For them, leaf blowers are becoming an increasing nuisance due to a combination of factors: <ul style="list-style-type: none"> <li>○ Use of more than 1 device</li> </ul>	See above.	
d) before 9:00 a.m. & after 7:00 p.m. on Sat.;			
e) All day Sun. & Stat. Holidays			



		<p>on a site.</p> <ul style="list-style-type: none"> <li>○ Use of leaf blowers to clean debris other than leaves, for example the entrance to a business.</li> </ul>	
		<p>Other members suggested focusing regulations on all small engines (including generators and compressors) rather than just leaf blowers. This would bring other noise sources into focus, such as food trucks which have noisy generators.</p>	<p>Agree that these other types of small engines must be included.</p> <p>The City is encouraging food trucks and residential generators are becoming common in some neighbourhoods and on construction sites. These are noisy and run for long periods often during the night. They must be regulated.</p>
		<p>Recognized that the local context is also important and should be given consideration when revising the regulations. The use of leaf blowers on large open spaces such as golf courses may be less likely to cause a nuisance compared to the use of leaf blowers in a close-knit residential neighbourhood.</p>	<p>A total ban is particularly appropriate on small residential lots. Leaf blowers in large areas such as golf courses, leaf blowers can be regulated differently. It should be noted that public parks are raked and leaves left in piles to compost, a practice that is and can be used elsewhere. Noise from a leaf blower would 95 115 decibels; while an operator can use ear protection but it is unreasonable to expect this of a person who happens to be nearby.</p>

5. Manufacturing Industry: Provincial/Municipal Requirements

Current	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p>A. No person shall emit or cause or permit the emission of sound from a stationary source such that the level of sound from that source at a point of reception located in a quiet zone or residential area exceeds the applicable sound level limit prescribed in <b>Publication NPC-205</b> - "Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban).</p>	<p>Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound:</p> <p>C. From a stationary source where the emission of sound is in compliance with a provincial environmental compliance approval that permits the emission of noise.</p>	<p>Agreed with the proposed bylaw but recommended a revision:            "...in compliance with a provincial ECA, EASR or an equivalent issued by the MOECC."</p> <p>Although, it was noted that an EASR is not issued by MOECC. Within Toronto, many industry sources fall under the Environmental Activity and Sector Registry (EASR) category (e.g. backup generator). The Noise Bylaw will not apply to eligible business activities which fall under the EASR or which have an Environmental Compliance Approval (ECA).</p>	<p>In our dense urban city, mechanical rooms with large industrial equipment are being located in or adjacent to condos and residential neighbourhoods. As density increases, complaints about noise from nearby mechanical equipment are on the rise. The regulations must clearly apply to high density areas, as well as low rise neighbourhoods. Mitigation measures to reduce impacts of noise levels must be also be considered.</p> <p>Rules governing equipment covered by other jurisdictions should be clear in the bylaw and not just cross referenced to complicated documents.</p>

<p>B. Subsection A shall not apply to residential air-conditioning devices regulated under § 591-6</p>	<p>time constraints around the self-testing of emergency generators (e.g. 8 p.m. to 8 a.m.). Technically, these should be registered with the EASR to meet the applicable sound level limits, but most homeowners do not because of time and cost.</p>	
	<p>Members question whether "emergency situations" for generators should have limitations. For example, 7 days unlimited, but then must comply with MOECC sound levels for generators.</p>	<p>Agree that there must be limitations, with the objective of encouraging the shortest use as possible.</p>
	<p>Some members requested the inclusion of rules for HVAC in the Noise Bylaw; including installation guidelines that mitigate noise.</p>	<p>In Toronto's dense urban city, mechanical rooms with large industrial equipment are being located in or adjacent to condos and residential neighbourhoods. As density increases, complaints about noise from nearby mechanical equipment are on the rise. The regulations must apply to high density areas as well as low rise neighbourhoods.</p> <p>The City can set standards for this equipment in the Noise By-law. Perhaps these need to be regulated under "Stationary Equipment"</p> <p>The TNC understands the City's development approval process for re-zonings requires a Noise Impact Statement that may provide an opportunity to require noise limits and equipment standards that would mitigate the impact of this equipment. City Council needs to direct the City Planning to</p>

			require noise mitigation for all roof top mechanical equipment. This can be incorporated into the development approval process.
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5. Stationary Mechanical

Current	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p><b>§ 591-4. Prohibitions by Time and Place</b></p> <p><i>The venting, release or pressure relief of air, steam or other gaseous material, products or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system, other than furnace vents.</i></p> <p><u>Prohibited periods of time</u></p> <p><i>Quiet Zone: at all times</i></p> <p><i>Residential Area:</i></p> <ul style="list-style-type: none"> <li><i>11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and</i></li> </ul>	<p><b>§ 591-5. Limitation on sound levels for residential air conditioners.</b></p> <ol style="list-style-type: none"> <li>1. Sound from a residential air-conditioning device cannot exceed 55dB (A), measured at the point of reception (quiet zone or residential area).</li> <li>2. Where the ambient sound level at a point of reception exceeds 55 dB(A):               <ol style="list-style-type: none"> <li>1) Subsection A shall not apply, and</li> <li>2) Sound from the air conditioner shall not exceed 5 dB (A) above</li> </ol> </li> </ol>	<p>Some members want the City to use "bels" for measuring air conditioning noise rather than dBs (i.e. 7.6 bels). Many manufacturers use bels as a unit of measure; therefore, using this measure would make it easier for suppliers to identify units that comply with the Bylaw. The Sound Engineer noted that a bel is 10 dB (A); therefore, 7.6 bels is easily equated to 76 dB (A). To find ratings, use manufacturer's data sheets or the Air Conditioning, Heating and Refrigeration Institute tool "AC Search."</p> <p>Do not support using a measurement of 55 dB (A) and "ambient noise plus 5 dB (A)" for residential air conditioners and generators. They believe 55 dB (A) is too high and ambient sound is too difficult to measure/changes depending</p>	<p>TNC supports the use of "bels". The TNC also believes the use of "bels" to regulate would be much more cost effective for the City to enforce.</p> <p>Agree. Toronto's standards must meet the highest level not the lowest common denominator. We understand that Japanese and European manufacturers make the quietest equipment.</p>

<p><i>statutory holidays.</i></p> <p><b>§ 591-6. Limitation on sound levels for residential air conditioners</b>  <i>Sound from a Residential air-conditioning device of a type referred to in Publication NPC-216 must not exceed the level limit set out in NPC-216 unless one of the following applies:</i></p> <p>(1) device was made prior to January 1, 1979  (2) The device, when new, complied with NPC-216</p> <p>The owner, operator, manufacturer or distributor provides proof that the device when new complied with NPC- 216 - "Residential Air Conditioning Devices," as applicable to that type</p>	<p>the ambient sound level at the same point of reception.</p>	<p>on the time of day.</p> <p>Requested the inclusion of residential stand-by generators in the noise bylaw. Many residents experience increasing noise from stand-by air-cooled generators that are self-tested regularly at levels that exceed 70 dB (A). This may be considered municipal jurisdiction as it could fall under "appliances."</p>	<p>The regulations must address self-testing noise levels that can be done by imposing bel level standards in combination with requirement for state of good repair on the generator units, and limiting self-testing to specific hours (9am to 5pm).</p> <p>Food truck refrigeration and cooling generators often parked close to homes and sidewalks – are also very loud and must be regulated.</p>
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of air conditioner and date of manufacture. <i>applicable sound</i>			
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6. Motor Vehicles

Current	Proposed Bylaw	Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p><b>§ 591-3. Specific prohibitions (point of reception*)</b></p> <p>No person shall emit sound [from an act listed] if the sound is clearly audible at a point of reception:</p> <p>A. Racing of any motor vehicle other than in a racing event regulated by law.</p> <p>B. The operation of a motor vehicle in such a way that the tires squeal.</p> <p>C. The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation.</p>	<p><b>§ 591-3. Specific prohibitions (point of reception*)</b></p> <p>No person shall emit sound [from an act listed] if the sound is clearly audible at a point of reception:</p> <p>A. Racing of any motor vehicle other than in a racing event regulated by law.</p> <p>B. The operation of a motor vehicle in such a way that the tires squeal.</p> <p>C. The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound</p>	<p>Requests greater enforcement of motor vehicle noise (including motorcycles). Traffic noise is the greatest source of ambient noise identified by Toronto Public Health in their "How Loud is Too Loud" report</p>	<p>Agree.</p> <p>Revvng of engines must be an enforceable violation</p> <p>A minimum fine should be \$ 500.00 escalating for subsequent infractions</p>
		<p>Support greater coordination between Toronto Police Services and MLS in the enforcement of vehicle noise. Other cities in Ontario have introduced objective noise limits for vehicles (and these cities are also subject to the Highway Traffic Act).</p>	<p>Agree.</p>
		<p>Sound Engineer noted that SAE J2825* is well written regarding motorcycle noise testing. This standard was the basis for the quantitative standards of neighbouring municipalities.</p>	<p>Motorcycles are particularly disruptive and must be added to the vehicle list in C of this section of the Bylaw.</p> <p>SAE J2825 standard is supported by the American Motorcycle Association, which produced a short video in support of this sound standard and explaining how this simple test can</p>



<p>D. The operation of a vehicle resulting in banging, clanking, squealing or other like sounds due to improperly secured load, or inadequate maintenance.</p> <p>E. The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.</p>	<p>attenuation.</p> <p>D. The operation of a vehicle resulting in banging, clanking, squealing or other like sounds due to improperly secured load, or inadequate maintenance.</p> <p>E. The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.</p>		<p>be conducted.</p>
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\* Standard for the "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles"

## 7. Enforcement

Feedback from Working Group	Toronto Noise Coalition (TNC) Comments
<p>Time and effort required to compile a noise log and attend court is burdensome. Toronto Noise Coalition would prefer to see the burden shifted to those who are making the noise.</p>	<p>As noted above, there will be situations where noise logs are useful. Those creating excessive noise should be complying with bylaw regulations and mitigation plans. These plans must specify how businesses will monitor their noise levels. Such information must be in a form that can be easily see and accessed by inspectors.</p>
<p>Trends show that noise complaints are increasing. If so, how is it possible to retain the current service standard without increased resources? The current 5-day service standard to respond to a noise complaint is not serving residents.</p>	<p>The enforcement budget must be increased to meet current needs. TNC and other residents associations recently supported such increases at Budget Committee. A five day service standard and a 9 to 5 cannot be not effective for enforcing noise regulations.</p>
<p>Any proposed noise bylaw must be accompanied by a budget and enforcement plan.</p>	<p>The Toronto Noise Coalition emphasis that any bylaw changes must be accompanied by a cost analysis to ensure enforcement is improved. These analyses must consider the cost for staff to monitor and enforce compliance in situations that are requiring measurements after existing working hours as well as the impacts of the announcement from Toronto Police Services that they will no longer enforce the Noise Bylaw.</p> <p>The existing penalties for offences are too low. A detailed and escalating fine schedule must be developed that more effectively deters offences and repeat offenders. More stringent penalties will also help offset enforcement costs.</p> <p>Officers must be given the authority to issue tickets and summons.</p>
<p>Health impacts of noise, as documented in Toronto Public</p>	<p>Especially since complaints are increasing. Effective enforcement</p>

Health's report "How Loud is too Loud?" strengthen the argument that noise complaints require more effective enforcement.	is an essential part of an effective noise protection regime.
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8. Comments related to liveability

<b>Feedback from Working Group</b>	<b>Toronto Noise Coalition (TNC) Comments</b>
For some members of the Noise Working Group, impact on health should be the primary measure of consideration when reviewing and crafting the noise bylaw. Health impacts from noise exposure are cumulative and affect sleep, productivity, efficiency, profit and prosperity.	No other municipality would consider that health needs need to be balanced with the needs of businesses that can operate in compliance with Noise Bylaws.
Health issues are urgent and improved results are needed now.	
The City should use an abundance of caution when considering noise issues.	

9. Other suggestions

<b>Feedback from Working Group</b>	<b>Toronto Noise Coalition (TNC) Comments</b>
Providing financial loans to help business provide sound insulation.	Both Boston and Berlin have such programs, a more effective way to protect residents than the Agent of Change initiative noted below.
Developing educational materials on noise mitigation for businesses.	Important to do. See NYC online noise education and their complaints reporting system which helps complainants through the process.
Undertaking more sophisticated ongoing noise monitoring and	See the NYC noise complaint reporting system which helps

collection of complaints through 311.	complainants through the process.
Incorporating the "Agent of Change" principle in the planning process; encourage developers to include noise clauses or warnings in the purchase agreements, particularly if a new development is planned in the vicinity of an existing music venue.	One must question that City Council, by approving this, seems to be excusing unreasonable and unregulated noise in the City and seems to imply that any new resident should just accept unreasonable noise, as well the thousands of people already living in existing neighbouring buildings. This is uncivil. If the City wishes to attract residents and tourists to this City and retain them, it must accept the fact that unreasonable noise from any venue must be mitigated.
Need for a review of the Special Events approval process.	Agree.
Need to look at a ticketing system to speed up enforcement	Agree. This should come under enforcement.
Need for increased fines structure for better compliance and funding for enforcement programs	Agree. This should come under enforcement.