

Chapter 591, Noise By-law Review

**Presentation for Toronto Association of Business Improvement
Areas and stakeholders
Interdepartmental Meeting**

**June 16, 2015 2:00pm – 3:00pm
City Hall, Committee Room #3**

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- Meeting purpose
- Current review
- Issues
- Comparison of current provisions and proposed solutions
- Discussion of proposed solutions

The purpose of this meeting is:

- To provide information about the review of Chapter 591, Noise.
- To solicit feedback on:
 - Considerations to be taken into account in our review.
 - Feedback on the proposed changes.

The review is being conducted to:

- Consider issues raised by City divisions based on experience with noise.
- Consider issues raised by the public.
- Ensure that the bylaw is current and easy for residents, property owners and business to understand.

Toronto Municipal Code, Chapter 591, Noise:

- sets out standards for noise and applies to all properties within the City of Toronto, with the intention of reducing the impact of unwanted sound on the residents of the City.
- It prevents persons from making, causing or permitting any noise, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.

The review of the noise by-law is proceeding in three phases:

Phase 1: Research and Analysis – March to May 2015

Phase 2: Stakeholder Consultation – April to June 2015

- A. MLS Noise survey
- B. Ipsos-Reid survey (commissioned by Transportation Services)
- C. External stakeholders
- D. Public consultations

Phase 3: Report to Licensing & Standards Committee September 18, 2015

Municipal Licensing & Standards has seen a significant increase in noise-related complaints, charges and convictions:

- Complaints to ML&S have increased 312% since 2009.
- Construction noise complaints during prohibited times have increased 643% (non-residential) and 751% (residential) since 2009.
- Complaints about loud music in bars/restaurants have increased 170% since 2009 with certain wards in the downtown core showing much higher increases. Ward 14 (275%), Ward 18 (291%), Ward 19 (288%), Ward 27 (367%), Ward 28 (967%), Ward 30 (850%).
- Noise related charges have increased 204% since 2009 and convictions have increased 179% between 2009 and 2013.

- The number of exemption permits granted has increased by 248% since 2009.
- Exemptions permits granted for loud music have increased 339%, construction increased 156% and “other” (e.g. marathons) 213% increases.

MLS Survey

- Collected responses March 31 to April 24, 2015.
- 974 individual responses, 1 from residential association, 9 email submissions.

Ipsos-Reid Survey

- Collected 1000 individual responses from April 6-13, 2015.

- MLS Survey findings show that:
 - Noise is a problem for 82.5% of people who responded.
 - 54% of respondents have made formal complaints about noise.
 - Most disruptive noise was from construction (40.1%), amplified sounds (29%) and motorcycles (30.6%).
 - Noise has a huge varied effect on respondents from general disturbance (77.5%) to loss of sleep/insomnia (48.2%) to stress (48.2%).
 - 75% of respondents were aware that construction noise is prohibited during certain time periods and 61.7% thought this was reasonable.
 - 63.7% of respondents were aware that noise exemptions permits can be requested for special events/construction outside of permitted hours. 87.4% identified they would like to know about a noise exemption granted in their area.
 - 11% of respondents were concerned about enforcement.

- Ipsos-Reid Survey found that:
 - Residents surveyed did not want to limit special events or construction but they also did not want to relax the noise bylaw for special events or construction.
 - Communication is important to residents, residents want to know more about the bylaw, exemptions granted and want to have an opportunity to raise their concerns.

- Prohibited time periods are reasonable.
- Noise complaints, charges and convictions for noise during prohibited times have increased dramatically.
- Preliminary public consultation has shown that residents are concerned and would like to see stronger enforcement.
- Fines have not been increased since 2003.
- Residents don't want to limit special events, but want to be informed about the exemption permits in their area.
- Once an exemption permit is granted, it cannot be revoked.
- Regulations in the noise by-law need to be updated and clarified

Prohibited time periods

Current:

There are listed prohibited times for certain types of noise. For example:

- **Construction noise:** 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays.
- **Operation of power devices, tools and engines:** 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- **Amplified sound; venting; loading, unloading, delivering, packing, unpacking; playing of music:** 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Proposed:

- No substantial changes. Preliminary consultation has not identified concerns with identified prohibited time periods.
- Simplifying the table of prohibited times to make it easier to read.

Enforcement

Current:

For individuals: Provincial Offences Act, Part 1- Offences for Chapter 591, Noise set out 9 provisions with set fines ranging from \$155-\$305. The Provincial Offences also sets out that any person convicted of an offence is liable for a fine not more than \$5000.

For businesses: Provincial Offences Act sets out a maximum of \$5000 for the business owner. Also, Chapter 545, Licensing sets out 1 demerit point for a noise related offence, 5 or 6 demerit points in 12 months can threaten business licence renewal.

Enforcement

Proposed:

- Increasing and escalating fines and/or penalties by:
 - Making recommendation to Province to raise the set fines.
 - Enhanced Enforcement strategies (public awareness campaigns, authority to revoke exemption permits, requiring noise mitigation plans)
 - Increased penalties for businesses guilty of a noise offence by recommending changes to Chapter 545, Licensing for increasing the number of demerit points for noise offenses.

Exemptions

Current:

591-10 sets out that any person may apply for a permit for an exemption. Upon receipt of an application, the Executive Director, ML&S shall give written notice to the Councillor of any ward where the event or activity is to be held and, where the event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.

The Executive Director shall issue a permit if all of the Councillors notified have either:

- (a) Not responded within 14 days of the notice; or
- (b) Responded indicating that they have no objection to the application being approved.

Exemptions

Proposed:

- No permit can be granted unless Councillor approval is granted, if multiple wards are effected then approval of community council is required.
- Mechanism for residents to be informed about exemption granted.
- A permit can be revoked by ML&S under certain circumstances.
- An applicant can apply for a permit which may cover a series of events or a specified time period.

Motorcycle regulations in the noise by-law need to be clarified:

Current: 591.3 Specific Prohibitions (point of reception)

- Racing of any motor vehicle other than in a racing event regulated by law.
- The operation of a motor vehicle in such a way that the tires squeal.
- The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order, and in constant operation.

Proposed:

- Reference that these provisions are aligned with the Ontario Highway Traffic Act.
- Recommend that Toronto Police Services enforce motorcycle noise as Bylaw officers are not permitted to pull over vehicles.

Vibration in the noise by-law needs to be clarified:

Current:

- 591-2 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.

Proposed:

- Removing vibration (duplication with Chapter 363, Building Construction and Demolition).

COMMENTS/QUESTIONS?

- ML&S staff will complete stakeholder consultations by late June. This presentation and a summary of feedback received will be posted online.
- Report to Licensing and Standards Committee on September 18, 2015
- Members of the public are welcome to attend this meeting.

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