

TORONTO NOISE COALITION

POSITION ON CURRENT & PROPOSED CHANGES TO THE TORONTO NOISE BY-LAW

May 17, 2016

The Toronto noise by-law fails Torontonians.

Despite extensive public consultations that identified key ways in which the by-law could better serve the community, the proposed changes further degrade an already ineffective by-law, while neglecting to improve the appalling lack of enforcement.

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Executive Summary

THIS SUBMISSION outlines concerns that the City's proposed changes to the Noise By-Law remove some safeguards, fail to strengthen noise protection provisions and weaken protection of Torontonians' quality of life. This executive summary includes a few recommendations, as examples. For a complete list of recommendations see the main body of the document and the Summary of Recommendations.

Note to reader: The Toronto Noise Coalition has had less than a week to prepare this document, in advance of the May 19th Public Meeting. Further analysis and recommendations may be forthcoming.

The recent staff reports and communications imply that Toronto's latest review of its noise regulations has relaxed noise regulations for specific business segments:

"Proposed changes to the by-law intend to strike a balance in serving residents and enabling the economic and social vibrancy of the City."

"This balance is created by enabling greater flexibility under certain provisions in the by-law while increasing rigour in other provisions. Allowing certain levels of noise for construction, manufacturing, transit and events can improve the City's economic and social infrastructure and better serve the residents of the City."

Yet, to provide a better understanding of the risk to health from exposure to noise in Toronto, Toronto Public Health has just begun the review of the most current evidence of the impacts of noise on health. We believe it is premature for the City of Toronto to propose amendments to the Noise By-law before the results of this study are available.

Noise complaints have tripled over the past 4 years. Recently completed population projections point to just the "downtown" growing from over 250,000 to a potential population approaching 475,000 by 2041. Toronto must have a new noise by-law that reflects the City's changing landscape and advances in acoustic technology. Toronto residents deserve nothing less.

The New York City (NYC) Noise Code shows it is possible and indeed necessary to support the 24/7 business and entertainment life of a truly great city and still take a strong stand to protect the city's inhabitants against unreasonable noise.

The Toronto Noise Coalition has determined that the proposed by-law changes fail on three levels:

1. Key weaknesses in the existing by-law remain unchanged;
2. The changes that have been proposed further reduce noise protections¹; and,
3. No efforts have been made to strengthen enforcement

¹ A poll of Torontonians conducted in April, 2016 determined that 80 percent of residents across all parts of the city want more noise protection, not less.

Mayor Tory and Members of City Council must provide leadership refocusing the basic purpose of Toronto's Noise By-law to preserve Torontonians' quality of life and health and to set expectations that this by-law will be enforced.

In reviewing the draft by-law, we have placed it in a format similar to our original 7-Point Plan. Below we show the deficiencies of the draft by-law and those places where it "hits the mark". Indeed, while there is much to debate, not all the work of staff should be discarded. Some of this work will form the basis of good policy; other work, not as much.

Position Statement

The Toronto Noise Coalition calls for the City to refer the proposed revisions to the Noise By-law back to City Staff to address the real concerns of Toronto's vibrant communities.

1.	THE HEALTH OF TORONTONIANS	THE FABRIC OF THIS BY-LAW MUST BE WOVEN FROM THIS FIRST PRINCIPLE: NOISE MANAGEMENT IS A PUBLIC HEALTH CONCERN, NOT AN ECONOMIC ONE.
2.	GENERAL PROHIBITION	<p>THE CURRENT DRAFT CREATES A LOSS OF DAYTIME AND EVENING PROTECTION FROM UNREASONABLE SOUND. THERE WILL BE NO PROTECTION FOR APPROXIMATELY 16 HOURS A DAY BETWEEN 7:00 A.M. AND 11:00 P.M.</p> <ul style="list-style-type: none"> This is completely unacceptable. The Toronto Noise By-law must include a General Prohibition for 24/7 protection from sound and vibrations that are of such a volume or nature that they are likely to disturb the inhabitants of the City. 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.
3.	AMPLIFIED SOUND	<p>THE CITY HAS RESPONDED WELL TO THE CONCERNS EXPRESSED ABOUT THE HIGH DECIBEL LEVELS FOR AMPLIFIED SOUND. HOWEVER, PROBLEMS DO REMAIN:</p> <ul style="list-style-type: none"> The high levels of 85 dB(A) remain through exemptions and City Council approved special programs. Decibels are a logarithmic unit, which means that a noise measuring 30 decibels is actually 10 times louder than a noise registering at 20 decibels. A lenient exemption policy with allowable levels of 85 dB(A) for concerts, festivals and special events remains. The specific prohibition for loudspeaker and other amplified sound projected on streets or public places has been removed. The subjective emission control has been removed. We suggest "plainly audible across a property boundary" as, among other things, it allows residents to handle complaints on their own and avoids the problem of "enforcement delayed". A specific regulation for noise projected beyond a property line must be replaced or improved. "Point of Reception" should be supplemented; "Point of Emission" should be an option. Noise from motorcycles must be regulated. Noise from leaf blowers must be regulated.

4.	CONSTRUCTION	<p>THE PROPOSED REVISIONS FAIL RESIDENTS:</p> <ul style="list-style-type: none"> • Construction noise is unregulated during set hours. • Exemptions allow harmful noise at any time. • Despite construction noise being the highest concern of residents, the proposed changes mean that it will be essentially unregulated. • High decibel levels for construction noise MUST be lowered and exemptions controlled. • Mitigation Plans for Construction Noise MUST be required and commercial construction hours reduced. • New York City provides an excellent model for how developers and residents conduct their business in harmony.
5.	HVAC AND OTHER MECHANICAL EQUIPMENT	<p>THE CURRENT BY-LAW LACKS CLARITY:</p> <ul style="list-style-type: none"> • As density increases, controls are needed to maintain reasonable levels of mechanical sound. • Proposed changes remain unclear and further weaken noise protection. • Commercial HVAC standards must be clarified. • There are inconsistencies between residential and non-residential limits. • The by-law must contain rules regulating disruptive HVAC and other mechanical equipment noise by imposing effective standards for this equipment that are easily understood.
6.	EXCEPTIONS	<p>THE PROPOSED AMENDMENTS TO SECTION 591-8 ON EXEMPTIONS EFFECTIVELY UNDERMINE THE EFFICACY OF THE WHOLE BY-LAW:</p> <ul style="list-style-type: none"> • The 85dB(A) level of sound that exemptions legitimize is on the cusp of what The American Speech, Language and Hearing Association indicate causes permanent hearing damage. • The high number of exemptions threatens to turn exemptions into the rule. • The proposed exemption process is skewed in favour of applicants. • The exemptions process must be revised to better protect the public.
7.	ENFORCEMENT	<p>THE CURRENT ENFORCEMENT PROCESS IS BROKEN. A BY-LAW MEANS NOTHING WITHOUT EFFECTIVE ENFORCEMENT. BY-LAW CHANGES DO NOT ADDRESS THESE FAILURES:</p> <ul style="list-style-type: none"> • Unresponsive – having to respond within 5 days. • Inappropriate hours of operations. • Insufficient resources. • Public confusion on whether noise is a City or Police issue. • City complacency with poor service. • Failure to deter repeat violators. • Burden of noise violations fall on the victim. • The entire by-law needs a cost analysis to reflect the real costs of enforcing it at proper levels.

Position Statement

VISION FOR A WORLD CLASS NOISE BY-LAW

Over the past two years, the City has consulted with community, business and industry stakeholders with the aim of revising the Toronto Noise By-law. On May 12, 2016, proposed changes were released.

The Toronto Noise Coalition—a grassroots organization of community associations, residents and businesses—**has analyzed the proposed by-law and found that it fails on three levels:**

- 1. Key weaknesses in the existing by-law remain unchanged.***
- 2. The changes that have been proposed further reduce noise protections.***
- 3. No efforts have been made to strengthen enforcement.***

Summaries of these key shortcomings are detailed below.

Furthermore, the timing of these amendments could not be worse; it is clear that the Noise By-law revisions have been pushed ahead because:

- 1. The by-law amendments fail to consider results from a Toronto Public Health-led study on the effects of noise on health, which was initiated this year and results of which are still pending.***
- 2. While 90% of Torontonians are concerned about noise, only 8% are aware that the City is considering changing the noise by-law, illustrating insufficient public engagement.***

A Matter of Health

While the intent of Toronto's Noise By-law is to protect the "...quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City", the changes to the by-law further degrade the City's ability to reduce the negative impacts of excessive noise on health.

Through communications with Ronald Macfarlane of Toronto Public Health, we have learned that ***a review of the health effects of noise (the last of which was conducted in 2000) has been initiated.*** Despite the pending status of the report, which will provide a better understanding of the risk to health from exposure to noise in Toronto, ***the City has pushed forward proposed amendments that fail to consider the health of Torontonians***—an omission that compromises the very intent of the by-law.

A Call for Leadership

The health of Torontonians should underpin the entire noise by-law planning, process, and enforcement. This will require the leadership of the Mayor and Council, as well as their consistent support for the noise protection needs of the residents of Toronto and the enforcement of the protections.

Lack of Public Engagement

A poll recently conducted by Public Square Research of 600 Torontonians reveals that ***while over 90% of Torontonians are concerned about noise, only 8% are aware that the City is considering by-law changes***. The poll also found that while few people had actually called the city to complain about a noise issue (12%), two thirds of those were unsatisfied with the City's response.

Achieving True Balance

A truly balanced noise by-law is possible: supporting the 24/7 business and entertainment life of a truly great city, and taking a strong stand to protect the City's inhabitants against unreasonable noise are not at opposite spectrums, but two sides of the same coin. Toronto deserves a Noise By-law that—rather than pitting economic development against health and sustainable growth—achieves both.

In light of the above issues, and the detailed analyses that follows (Issues 1 – 7):

The Toronto Noise Coalition calls for the City to refer the proposed revisions to the Noise By-law back to City Staff to address the real concerns of Toronto's vibrant communities.

1 A GLARING OMISSION: THE HEALTH OF TORONTONIANS

Based on an email from Toronto Public Health (Ronald Macfarlane) dated May 11, 2016, we understand that Toronto Public Health has just begun the review of the most current evidence of the impacts of noise on health, to provide a better understanding of the risk to health from exposure to noise in Toronto. We believe it is premature for the City of Toronto to propose amendments to the Noise By-law before the results of this study are available.

The City of Toronto website clearly states Toronto's Noise By-law intent as follows:

"Chapter 591, Noise, provides 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."

This submission outlines concerns that the proposed changes remove some safeguards, fail to strengthen noise protection provisions and weaken protection of Torontonians' quality of life, contrary to Chapter 591's intent and purpose as stated above. The recent staff reports and communications imply that Toronto's latest review has relaxed noise regulations for specific business segments:

"Proposed changes to the by-law intend to strike a balance in serving residents and enabling the economic and social vibrancy of the City."

"This balance is created by enabling greater flexibility under certain provisions in the by-law while increasing rigour in other provisions. Allowing certain levels of noise for construction, manufacturing, transit and events can improve the City's economic and social infrastructure and better serve the residents of the City."

While we realize the need for economic development, what is "good for business" is too narrowly focused and will not achieve that important goal. In the short-term, a builder, a bar operator or commercial concert promoter may not be concerned if their noise disrupts. Their focus is on their short-term profit and they believe noise regulation compliance is costly.

Most (82.5%) respondents to the City's initial noise consultation in April 2015 indicated noise problems in their ward. Respondents indicated that the most common effects of noise in addition to general

disturbance were loss of sleep/insomnia and stress. The proposed revisions will only make this worse and increase complaints.

There is no balance when there is no emphasis on protecting the quality of life and public health of Toronto's residents. This priority is absent from the by-law review.

Noise complaints have tripled over the past 4 years. Recently completed population projections point to just the "downtown" growing from over 250,000 to a potential population approaching 475,000 by 2041. Toronto must have a new noise by-law that reflects the City's changing landscape and advances in acoustic technology. Toronto residents deserve nothing less.

The New York City (NYC) Noise Code shows it is possible and indeed necessary to support the 24/7 business and entertainment life of a truly great city and still take a strong stand to protect the city's inhabitants against unreasonable noise.

New York City is a fair comparison in size and make up to Toronto. New York has the world's 2nd largest GDP and one of the best noise by-laws. Its entertainment and construction industries thrive and its noise code should be the standard for Toronto.

TORONTO CAN AND MUST DO BETTER!

2

GENERAL PROHIBITION

Loss of daytime and evening protection from unreasonable sound.

The existing Noise By-law protects the residents of Toronto from unreasonable noise or vibration at all times of every day.

"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."

With the revised Noise By-law there will be no protection for approximately 16 hours or 2/3 of each day between 7:00 a.m. and 11:00 p.m. for most noise sources!

A report by the Toronto Medical Officer of Health, Dr. Sheela Basrur, in March 2000 on the Health Effects of Noise, states "Exposure to excessive noise can also induce or aggravate stress-related health outcomes, including those on the cardiovascular system, immune system, sleep, task performance, behaviour and mental health". Further, as an example, it states "children appear to be particularly susceptible to noise-induced health effects including interference with speech acquisition and language development (which can create frustration and impair social interaction), inattention and impaired task performance, lower reading scores, and delayed motor reflex reactions".

The revised amendments to the Noise By-law propose removing protection from noise disturbances between 7:00 a.m. and 11:00 p.m. (with minor changes in hours for quiet zones, weekends and holidays), which will negatively impact all inhabitants of the City. This includes noise produced by leaf blowers, loading and unloading, motor vehicle repairs and testing, powered model vehicles, domestic and commercial power tools and noisy neighbours.

This is completely unacceptable. The Toronto Noise By-law must include a General Prohibition for 24/7 protection from sound and vibrations that is of such a volume or nature that it is likely to disturb the inhabitants of the City.

The General Prohibition communicates to the public a clear understanding of common civil standards.

For example, the NYC Noise Code regulates "unreasonable noise" both day and night (where daytime hours end at 10:00pm). It recognizes that noise levels affect public health, safety and welfare. It specifically states that "every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property" and further 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 people of the city."

The general prohibition in the NYC Noise Code sets a tone that uncivil and unreasonable noise is not accepted in New York City. New York City communicates this message in wide public education and communications strategies that have support from all sectors and motivates self-regulation and self-enforcement.

Nighttime quiet hours should begin at 10:00 p.m., NOT 11:00 p.m.

Both New York City and Vancouver contain a General Prohibition that applies 24/7, and nighttime hours that begin at 10:00 p.m. Why has Toronto not adopted these widely accepted standards?

The residents of Toronto should be entitled to similar protections, and the City of Toronto MUST recognize that unreasonable and excessive noise is a detriment to the health and welfare of its residents.

NYC Quiet Hours

as specified in Local Law 113

Brooklyn, Bronx, Queens, Staten Island and Manhattan Quiet Hours

Quiet Hours in all five boroughs of New York City, as specified in Local Law 113, are from 10 p.m. until 7 a.m. Reasonable noise levels are expected at all times.

3

AMPLIFIED SOUND

The City has responded well to the concerns expressed about the high decibel levels for amplified sound.

Amplified loud noise from bars, festivals and back yard parties received among the most complaints from respondents to the City noise consultations. Concerns were expressed about lack of adequate enforcement and the inability to prosecute errant operators. As a result of requests by the music industry and others, objective standards stating specific levels have been introduced. These are commonly used to define public health limits, and can help to strengthen the legality of an ordinance.

The City's previous proposal for these objective measurement set the allowable noise levels at 85 dB(A). This was vociferously opposed.

The City Listened.

The City has now lowered those levels and is recommending decibel limits during the day and night for amplified sound that should protect public health, since they meet the recommendations in the Briefing Note of Aug 28, 2015 by the Medical Officer of Health, Dr. David McKeown.

Although enforcement problems will increase without the City's financial commitment to increased staff, these new limits are a great improvement over the previous proposed levels, and a positive response to residents' concerns.

HOWEVER, PROBLEMS REMAIN.

The high levels of 85 dB(A) remain through exemptions and City Council approved special programs. Decibels are a logarithmic unit, which means that a noise measuring 30 decibels is actually 10 times louder than a noise registering at 20 decibels.

City Council has approved a new *Music in the Parks* three-year pilot program in 43 parks across the City (in **Toronto, East York, North York, Etobicoke, York and Scarborough**). This program, beginning this summer, will allow 6 to 10 events per park annually with amplified sound at the level of 85 dB(A), without the requirement for any exemption under the Noise By-law (this is based on the information on the City of Toronto website and included in Motion TE71. Passed on November 3, 2015). This program is clearly in violation of the existing Noise By-law, and those that have received permits under the program **MUST** be required to obtain exemptions under the existing Noise By-law.

As well, a lenient exemption policy with allowable levels of 85 dB(A) for concerts, festivals and special events remains. This is the point at which hearing loss begins, and is many times louder than the levels recommended by Public Health. See recommended changes to the exemption policy in Exemptions below.

“...there is evidence that exposure to noise also has impacts on health at levels below which impacts on hearing acuity occur. These adverse health effects could occur at levels below 50 dBA.”

Medical Officer of Health, Dr. David McKeown Briefing Note on Aug 28, 2015.

The specific prohibition 591 – 2.1 for loudspeaker and other amplified sound projected on streets or public places, including city parks, has been removed.

The subjective emission control has been removed:

“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.”

Without this protection, all complaints for all amplified sound will require a licensed City enforcement officer to attend a residence of the complainant while the noise is in progress, then to measure and register the level of amplifications and to take action with the emitter. This process is onerous for many common neighbourhood problems and as the current service is to respond within five business days, the chances of obtaining measurements are low.

To address this, using such wording as “Plainly audible across a property boundary” is an accepted legitimate measurement option where a sound level meter is not needed.

Robert C. Chanaud, P.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:

- A general provision.
- Subjective clauses for noise sources that cannot be easily enforced by measurement.
- Measurement limits for those noise sources that require them and as backup for subjective provisions.

Both objective and subjective provisions in an ordinance are recommended.

“Subjective provisions must be incorporated into any ordinance to provide an alternative solution to those problems that the objective provisions cannot handle. Obvious cases are complaints about voices and music. Noise disturbance and plainly audible criteria are applied here.”

Robert C. Chanaud

A "subjective control" option can simplify enforcement for many every day neighbourhood problems since sound level measurements may not be needed. It can also help potential violators to understand what is expected (fair warning).

It acts as a backstop to the objective numerical limits.

The requirement for decibel measurements for enforcement is dependent upon trained and qualified city personnel with approved measurement instruments to attend private residences 24/7. This will significantly increase the requirement for additional staff and yet no new enforcement budget has been allocated. A semi-subjective provision provides an easier and less expensive tiered enforcement approach.

It allows residents to handle simple problems on their own, and to submit evidence that has been accepted by the courts.

It avoids the “enforcement delayed” problem that results from the need for on-call trained by-law officers.

It will continue to have police officers enforce the noise by-law.

It provides an unambiguous and clear standard for those creating amplified sound and it is not vague.

A subjective regulation for noise projected beyond a property line onto streets and public places must be replaced or improved.

To provide adequate protection, a subjective clause for loudspeakers and other amplified sound that includes a clear standard such as “plainly audible” must be included in the by-law:

Section 591-2.1. must be restored, or the following substituted, which may also include a reference to distance from source:

“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 is plainly audible or is plainly audible at a distance of (N) feet beyond the lot line of the property from which the noise emanates and into any street or public place.”

As for measurements, it is only common sense that they will not always be available for amplified sound problems. The by-law must clearly state that there is no requirement they be included in evidence.

"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."

"Analysis of the "plainly" audible standard for Noise Ordinances", Eric M. Zwerling, Amy E. Myers, Esq., and Charles Shamoon, Esq.

"Point of reception" should be supplemented.

The May 5, 2016 ML&S Staff Report noted problems created by "point of reception" measurement that must be resolved:

The need to enter a residence 24/7 is intrusive and could be a problem for residents, especially older people living alone. It may also require two by-law officers, doubling the cost of enforcement.

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.

To overcome these issues the by-law should contain the option to measure sound close to the source, and the decibel limits should be adjusted for distance where appropriate. This is particularly important for large outdoor festivals and concerts. We recommend in Exemptions below that the by-law establish objective decibel measurements for the point of emission.

Clearly, a complaining neighbour will rarely, if ever, have a venue agree to shut its music on and off for the purpose of allowing that neighbor to establish a Noise Code violation against that venue.

"The Sound of Confusion: Noise Control Code Changes", Terrence A. Oved, Darren Oved,
New York Law Journal

Motorcycles

Noise From Motorcycles Must Be Regulated

On August 25, 2014 City Council adopted motion MM55.71 by Councillor Wong-Tam and seconded by Councillor Matlow:

“...to report to City Council through the Licensing and Standards Committee at its first meeting of the new term on options for improving regulations, management and enforcement of excessive motorcycle noise; such report to include consultation with interested City Councillors and Provincial officials where appropriate.”

The motion received extremely favourable response from residents as well as from the press who wrote several articles in support of the motion.

About a year after motion MM55.71 was adopted, ML&S began a review of the entire Noise By-law for the City of Toronto. Motorcycle noise has basically been left to the Ontario Highway Traffic Act (OHTA) and Toronto Police Services to enforce. We do not believe that this was the intention of motion MM55.71.

The OHTA is very difficult to enforce due to the challenges faced in trying to examine a motorcycle for illegal mufflers. Neither the City's proposed noise by-law nor the OHTA reference decibel levels, which could be easily measured using existing sound measuring devices (sound level meter).

Motorcycles continue to roar up and down city streets at all hours affecting sleep and the productivity of residents throughout the City. This is a health hazard that disrupts the well being of residents which must be addressed. The sheer number of high-rises only amplifies the already intolerable noise levels. Other Canadian cities such as Oakville and Edmonton have passed by-laws that deal with excessive motorcycle noise using decibel levels as a measurement. If cities such as Oakville and Edmonton can pass a by-law that is enforceable, then why can't Toronto?

The New Noise By-law Should Include:

- A maximum permitted decibel level of 92 db(A) from the exhaust when it's idling, as both Oakville and Edmonton already have in place.
- Decibel readings to be taken at 50 centimetres from the exhaust outlet by a sound level meter.
- A maximum of 96 db(A) permitted as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle, which is included in the Edmonton by-law.
- Revving of engines is not permitted.
- An appropriate fine in the range of \$350-\$400 (fines in Oakville and Edmonton are in the \$250 to \$300 range).

Toronto deserves its own enforceable motorcycle Noise By-law without having to rely on our Police trying to enforce an out-dated and difficult to enforce provincial law. Omission of a decibel level in the Noise By-law is a major and unnecessary loophole.

The City must have the power to control noise from all sources including motorcycles and the power for its enforcement officers to enforce those rules. Until those new rules are in place as part of a comprehensive City noise by-law, the City must instruct the police to make enforcement of noise control of motorcycles an enforcement priority.

Leaf Blowers

Failure to Regulate Leaf Blowers

Toronto has again neglected to regulate leaf blower noise. In 2000 and 2001, Public Health Staff Reports highlighted leaf blower noise and pollution health issues. In 2007, Council voted down a motion banning leaf blowers. In 2008 ML&S was directed to report back on phasing out 2-cycle engines and adopting more sustainable technologies by 2010. In the May 5, 2016 Staff Report, they indicated they would look at leaf blowers in the future but gave no time frame.

Problems are well documented

Toronto Public Health has continually raised serious health concerns about leaf blower noise and pollution including hearing loss, interference with communication, sleep interruption, annoyance and especially for potential health impacts on children and the elderly. Depending on the dwelling insulation, quality of lawn and gardening equipment, such as leaf blowers, noise can travel indoors impacting on residents' quality of life. There is also hearing loss risk for commercial leaf blower operators from high sound levels and infrequent ear protection. Toronto Public Health also stated:

"Leaf blowers contribute to noise and air pollution that can adversely affect human health and the environment. In addressing these concerns, some municipalities in North America have enacted outright bans that prohibit the use of electrical or gasoline-powered leaf blowers. Other municipalities in Canada and the United States have restricted leaf blower use through Noise By-laws or Municipal Codes"

Dr. Sheela Basrur Toronto Medical Office of Health Staff Report, July 3, 2001

The City has postponed this decision long enough. Leaf blowers must be regulated.

Toronto must finally address the leaf blower and power device noise and follow the lead of more progressive cities cited in the May 5, 2016 Staff Report. Banning leaf blowers could be accomplished by concurrently exempting city park maintenance like other essential services while learning best practices from cities that have banned leaf blowers or limited their noise emissions.

Effective noise regulations will encourage lawn maintenance contractors to source quieter equipment as has been done where required by other jurisdictions.

4 CONSTRUCTION

Noise By-law Proposed Revisions for Construction Noise Fails Residents

The by-law fails to require noise mitigation strategies for construction.

Construction Noise Levels Unregulated During Set Hours: City reports have identified construction noise as one of the main sources of noise complaints in Toronto in 2015. Yet, the proposed amendments for the Toronto Noise By-law permit construction 6 days a week between 7 a.m. (9 a.m. on Saturday) and 7 p.m. **without any noise limitations during these hours.**

Exemptions Allow Harmful Noise At Any Time: The proposals also provide an unlimited exemption process for continuous concrete pours and large crane work, usually occurring on evenings and weekends when 2/3 of construction-related complaints reported to the City were registered.

Despite construction noise being the highest concern of residents it will be essentially unregulated.

The May 5th 2016 Staff Report on Noise By-law amendments states:

- “Construction noise is of great concern to residents across the city, especially in areas where there are a number of residential development and transit projects”.
- The complaints are citywide. The Toronto Noise Coalition’s recent poll found 74% of respondents had issues with noise from construction, 91% of these were from the downtown and 80% from areas outside the downtown (North York, Scarborough, Etobicoke, East York and York).

Regulations for this type of noise have remained essentially unchanged for almost 15 years despite the exponential increase in the amount of city construction and size of the projects. The City’s priority seems to be accommodating the construction industry.

“Feedback from the construction industry indicates that additional restrictions to the prohibited time periods for construction will have negative implications for construction project timelines. This impact may result in the extension of construction or residential development projects and higher costs.”

Municipal Licensing & Standards, May 5, 2016 Report

High Decibel Levels for Construction Noise MUST Be Lowered and Exemptions Controlled.

The May 5, 2016 Staff Report also stated that, “Many residents believed that some construction companies were using the blanket exemption for concrete pours to complete other construction work during prohibited time periods.”

The proposed exemptions permits will legitimize this practice by approving exemptions to the by-law and permitting noise emitted from any equipment up to an equivalent sound level of 85 dB(A) or 100 dB(C) when measured from the point of reception over a five-minute period. This level of noise could be approved through unlimited exemptions (see Exemptions below). The Toronto Medical Officer of Health in a Briefing Note dated August 25, 2015 stated:

“Limiting average outdoor noise levels to below 55 dBA (daytime) is therefore desirable for health.... Keeping levels of noise below the provincial Environmental Noise Guideline (NPC-300) is desirable as sleep disturbance has been shown to occur at levels as low as 32 dBA.”

This exemption process requires changes as recommended in Exemptions below.

Construction Noise Mitigation Plans MUST Be Required and Commercial Construction Hours Reduced.

Toronto will be “under construction” in all parts of this City for years.

Recently completed population projections point to just the “downtown” growing from over 250,000 to a potential population approaching 475,000 by 2041.

To be truly livable, we expect the construction permit process to include noise mitigation requirements as they do in other large metropolitan areas such as New York City’s rules for citywide construction noise mitigation and reasonable hours for construction.

“New York City is involved in a constant process of renovation and new construction. To limit construction noise, the NYC Noise Code mandates that all construction be conducted in accordance with noise mitigation plans that address the specific location, type of work, and timing of a project. The Code also sets standards for noise levels created by handling containers and construction material on public streets, and ways to lessen the noise from each type of construction equipment.”

A Guide to New York City’s Noise Code

Construction is limited in NYC to weekdays only between 7 a.m. and 6 p.m. In general, no construction is permitted in New York City on Saturdays or Sunday unless an express authorization is obtained. If New York City can continue to build with these standards, why can't Toronto?

Toronto's by-law must include comprehensive standards that will limit the negative effects of noise from constant construction. It must also encourage companies to adopt innovative technology and noise mitigating measures.

The minimal requirement Torontonians should expect in the Noise By-law:

- Noise mitigation plans for citywide construction must be in place before building permits are granted.
- Specific minimum standards must be set for these plans.
- Every construction site must have a noise mitigation plan posted on location.
- If noise complaints are received, an inspector will ensure the contractor has posted the plan and that it is being followed.
- This requirement must be enforced and escalating fines for non-compliance issued.
- This is an easy-to-administer option.
- Large commercial construction should be limited to weekdays only as is done in New York. Owner occupied home renovations can have separate regulations allowing work on weekends.
- Exemptions must be limited and regulated as per Exemptions recommendations below.

Other NYC regulations give a baseline for comparison and show up the inadequacies of the Toronto approach:

- Standards are set for noise levels created by handling containers and construction material on public streets.
- Provisions exist to lessen the noise from each type of construction equipment. For example, jackhammers must be outfitted with noise-reducing mufflers and/or have portable street barriers to reduce the sound impact on the area.
- Temporary steel road plates must be fixed firmly in place to prevent unnecessary noise when traversed by vehicular traffic.

5 HVAC AND OTHER MECHANICAL EQUIPMENT

The Current By-law Lacks Clarity

Lack of Clearly Defined Limits and Noise Mitigation Strategies: The current by-law fails to deliver clear and understandable rules for noise limits on HVAC and other mechanical equipment, and contains no guidelines for mitigating mechanical noise when installing such mechanical equipment close to residential properties.

As density increases, controls are needed to maintain reasonable levels of mechanical sound.

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 mechanical equipment are on the rise.

Proposed By-law Changes Remain Unclear and Further Weaken Noise Protection

Loosened Restrictions for Residential Air and Heating Equipment: The proposed amendments to the Noise By-law have increased the allowable decibels (dBA) from 50 to 55 at point of reception (i.e. where the sound is causing disturbance) for HVAC systems for residential properties. “Residential” equipment includes only equipment used in a detached house, semi-detached house, town house, row house or duplex and does not include high or low-rise residential buildings.

Under the NYC Noise Code, the decibel limit for HVAC noise is 42 dB(A) when measured inside a receiving property dwelling unit.

The allowed decibel levels for HVAC systems in Toronto are more than twice as high as they are in New York City and must be lowered.

Commercial HVAC Standards Must Be Clarified. The proposed amendments (which apply to commercial and residential buildings, other than those referred to above) cross-reference the rules on “stationary source” in provincial legislation, being NPC 300. The provisions of NPC 300 are complex and not readily understandable by the general public.

It is not clear under the proposed amendments whether mechanical sourced noises are being regulated during “day time” hours based on the wording of the General Prohibition in the proposed amendments, which limits regulation of noise to “night time” hours! Further, it is not clear how the proposed

amendments relating to commercial mechanical equipment and HVAC are enforced, who enforces them and what penalties are applicable.

Inconsistencies between Residential and Non-Residential Limits: For “residential” HVAC (ie. single family dwellings), the City has moved from cross-referencing NPC 216 (as is the case in the existing Noise By-law) to specifying actual decibel limits, which is easier to understand and enforce. This has **not** been done for mechanical sourced equipment in commercial and residential buildings.

Under the NYC Noise Code, for "circulating devices" (which include HVAC equipment), a specific decibel limit of 42 dBA or, in the case of multiple circulating devices, 45 dBA, is applicable to both residential and non-residential buildings and sound measurement methods are defined. Noise control guidance sheets also provide clear strategies for mitigating noise from such equipment.

Toronto’s Noise By-law must contain rules regulating disruptive HVAC and other mechanical equipment noise by imposing effective standards for this equipment that are easily understood.

Further, the City should issue guidelines that outline methods of mitigating such noise to assist people installing such equipment to comply with the requirements.

6 EXEMPTIONS

Noise By-law Undermined by Exemptions

The proposed amendments to Section 591-8 on exemptions effectively undermine the efficacy of the whole by-law.

Section 591-8 outlines the process for attaining an exemption that relaxes or removes altogether the prohibitions and limitations on noise in the rest of the Noise By-law. What good is a noise by-law if no one has to abide by it?

For example, there are specific fact-based prohibitions on night-time and daytime, weekday and weekend amplified noise levels in the proposed amendments to section 591-4. The highest outdoor levels are the weekend daytime levels of 55 dB(A) or 70 dB(C). The Exemption provisions allow the volume to be cranked up way beyond these limits to 85 dB(A) or 100 dB(C).

A 10 dB increase in sound results in a sound that is approximately twice as loud. More important, the 85dB(A) level of sound that the exemption provisions legitimize is on the cusp of what The American Speech, Language and Hearing Association indicate causes permanent hearing damage. Furthermore, the exemption provisions presume the applicant may turn the volume to even higher levels and may have to be reminded by an officer in attendance to bring the levels into compliance.

The by-law needs to dial down the exemption volume.

The noise levels should not be allowed to climb to 85dBA and beyond. The city must not officially endorse noise levels that are a threat to permanent hearing damage. Instead, the by-law needs to establish safe absolute noise limits and ensure they are strictly maintained and enforced. Even exemptions should not allow noise to rise to dangerous levels.

One way to ensure the volume of amplified sound is dialed down is to require those using amplified sound to demonstrate they are in compliance with the limitations on noise levels. Currently the by-law establishes limits for the point of reception. The by-law should also establish objective decibel measurements for the point of emission. Where there are noise complaints, applicants who have received exemption permits should bear the onus of demonstrating to investigating enforcement officers that they are in compliance with the by-law. Musical groups using amplified sound have technicians on the scene during the performances. The sound technicians should be able to demonstrate to officers investigating complaints that the decibel levels their equipment is emitting are in compliance with the by-law limits.

This approach would take some of the pressure off enforcement. Enforcement officers can corroborate the information provided by sound technicians at the scene during the performance and would not have to go back and forth between complaining residents and the performers.

Therefore, the By-law Exemptions Provisions Should be Revised To:

- Establish safe noise limits, well below limits that can cause permanent hearing loss, even for exemptions
- Establish decibel limits for points of emission as well as points of reception of amplified sound
- Require applicants who receive exemption permits to agree to monitor their sound emission levels and demonstrate to enforcement officers investigating complaints that their levels are compliant.

The high number of exemptions threatens to turn exceptions into the rule.

Other Canadian city noise codes allow exemptions, but they specify in the code one or two major festivals during the year when exemptions are available. There are no limits on such “exceptional” events in the exemption provision of the proposed amendments to the Toronto Noise By-law. Some communities, like Toronto Islands, Harbourfront and Trinity Bellwoods, are dramatically affected by high numbers of noise exemption permits for amplified sound. The January 2015 Staff Report to The Licensing and Standards Committee acknowledges there has been a growing number of applications for exemptions being received and granted by the city: in 2015, 612 applications were received and 567 granted. The permits granted for music grew from 181 in 2011 to 311 in 2015.

The By-law needs to make Exemptions the exception, not the rule.

- Exemptions should be available only for major festivals held during predictable times of the year and publicized well in advance.
- Series approvals (applications for more than one event in each application) should only be offered to applicants with an established record of good compliance and a maximum limit of the number of series approved by one application should be required; e.g., no more than three at a time.

The proposed exemption process is skewed in favour of applicants.

The exemptions application process proposed in the new by-law is skewed in favour of the applicant rather than the public that will be impacted by the exemption:

- The application process will be streamlined to allow for a single application for multiple events.
- The fee structure for exemption applications will be changed to require only a single fee for multiple events or to waive fees altogether for certain multiple events.

- The Executive Director will unilaterally rule on exemptions and will consult only with area Councillors, not the area public, in granting exemptions.
- The public will receive notice of the exemption only after the exemption is granted or after there is an applicant appeal to the area community council on an application that is turned down.
- There is an appeal process outlined for an exemption applicant but not for the public.
- Noise mitigation plans are required after the exemption has been approved, not before.
- There are no explicit standards for noise mitigation plans.

Contrast these procedures with the procedures in place for applying for variances from other City by-laws, where the public in the vicinity is always notified in advance and given the opportunity to participate in the process in advance of the decision. In the proposed amendments to the Noise By-law, those most affected are least consulted.

The exemptions process should be revised to better protect the public.

- The proximate public (residents, BIAs and Residents Associations) must be notified of exemptions well in advance of events.
- Noise mitigation plans must be in place before an exemption is granted, and included in advance public notices.
- Clear standards for noise mitigation plans must be set.
- Resident associations and community groups should be included in the approval process.

If Ottawa can get it right, why can't Toronto? Ottawa exemption regulations specify:

- Exemptions are available during Winterlude and Canada Celebrations- named festivals at predictable time of the year.
- Events are not allowed to create noise likely to cause a nuisance or disturb the inhabitants or exceed 65 dBA when measured at the point of reception.
- Applicant for exemptions must provide documentation confirming that notification of the event has been given to all affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.

7 ENFORCEMENT

Current Enforcement is Broken.

A by-law means nothing without effective enforcement.

Unresponsive: The City does not immediately respond to noise complaints—rather, the current service standard is to respond within 5 business days. The only exception is if it is a life or death situation or a safety issue.

Inappropriate Hours of Operation: Of the City’s three noise enforcement units, “Investigation Services” receives the most noise complaints (~77% of all noise complaints). Although officers are available to investigate, *the hours of operation for enforcement do not capture the times that many of the noise complaints are made* (see hours in the table below). Thus ~31.7% of calls are received during off-duty hours. [Staff Report (Chapter 591, Noise) LS11.2, May 5, 2016]

Enforcement Unit	Noise Issue Jurisdiction	Hours of Operation
Investigation Services	construction, outdoor concerts and noise from a resident's property	Weekdays (6:00 a.m. to 7:00 p.m.) Weekends (8:00 a.m. to 5:00 p.m.)
By-law Enforcement	bars, night clubs, restaurants and parks	Sundays to Thursdays (6:00 a.m. to 11:00 p.m.) Fridays, Saturdays (6:00 a.m. to 3:00 a.m. next day) Holidays (8:00 a.m. to 4:00 p.m.).
Animal Services	animals, barking dogs	7 days a week (7:00 a.m. to 5:00 a.m. next day.)

Insufficient Resources: The City’s current enforcement program is seriously understaffed and underfunded. A City-led analysis in May 2016 confirmed that “currently ML&S does not have adequate capacity to investigate these [noise complaint calls] in accordance with its existing service standards.” [Staff Report (Chapter 591, Noise) LS11.2, May 5, 2016].

Public Confusion on Whether Noise is a City or Police Issue: Many Torontonians call the police rather than 311. Data from 2010 shows that between 11 p.m. and 12 a.m., police dispatch officers every 7 minutes in response to noise complaints (including noisy parties) [*“Who are you going to call? For noise complaints, mostly the police”*; Global News]. While this suggests that Torontonians prefer a quicker Police response, this situation leads to downstream effects that further degrade enforcement:

- **Faulty City Data on Noise Complaints:** As more people call the police rather than the City, data gathered by the City underestimates the real demand. Without accurate data, informed decisions to address service failures cannot be made.

- **City Complacency with Poor Service:** The systematic underestimation of demand for noise by-law enforcement (due to overreliance on the Police Services) leads to atrophy of already weakened and ineffective enforcement.
- **Police Lack the Expertise Required to Enforce the Noise By-law:** Police do not have the in-depth knowledge of the by-law, lack standardized noise meters and consider noise complaints to be a low priority (“level 4”).

New York Approach: To make a noise complaint, New Yorkers call 311. City staff follow an established protocol to forward callers to the appropriate enforcement bodies based on the type of noise complaint (either the New York City Department of Environmental Protection or the New York City Police Department). ***Toronto lacks a defined process to coordinate enforcement between the City and Police.***

Failure to Deter Repeat Noise Violators: Only a small fraction of noise violations lead to fines. While the maximum fine for a violation is \$5,000, lesser amounts (decided on a case-by-case basis) are imposed after lengthy City court appearances in which the burden of proof falls on the victims. No defined schedule for the escalation of fines for repeat violators has been established. For the worst repeat violators, the punishment (imposed after lengthy City court appearances that can last over 3-5 years) is to be called to a hearing before the Business Tribunal, the governing body which has the power to revoke the business licenses. ***This process is more costly to the City and to the victims than the offenders.***

New York Approach: For each type of noise violation, fees for 1st, 2nd and 3rd offences are clearly defined. For example, music emanating from a bar that is found to be in excess of the permitted levels receives set fines of \$3,200 (1st offence), \$6,400 (2nd offence) and \$9,600 (3rd offence), while failure to pay can lead to fines up to \$24,000. ***Toronto needs to define escalating fees that are appropriate for the type of offence.***

City Lacks the ‘Teeth’ to Deter Repeat Violators: By-law enforcers cannot fine violators on the spot. Rather, charges must be heard by the City court. Furthermore, the City has no jurisdiction over Provincial matters. For example, bars that make unacceptable noise can continue to operate unabated because the Alcohol and Gaming Commission of Ontario (AGCO) administers alcohol licensing. The City and the AGCO currently do not coordinate their response regarding noise complaints.

Burdens of Noise Violations Fall on the Victim: In the absence of appropriate by-law enforcers (with authority to fine violators), the victims of noise violations are made to keep a detailed “noise log” in which they must document the date, time, type of disturbance the negative impacts of the noise violation. Once in City Court, the victims must draft “victim statements” and are subjected to examination in the court to corroborate the charges. This process is complicated, challenging for non-English speakers and new Canadians (who often suffer in silence). It is also lengthy, and adds to the inconveniences already experienced by the victims of noise by-law violators.

Noise By-law Changes Do Not Address the Enforcement Failure.

No resources have been committed for City enforcement officers, sound measuring technologies, or process innovations—making moot any changes in their legal authority to manage noise.

Although increased fines have been recommended, Toronto's authority and capacity to enforce these fines must be improved, clarified, communicated and budgeted.

Changes to the By-law that Further Escalate the Costs of Enforcement Should be Reconsidered. By introducing the requirement for decibel levels (through changes to Specific Prohibition 591-2.1A), proper enforcement will—more than ever—require that by-law enforcement officers are sufficiently trained and have the technical expertise to operate standardized and calibrated sound measuring equipment.

Enforcement Solutions for Toronto's Noise By-law.

Laws without enforcement mean nothing, and currently Toronto is failing.

The Toronto Noise Coalition believes that City Council's Commitment to Enforcement of the Noise By-law is essential to the vibrancy and livability of Toronto.

These changes ***must be accompanied by a cost analysis*** to ensure that enforcement of the by-law is not further compromised. Such an analysis must consider the cost for staff to monitor and enforce compliance after existing working hours.

The following specific recommendations are required to address the current, compromised, state of enforcement of the by-law:

- The current number of **Noise By-law Officers** should be increased to meet demand and should respond to noise complaints during times that the complaints are made. ***Officers should be given the authority to issue summonses, tickets and notices for violations of the noise by-law without the requirement for year-long court appearances that currently cost the City and victims more than offenders.*** Furthermore, the mechanisms for cancelling or reducing these fines should be carefully crafted to minimize abuse of the system.
- ***A detailed and incremental fine schedule must be drafted*** that more effectively deters offences and repeat offenders.
- **The City must work more closely with the AGCO and the Toronto Police Services.** Resources must be coordinated. In collaboration with the AGCO, the arbitration of special occasion permits (SOPs)—for which the City currently does not have any authority—should be reviewed.

- **Better public engagement is a key solution for enforcement.** The City, the AGCO and the Police must work as one enforcement unit to efficiently address complaints through a more consistent and centralized point of communication. Officers and City staff should be trained to deal with stakeholders in a way that minimizes confusion.
- Ultimately, the City must set **performance-based measurements as well as realistic and time-based goals for enforcement.** Metrics should be made available to all stakeholders and should serve to inform future process change to ensure that the by-law is fulfilling its purpose to protect the health of Torontonians while supporting sustainable growth and vibrancy.

Summary of Recommendations

Position Statement

The Toronto Noise Coalition calls for the City to refer the proposed revisions to the Noise By-law back to City Staff to address the real concerns of Toronto's vibrant communities.

Chapter 1 A Glaring Omission: The Health of Torontonians

- 1.1 Mayor Tory and Members of City Council must provide leadership refocusing the basic purpose of Toronto's Noise bylaw to preserve Torontonians' quality of life and health and to set expectations that this bylaw will be enforced.
- 1.2 Public Health must study the health effects of noise on residents of Toronto and provide a report to Municipal Licensing and Standards before any changes to the Noise By-law are made.
- 1.3 The protection of the health and quality of life of all those living, working, playing, studying and conducting business in the city must be the first consideration in making changes to the by-law.

Chapter 2 General Prohibition: Toronto needs Quiet Hours

- 2.1 The Toronto Noise By-law must include the General Prohibition 591-2 for 24/7 protection.

"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."
- 2.2 Institute and publicize Toronto Quiet Hours between 10 p.m. and 7 a.m.

Chapter 3 Amplified Sound MUST be easy to measure

- 3.1 A subjective control option (e.g., "plainly audible across a property boundary") must be included in the rules regulating amplified sound to simplify enforcement for many noise concerns.
- 3.2 Replace, improve, and enforce the specific prohibition 591-2.1 for loudspeakers and other problematic noise sources projected beyond a property line onto streets or public places including City parks:

“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.”

3.3 “Point of reception” should be supplemented - the by-law should contain the option to measure sound close to the source, and the decibel limits should be adjusted for distance where appropriate.

3.4 Motorcycles - Include in the Noise By-law

- A maximum permitted decibel level of 92 dB(A) from the exhaust
- Decibel readings to be taken at 50 centimetres from the exhaust outlet by a sound level meter
- A maximum of 96 dB(A) permitted as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle
- Revving of engines is not permitted
- An appropriate fine in the range of \$350-\$400.

3.5 Leaf Blowers -

- Include in the Noise By-law a ban of certain leaf blowers or a limit on their sound emissions.

Chapter 4 Construction noise is unregulated - this must change as workers are protected but is the public?

The minimum requirement Torontonians should expect in the Noise By-law:

4.1 Noise mitigation plans for city-wide construction must be in place before building permits are granted.

4.2 Specific minimal standards must be set for these plans.

4.3 Every construction site must have a noise mitigation plan posted on location.

4.4 If noise complaints are received, an inspector must ensure the contractor has posted the plan and that it is being followed.

4.5 This requirement must be enforced and escalating fines for non-compliance issued.

4.6 Large commercial construction should be limited to weekdays only. Owner occupied home renovations can have separate regulations allowing work on weekends.

4.7 Exemptions must be limited and regulated as per Exemptions recommendations below.

Chapter 5 HVAC and Other Mechanical Equipment

5.1 Toronto's Noise By-law must contain rules regulating disruptive HVAC and other mechanical equipment noise by imposing effective standards for this equipment that are easily understood. Further, the City should issue guidelines that outline methods of mitigating such noise to assist people installing such equipment to comply with the requirement.

5.2 Noise from HVAC and other mechanical equipment must be limited to lower decibel levels at all hours of the day, the rules should be clearly stated in the by-law and not cross-referenced to complicated documents.

5.3 Residential air conditioners decibel levels should be lowered not raised.

Chapter 6 Exemptions are the Rule!

The Noise By-law needs to dial down the exemption volume.

6.1 The 85dBs level for construction and music equipment is unacceptable and MUST lowered.

6.2 Establish decibel limits for points of emission as well as points of reception of amplified sound.

6.3 Require applicants who receive exemption permits to agree to monitor their sound emissions levels and demonstrate to enforcement officers investigating complaints that their levels are compliant.

The By-law needs to make Exemptions the exception, not the rule.

6.4 Exemptions should be available only for major festivals held during predictable times of the year and publicized well in advance.

6.5 Series approvals (applications for more than one event in each application) should only be offered to applicants with an established record of good compliance and a maximum limit of the number of series approved by one application should be required; i.e., no more than three at a time.

The exemptions process should be revised to better protect the public.

6.6 The proximate public (residents, BIAs and Residents Associations) must be notified of exemptions well in advance of events.

6.7 Noise mitigation plans must be in place before an exemption is granted and included in advance public notices.

6.8 Clear standards for noise mitigation plans must be set.

6.9 Residents associations and community groups should be included in the approval process.

Chapter 7 Current Noise By-law Enforcement Needs Fixing

7.1 Any By-law changes must be accompanied by a cost analysis to ensure enforcement is not further compromised. These analyses must consider the cost for staff to monitor and enforce compliance in situations that are requiring measurements after existing working hours.

7.2 The number of Noise by-law officers must be increased to meet demand and should respond to noise complaints during times that the complaints are made.

7.3 Officers must be given the authority to issue summons, tickets and notices for violations of the noise by-law.

7.4 A detailed and incremental fine schedule must be drafted that more effectively deters offences and repeat offenders.

7.5 Better coordination and communication between the AGCO and the Toronto Police Services is needed.

7.6 The City must set performance-based measurements as well as realistic and time-based goals for an evaluation of enforcement effectiveness.