

February 26, 2019

Feedback to Municipal Licencing and Standards (MLS) from York Quay Neighbourhood Association (YQNA) regarding a new Noise Bylaw

York Quay Neighbourhood Association (YQNA) is a member of the Toronto Noise Coalition (TNC). We fully agree with TNC's demand for a General Prohibition in a new Noise Bylaw to prevent excessive noise from lowering the city's quality of life and people's privacy in their homes at any time. We also agree with TNC's overall policy recommendations.

Amplified Sound

On the Central Waterfront, we have a unique perspective of noise, because our neighbourhood is the recreational area for the entire GTA, attracting millions of visitors every year. We welcome that. Around the Bay are a dozen permanent and temporary outdoor performance venues with over 100 concerts a year, and dozens of tour boats with amplified sound. Add festivals, marathon runs, sports events, construction and airplanes, and we live in the most noise-challenged part of Toronto.

A new Noise Bylaw must improve the vitality and liveability on the Waterfront. It is densely populated with residents, businesses, tourist attractions and schools, making it a great economic engine for Toronto.

As a member of the MLS Working Group of Toronto residents, businesses and the Board of Health, I'll focus on Amplified Sound as the primary source of excessive noise on the Waterfront.

In MLS's Proposals Reference Sheet, section D. Amplified Sound, YQNA requests Status Quo in the Noise Bylaw. People live and work in their homes day and night, so their privacy and quiet must be ensured as part of a general prohibition.

In 3. Decibel limits: YQNA rejects measuring sound inside homes on the Waterfront. It did not work in the past, and not enough noise inspectors are available for this densely populated area with multiple outdoor concert venues. Clearly audible sound inside homes from an outside source is too loud.

In 3. (2): "amplified sound should not exceed the ambient sound level" is also rejected by YQNA, because sound is measured as "average sound level". dBA levels of live music are not consistent like an engine, but have lows and pounding highs that can penetrate surrounding buildings with sound and vibration.

In F. Exemption Permits. YQNA comments on Developing Proposals, 1 to 4:

1)

- Sound measured 20 meters from source over 5 minutes a limit of 85 dBA, maximum peaks of 90 dBA.

2)

- Applicant cannot apply for multiple events.
- Applicant must post notice in several locations, not just one to ensure all residents have opportunity to know about an event.

- The Executive Director retains the right to revoke a permit when terms are breached.
- Councillor must approve a permit within 14 days, or it is denied.

3)

- Exemptions for amplified events must be approved by the local city councillor. He/she consults with and speaks for constituents, an MLS officer does not and cannot therefore not have the final authority to issue permits.
- Previous violations may affect exemption permit.

4)

- Yes, High and Low Impact Events can receive different exemptions.
- Yes, a written rationale for an exemption is reasonable.
- Yes, a Noise Mitigation Plan for high impact events is essential.

Proposed measures for Noise Control

- Noise pollution must be **measured at source with sensors**, not at points of reception. Sources of water and air pollution employ sensors very effectively that way.
- If bylaw inspectors are not available, **noise sensors w/digital memory** can be installed in appropriate locations. This will help known “hot spots” control noise levels and provide a solid evidence base for noise enforcement.
- New ways are needed to **inform people about proposed events with exemptions for noise**. Thousands of people live close to outdoor music venues here and need a voice.
- **Onus for excessive noise must rest on noise makers**, not hapless recipients of noise. The noise log system imposed on citizens by MLS doesn’t work now and would work even less in the future. It must end.

Observations and recommendations

MLS seems focused on business rather than health – hence the noise bylaw is before the Economic Development Committee instead of the more appropriate General Governance and Licensing Committee. This counters the ToR agreement with the Working Group.

MLS determines **noise problems in areas of the city** by the number of complaints coming in. That is not accurate, at least on the Waterfront where MLS has failed to offer timely or effective help in the past, so people stopped calling. Some sold their homes. MLS must find another way to define noise problem areas by being proactive instead of reactive.

Proposed tools for managing noise pollution:

1. Higher fines for repeat offenders
2. Sound mitigation advice from MLS
3. Financial support available for sound proofing clubs and restaurants.
4. In Agent of Change situations, the developer might offer such financial assistance for a venue, instead of sound proofing an entire new building.

A proper professional study of how noise and vibration travel in an urban setting is still missing. Noise measured at ground level dissipates quickly as it spreads out, but it moves loud and unimpeded across water and up into tall buildings. This has not been recognized, although it creates huge problems on the Waterfront and in high density areas.

A new Noise Bylaw needs to be strong, because it could be the only enforcer of noise regulations in Toronto. The Police will no longer respond to noise complaints unless a person's life is in danger; The Alcohol and Gaming Commission of Ontario (AGCO) will no longer control noise as part of the liquor licencing process. Calling the City's 311 number merely forwards noise complaints to MLS, with the poor results that we already know.

A new Noise Bylaw is our opportunity to cut noise levels in our thriving city.

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