

Changes to City of Toronto Noise Bylaw

On April 17, 2019, Toronto Council approved the new City of Toronto Noise Bylaw. The bylaw has been under review for a number of years and the update introduces a number of new items that will impact activities throughout the city. The new bylaw is slated to come into effect in October 2019. Aercoustics has prepared this information summary sheet for your benefit. *Note: This document should not be interpreted as legal advice.*

Item No.	Issue	Proposed Language	Consequence / Comment	Impact Level
1	Construction Noise hours removed	Remove the differentiated time and place prohibition in section 591-2.1 subsection B(1) for construction and set a specific prohibition of construction as follows: "No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction that is clearly audible at a point of reception from 7 pm to 7 am the next day, except until 9 am on Saturdays; and all day on Sundays and statutory holidays."	The previous bylaw had a breakdown of allowed activities and hours. The changes now explicitly limit construction to weekday times of 7am-7pm, weekend times from 9am – 8pm, and no noise on Sundays and stat. holidays. The new language still retains the subjective term "clearly audible," and does not introduce numerical limits.	High
2	Exemption for Continuous Concrete Pouring has been removed	Remove section 591-2.1 subsection B(2) to remove the exemption for continuous concrete pouring and large crane work.	Along with the point above, there is no longer any exemption for this activity. All exemptions must now first apply for an exemption permit.	High
3	To operate outside the allowed hours, one must apply for an exemption permit	<p>Add a provision to allow exemption permit applicants to apply for an exemption permit from a noise prohibition or noise limitation provision in connection with one or more events or activities for no more than a three-month period.</p> <p>Add that the Executive Director, Municipal Licensing and Standards, may request any relevant additional information as part of the exemption permit application process, to the satisfaction of the Executive Director, including reasons supporting an exemption permit; a noise mitigation plan; a statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.</p> <p>Add a condition requiring exemption permit applicants to post notice of noise exemption in a visible location where the event or construction will occur 7 days prior to the event. This condition may be altered or waived by the Executive Director, Municipal Licensing and Standards.</p>	<p>Given the removal of construction noise exemptions, an exemption must be sought.</p> <p>The City will request further info and reasons supporting an exemption permit.</p> <p>It is expected that a noise mitigation plan will likely be requested, and will need to be prepared and signed by a professional engineer or acoustical consultant.</p>	High

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4	You may need to do noise monitoring during construction	Add a provision that the Executive Director, Municipal Licensing and Standards, may request, as a condition of approval, a noise mitigation plan, or that the sound levels resulting from each event or activity shall be monitored by City staff with the applicant paying the charges for this monitoring as set out in Chapter 441, Fees and Charges.	A totally new provision, the City now may start asking for noise monitoring of construction projects.	High
5	"Noise Mitigation Plan" has now been defined	Add a definition of "Noise Mitigation Plan" to mean "A plan as required and approved by the Executive Director, Municipal Licensing and Standards that addresses the mitigation of sound not in compliance with the requirements of this chapter from planned events or activities."	The City has no provided any clear guidance on what a Noise Mitigation Plan must entail. From this definition, it may be left up to the engineer as to what's included or not. It's expected there will be a period of time, with some back & forth, when it's clear to the industry what's required in this report. It's expected the report must sufficiently demonstrate the degree of technical or economical costs to mitigate, and this could be a costly exercise to conducted and report.	Medium
6	Introduced the definition of "Government Work"	Remove the definition of "Necessary Municipal Work" and add a definition of "Government Work" to mean "Construction, rehabilitation or maintenance work conducted by the City, the Province of Ontario, the Government of Canada and any of its agencies or agents including the operation of motor vehicles and equipment actually engaged in the work."	The previous definition only took into account City work. This new definition now exempts work from all levels of government. In addition, the removal of the work "Necessary" potentially implies the work may not need to be necessary to be exempt, as long as it's by the local authority.	Low
7	"Unreasonable Noise" has now been defined	Add a definition for "Unreasonable Noise" to mean "Any noise that would disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation."	While the aim of the changes of the bylaw were to remove subjectivity, this new definition has significantly expanded the potential for people to make complaints.	Medium
8	Loading/unloading prohibition time changed	Remove the prohibition by time and place for loading and unloading and add a specific prohibition as follows: No person shall emit or cause or permit the emission of sound resulting from loading, unloading, delivering, packing, unpacking, otherwise handling any containers, products or materials from 11 pm to 7am the next day, except until 9 am on Saturdays, Sundays and statutory holidays."	The previous bylaw had a breakdown of allowed activities and hours. The changes now explicitly limit loading/unloading to weekday times of 7am-7pm, weekend times from 9am – 8pm, and no noise on Sundays and stat. holidays. The new language still retains the subjective term "clearly audible," and does not introduce numerical limits.	Medium

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9	"Amplified Sound" has now been defined	Add a definition of "Amplified Sound" to mean "Sound made by 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"	There is a risk that PA, speakers or alerts from industrial / commercial announcements will now fall under this definition and be subject to the limits	Medium
10	For stationary sources, if the facility has provincial approval, the bylaw does not apply	Add a provision that the general limitations on stationary sources shall not apply to stationary sources where the emission of sound is in compliance with a provincial environmental compliance approval.	If a facility has a provincial approval (ECA/EASR), the bylaw would not apply, however, any items not governed by the province would be subject to the bylaw (e.g. loading/unloading potentially).	Low
11	New definition of "Unreasonable and Persistent Noise"	Remove section 591-2 and add a provision for "Unreasonable and Persistent Noise" as follows "No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise." Add a provision that the section on unreasonable and persistent noise only applies to sound or noise that is not described in section 591-2.1 through section 591-2.8.	While the aim of the changes of the bylaw were to remove subjectivity, this new definition has significantly expanded the potential for people to make complaints. This is a catch-all for any noise not previously assessed.	Low

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