



October 15, 2023

City of Toronto [mlsfeedback@toronto.ca](mailto:mlsfeedback@toronto.ca)

## **Submission**

### **Re: Implementation Review of the Noise Bylaw TORONTO MUNICIPAL CODE CHAPTER 591, NOISE**

Dear Sir/Madam;

The Federation of South Toronto Residents Associations (FoSTRA) is a federation comprised of 25 residents' associations (RAs) in the five downtown Toronto wards; Wards 4, 9, 10, 11 and 13 and, through these RAs, encompasses hundreds of thousands of Toronto's residents.

As the City of Toronto begins its Implementation Review of the Noise Bylaws FoSTRA, has participated in various consultation sessions.

As our boundaries include some of the most densely populated areas of Toronto, including the Entertainment District, FoSTRA has had considerable experience with Amplified Sound/Vehicular Noise.

We should also note that the City's Night Economy initiative will broaden the use of Amplified Sound throughout the city, which will increase the number and frequency of complaints and complicate enforcement efforts.

FoSTRA submits the following comments and recommendations regarding the Implementation Review of the Noise Bylaw.

## **Executive Summary**

Toronto Municipal Code Chapter 591 Noise is designed to strike a balance between the need to ensure residents have quiet enjoyment of their home and prevent undue and unnecessary noise from causing significant health issues. Equally important is promoting legitimate commercial activities within the city that do not cause excessive noise.

FoSTRA recommends that the City of Toronto take effective steps to clarify the excessive noise limits, strengthen the enforcement mechanisms to ensure compliance, and provide sufficient funding to support all elements of the Noise Management program.

## Amplified Noise Recommendations

- ❑ Consult Noise Engineers to establish effective noise levels/measurement criteria and identify and endorse software/measurement tools readily available to the public. This will greatly enhance the detection of violators and improve enforcement.
- ❑ Vibration must be included in the Bylaws, as transmission of vibrations within buildings is a significant cause for complaint in high-rise buildings.
- ❑ Increase the number of enforcement officers and include 24-hour coverage to ensure enforcement officers are available when noise offences are occurring. In an increasingly dense city, the presence of enforcement officers will help to de-escalate potentially volatile confrontations.
- ❑ The funding for more enforcement officers and late-night overtime should come from increased penalties and Exemption Permit Fees. Fines and Penalties must be increased to ensure compliance and should escalate significantly for repeat offenders
- ❑ Party Boats are an increasing problem as noise travels longer distances over water. The Toronto Waterfront is subject to all three government-level jurisdiction over noise. Coordination of Noise rules between levels of government is important to ensure effective enforcement. (See Appendix C for summary of Ports Toronto suggestions to manage noise in Toronto's Inner Harbour)
- ❑ Exemption Permit applications should allow input from residents/resident associations.
- ❑ The court system is far too slow and bad actors know how to game the system. Consider the establishment of a Noise Tribunal with the authority to level significant penalties and deal with noise issues swiftly.

## Vehicle Noise Recommendations

Vehicle noise (combustion engine cars and motorcycles) is particularly challenging to effectively monitor, intercept and enforce noise standards due to the transient nature of the sound...a vehicle roaring down a street is highly disruptive but often fleeting.

The city is urged to revisit the current vehicular noise bylaws with a view to

- ❑ Establishing proper thresholds for noise for vehicles at **all** times, **not** just at idle.

- ☐ Exploring passive and active programs (especially in high-traffic areas) that are geared to actual capture of infractions in real-time. Explore the use of noise-activated cameras as a viable methodology.
- ☐ Setting penalties sufficiently punitive to discourage noise violations, complete with escalating fines for repeat offenders, up to and including seizure of the vehicle.
- ☐ Vehicles found to have modifications to the exhaust systems should be seized, returned to factory specifications and the costs passed to the vehicle owner.  
Tie non-payment of fines to the renewal of licenses.
- ☐ Auto shops found to be fitting non-compliant exhaust systems should be fined, and repeat offenders suffer a suspension/loss of business licence.
- ☐ Expand noise level limits to encompass all vehicles to forestall any amplified sound from electric vehicles retrofitted to simulate exhaust sounds.

## **In Conclusion**

The City is strongly urged to consider refining the noise limits and improving the noise measurement capabilities while increasing the number of enforcement officers and the time of day that they are available to ensure compliance.

Streamlining the prosecution for noncompliance, while working with other jurisdictions, to ensure coordination of enforcement efforts so vital to an effective noise mitigation strategy. (Please refer to Appendix B “Context” for more information).

The foregoing is offered to assist in revising the Amplified Noise Bylaws and improving their enforcement to ensure an effective balance between the interests of commercial enterprises and residents. We welcome the opportunity to discuss these suggestions with City staff to improve the livability of our great City.

Regards,

A handwritten signature in blue ink that reads "Rick Green". The signature is fluid and cursive, with the first name "Rick" and last name "Green" clearly distinguishable.

Rick Green  
**Chair**

## Appendix A

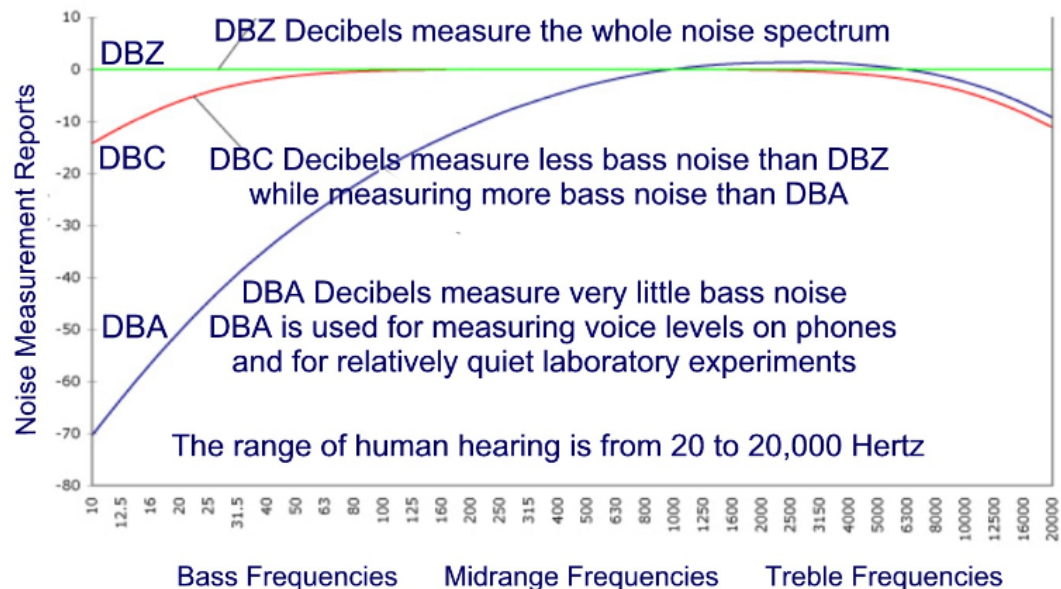
***For the purpose of honesty in noise reporting, DBC and DBZ Decibels are a more honest measurement of noise, because DBA Decibels do not include bass noise in the noise report.***

Using DBC and/or DBZ Decibels, in addition to the DBA Decibel system, will be a big improvement in noise measurement for the city. It's impossible to enforce noise bylaws when most noise complaints are about excessive bass noise, and DBA Decibels do not measure bass noise. DBA is only useful for measuring low noise sources with no bass.

Including bass frequencies in noise reports is why DBC and DBZ noise measurements are reported as 10-15 decibels louder than DBA noise reports. For example, a loud noise can be reported as 70 DBA, 80 DBC and 85 DBZ. DBA Decibels do not report the full noise.

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### Comparing DBA, DBC & DBZ Decibels



## **Appendix B**

### **Context for Effective Noise Management**

#### **Clearly Understandable**

Noise limits must be appropriate and clearly defined for numerous scenarios - internal, external residential, external commercial, over water, vibrations transmitted through infrastructure are as disturbing as the sound itself.

#### **Easily Measurable**

The City should engage Sound Engineers to develop appropriate easily measurable noise limits that can be measured with simple readily available technology/equipment.

It is recommended that the measurement criteria be as comprehensive as possible across a broad range of noise sources (see Appendix A)

Measurement tools should be broadened to include easily available Apps found online.

#### **Exemption Permits**

The current exemption permit process is far too lax and does not allow residents and stakeholders (such as residents associations) to provide input to ensure a proper balance between commercial interests and residents' concerns.

Fees for exemption permits should reflect and fully offset the increased compliance costs, especially given the City's current funding shortfall.

#### **Compliance**

The current compliance process is sorely lacking.

There is a shortage of compliance officers, and their priorities are based on the greater emergency with noise being at the bottom of the list.

Coordinate Bylaws enforcement officers with Toronto Police Services to ensure an effective and comprehensive program is developed.

Noise enforcement must be addressed at the time of the infraction. Requiring logs to be maintained puts the onus on the impacted individuals and compromises the prosecution process.

Disputes among neighbours have the very real potential of escalating to violence with physical harm resulting. Many apartments/condos do not have security officers/concierge on duty to deal with noise complaints. Neighbours raising concerns directly with their neighbours have the very real potential of escalating to violence. It is vital that Compliance Officers can intervene quickly to diffuse the potential for physical harm.

There are currently 27 compliance officers who prioritize their workload based on the nature and seriousness of the complaint.

Each compliance officer handled 811 calls last year for a total of ~22k incidents. There were 311 serious cases which were escalated to the prosecution stage and are currently sitting in limbo. This represents 1% of the calls.

Serious charges are tied up in the legal system and can drag on for years.

The City should consider the implementation of a Noise Tribunal to deal with Noise complaint issues expeditiously.

## Appendix C

### **Ports Toronto Proposal to manage noise along Toronto Waterfront.**

In a letter dated September 14, 2023, RJ Steenstra, President and CEO of Ports Toronto recognized the need to better manage, mitigate, and enforce the noise levels among tour, charter, and water taxi operators in Toronto's Inner Harbour. It is agreed that further enforcement capacity is needed.

The Toronto Police Services (TPS) Marine Unit, which previously operated four response vessels, is now limited to two – which in turn seriously limits capacity to effectively patrol and enforce both noise and speed regulations related to boating.

We would ask that Toronto City Council and the Toronto Police Service consider reestablishing the previous funding level for the Marine Unit.

In the interim, Ports Toronto is prepared to respond with the following actions:

- ☐ Issue a Noise Management bulletin to all harbour tour, charter and water taxi operators in fall 2023. (See appendix)
- ☐ Hold a town hall in spring 2024 with all operators and property owners to reinforce both speed and noise regulations.
- ☐ Add a module to the annual TMERC training day that addresses noise limits for vessels and provides recommendations for noise mitigation.
- ☐ Implement a feedback/reporting process on the Ports Toronto website for residents to submit noise inquiry form that will allow Ports Toronto and TPS staff to follow up.

Ports Toronto is also committed to initiating a process with Transport Canada over the winter months to revisit and reduce the allowable noise levels within the Toronto Port Authority Practices and Procedures regulations.