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LOCAL 183
Feel the Power



February 28, 2019

Municipal Licensing & Standards Division
City of Toronto
16th Fl. W, 100 Queen St. W.
Toronto, ON M5H 2N2

Submitted with attachment via email: mlsfeedback@toronto.ca

RE: Noise Bylaw Review, Toronto Municipal Code, Chapter 591

The Residential Construction Council of Ontario (RESCON), the Building Industry and Land Development Association (BILD), the Ontario Formwork Association (OFA) and Labourers' International Union of North America, Local 183 have formed an informal coalition on the subject issue and are pleased to provide commentary to the Municipal Licensing and Standards Division of the City of Toronto regarding the City's review of the Noise Bylaw Regulations.

All four organizations have been heavily involved in the review process and have attended several of the public consultations that have taken place this year and have also participated in the Noise Working Group consultations over the last several years.

The Residential Construction Council of Ontario (RESCON) represents more than 200 residential production builders of high-rise, mid-rise and low-rise buildings in Ontario. Our goal is to work in cooperation with governments and related stakeholders to offer realistic solutions to a variety of challenges facing the residential building industry, to ultimately deliver much needed housing.

BILD, with more than 1,500 member-companies, is the voice of the land development, home building and professional renovation industry in the Greater Toronto Area and Simcoe County. Our industry is essential to Toronto's long-term economic strength and prosperity. In 2017 alone, the residential construction industry in Toronto generated over 90,000 on-site and off-site jobs in new home building, renovation and repair – one of the City's largest employers. These jobs paid \$5.4 billion in wages and contributed \$10.8 billion in investment value to the local economy.

The Ontario Formwork Association was formed in 1968 to provide a forum to members to discuss subjects of common interest to the formwork sector of the construction industry in Ontario. Since that time the Association has grown to reflect the needs of its membership in a business environment which has been, and continues to be, affected by an expanding economy and enormous changes in technology. To date the Association is an accredited body, which represents over 50 employer companies and a workforce of approximately 4,500 employees in bargaining of a Collective Agreement with the Formwork Council of Ontario.



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LIUNA Local 183 is the largest Construction Local Union in North America. Founded in 1952, LIUNA Local 183's mandate was to ensure the safety of its workers. LIUNA Local 183 represents more than 52,000 construction workers in the Greater Toronto Area. LIUNA members work in every aspect of the construction industry including residential, sewer and watermain, road construction, bridge building, pipeline, railroads and utilities.

Ever since the Noise Bylaw Review began in 2015, we all have maintained the position that the **current as-of-right exemptions for high-rise building construction should remain unchanged**. The current exemption prohibits clearly audible construction work between 7:00pm and 7:00am the next day, 9:00am on Saturdays, and all-day Sundays and statutory holidays. The time exemptions do not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.

Given the volume of infrastructure and residential work in the City of Toronto, the regulatory landscape should reflect the increase in not only volume but overall demand from the public for the delivery of this work. The City of Toronto is a vibrant and growing world class jurisdiction that is constantly densifying and improving and managing its aging infrastructure. In order to address that as well as continue to be globally competitive, the City should have the necessary environment to build and deliver much needed housing as well as infrastructure in a timely fashion.

Restricting the current noise bylaw exemptions would have significantly negative implications on the construction of high-rise buildings, impacting the project timeline, duration and cost. Especially given the fact that Toronto leads the high-rise project crane count for North America, let alone Canada, and any restrictive changes to the noise bylaw would have a monumental impact on the ability of the construction and residential sector to deliver much needed housing. Therefore, **we seek to maintain the current as-of-right exemption for continuous concrete pouring and large crane work, as a necessary and essential construction activity that takes place on all high-rise building projects**. The exemption enables this isolated activity of concrete finishing to take place outside the permitted construction hours. The inherent properties of concrete require it to be poured and finished, yet the setting time of concrete needs to be considered during the multi-stage finishing process. Freshly placed concrete cannot be finished immediately and is also highly dependent and sensitive to weather conditions. Furthermore, the title of the exemption, continuous concrete pouring, is a misnomer as concrete finishing is typically what takes place after hours and is carried out by a small 2-3-person crew.

The current exemption was enacted in the City of Toronto Noise By-law in the year 2007 to support and streamline high-rise building construction activity as it relates to that work. Without the exemption, concrete pouring and finishing would be restricted to take place within the permitted work hours, significantly delaying the overall completion schedule of a building project and prolonging the associated noise and congestion surrounding a project. For example, a typical two-year condominium project to build the concrete superstructure can be extended to beyond three years or more – any additional restrictions on the work of our members will ultimately result in prolonged inconvenience to the public at large.



Further, we have concerns regarding the data underpinning the proposals. In the presentations at the public information session as well as the February 7th Toronto Chapter meeting for this subject, staff indicated that 66% of residents do not have noise concerns, and only 8% of residents identified construction noise as a concern. These statistics come from the findings of a Public Opinion Research that staff were directed to undertake. Given the level of development and construction occurring within Toronto, from both the City itself and the private sector, we believe these statistics are reflective and to be expected.

Additionally, we have concerns with the data from 311 that is used to justify construction reforms to the noise bylaw. Collected 311 data is not adequately classified, sorted or verified, and as such should not be used as the basis for wholesale changes to the bylaw. As an example, 311 data does not consider complaints related to public versus private sector projects, permitted hours versus non-permitted hours, high-rise construction versus renovation or low-rise infill projects. For example, the noise from the overnight demolition of the elevated Gardiner ramp at Rees and Bay in 2016 resulted in a significant public outcry and increased number of 311 complaints. As a public sector project, the demolition was exempt from the requirements of the noise bylaw.

We recommend that high-rise building projects implement a noise management plan to improve communication with residents and an overall understanding of a large-scale construction project, while maintaining the current as-of-right exemption. We have more details on the proposed plan in the attached documentation, which was previously shared with City staff.

With respect to the proposals brought forward for Exemption Permit approvals, we believe that a Delegated Authority approach to the Municipal Licensing & Standards Division would more effectively and efficiently deal with these processes, especially given the reduction in Council size. However, further discussion on the specifics on how this should be operationalized is warranted.

We look forward to continuing to work with City of Toronto officials to ensure noise regulations reflect the realities of building a world-class city.

Regards,

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