

## Noise bylaw report urges removing blanket exemptions, increasing fines for rule breakers

By Jason Miller Staff Reporter  
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City staff are proposing bylaw amendments it says will help to turn down noise emitted from construction sites and other sources of ambient city sounds, but an industry group contends it will only lead to more red tape and lost productivity.

Removing blanket exemptions for concrete pouring and large crane work at all hours of the day, requiring mitigation plans for certain exemption request and setting sound levels for outdoor concert and club venues are just a few of the city measures being proposed in a report headed to the city's Economic and Community Development Committee on Wednesday.

The report on the noise bylaw review recommends raising penalties for rule breakers, bumping the maximum fine up to \$100,000 from the current \$5,000 penalty. (Richard Lautens / Toronto Star File)

"You can still get a blanket exemptions, but you have to develop a plan for how you're going to mitigate noise and how you're going to communicate it with neighbours," said Carleton Grant, director of policy and strategic support for Toronto's Municipal Licensing and Standards division.

Under the recommendations, residents must be given a heads up about planned disruptions through notifications posted around the construction site seven days before the exemption period starts, Grant said. Exemptions are only good for three months, under the proposed new rules.

The report also recommends raising penalties for rule breakers, bumping the maximum fine up to \$100,000 from the current \$5,000 penalty.

The report comes after years of public consultations and expert input on the city's noise bylaw, Grant said. The bylaw review began in 2015, with the goal of making it easier to understand and striking a balance between the needs of residents and the growing city.

If recommendations pass committee and is then approved by council, Grant said the earliest they would become law is on Oct. 1.

Grant said the recommendations aren't meant to increase red tape, but are necessary measures to nudge the industry to plan ahead. Though not prescribed in the bylaw, Grant said the city would have the ability to pick and chose which exemptions call for mitigation planning.

In 2015, there were 132 construction noise exemption applications received and 102 granted. By 2018, that number had grown to 248 exemption applications received and 177 granted, according to numbers the city provided to the Star.

Grant said those number may decline under the new rules as the risk of violation could lead to having permits revoked or stiff penalties. "If someone got it for a month and they're being bad actors in the first week or two, we would pull it," he said.

Construction noise is the biggest source of noise complaints to the city. There were 3,845 noise complaints in 2018, compared to 3,468 in 2015, according to city numbers.

Grant admits it has been a "really challenging file to get balanced." But industry watchers say the scale has been tipped too far toward appeasing public angst.

**If exemptions aren't approved in a timely manner, the city could "cripple the productivity" of highrise builders seeking continuous concrete pouring exemptions, said Paul De Berardis, director of building science and innovation at the Residential Construction Council of Ontario.**

Also, having to renew exemptions every three months to do work outside of regular hours — another of the report's recommendations — "is just additional red tape" for an industry where projects can run on for years, De Berardis said. "It's going to be very burdensome and very costly."

Cathie Macdonald of Toronto Noise Coalition, a residents' group that has been trying to get a stricter noise bylaw for years, calls the proposal a good step in the right direction. The group has been pushing for measures such as increased fines and mitigation plans since 2016.

"There are some wins in there," she said.

MacDonald frets the city lacks the resources to enforce the rules. Grant said it's a work in progress.

"We're developing a priority model, so we're getting to the repeat offenders," he said. "We're still trying to determine what's the best way to deal with these."