



477 Richmond Street West, Suite 506
Toronto, ON M5V 3E7
Thursday, February 11, 2016

Ms. Jessica Walters
Municipal Licensing and Standards, City Hall
100 Queen Street West, West Tower, 16th Floor
Toronto, ON
M5H 2N2

Re: **Proposed Changes to Toronto Noise Bylaw, Chapter 591**

Dear: Ms. Walters

The Garment District Neighbourhood Association ('GDNA') welcomes this opportunity to respond to the proposed changes to the City of Toronto's Noise Bylaw.

The GDNA represents the community that lives and works in the area bound by Spadina and Bathurst Aves; Adelaide and Richmond Streets West; and the governance of noise levels within our area is of great importance to us. The GDNA therefore, is pleased to see the City's interest in updating its Noise Bylaw as the current Bylaw is largely ineffective when applied to our context.

This proposal however, includes aspects that trouble us and which we wish to draw to your attention. We strongly recommend that the current proposals be reconsidered, and that adjustments be made where appropriate. Specifically, we recommend that you:

- 1) Add "Downtown Core" to the Bylaw zones (Article II – General Provisions), and provide specific Bylaw requirements for it that respect and address: the rights of the Core's residential taxpayers, the complex nature of its business needs, its unique densities and the proximate interfaces of its mixed uses,
- 2) Remove the proposed allowable decibel threshold ('DBa') of 85 DBa and retain General Prohibition (591-1) which protects residents from being disturbed in their homes and allows them to present evidence of disturbance, and finally
- 3) Remove any provisions that permit the City to abrogate its role and responsibility in enforcing this bylaw.

1 - Downtown Core

This area is unique for its complexity and density. The GDNA's goal is to support and enhance the vitality of our community. We do not see the proposed changes as useful in this regard.

The objectives, standards, penalties and remedies provided through these changes are too simplistic for areas such as ours. In particular, the current proposal doesn't acknowledge instances where multiple uses, intensity, noise and proximity collide. Neither do these changes offer any useful tools for reconciling/resolving noise conflicts in these circumstances. But this is the very nature of an urban core.

The GDNA feels that the City would be better served by creating a specific zone for the Downtown Core, with Bylaw remedies that equitably address the respective rights within this zone. We see this as a more productive and forward-thinking approach than the basic amendments currently being proposed.

2 - Maximum Noise Levels and Residents Rights

85 decibels ('DB') is the threshold for hearing damage; the proposal to set 85 decibels as a standard for maximum unprotected noise output is both offensive to the citizens of Toronto, and unacceptable. 85 DB is +/- twelve (12) times as loud as 50 DB for example, and is about 5000 times more acoustically intense.

This proposal appears to strip Toronto's residents of the right to peace in their own homes; which the GDNA cannot believe to be the City's intent! The City of Toronto's Official Policy encourages housing intensification within exactly the same areas that it promotes for the entertainment and music industries. The sixteen (16) hour allowable noise window is twice that permitted by the Ministry of Environment within its related regulation when protection is provided. Noise impacts are cumulative, and those most likely to suffer the effects of such ill-thought and unnecessary changes will be the taxpayers of the City of Toronto, not its visitors.

Public health and safety is a serious concern. In the interests of the greater public good, the GDNA recommends in the strongest terms that Municipal Licensing and Standards ('MLS') removes the 85 DBa provision from this proposal.

Similarly, General Prohibition (591-1) is an exemplary public protection. It should not be removed and replaced by a remedy of lesser standard specifically; noise standards that will not protect your taxpayers, or their rights.

3 - Downloading of the City's Enforcement Role and Responsibilities

Measurements that will stand up in court can only be undertaken by a trained MLS Bylaw Officer with calibrated equipment. MLS is chronically under-staffed, its officers are rarely available for call. Within this context, chances for securing good evidence for a charge under this Bylaw are already extremely poor.

These changes appear to relieve the City of most of its duty to enforce by downloading the burden of enforcement onto its citizenry. At the same time, there doesn't seem to be any provision for an alternate remedy with which to generate acceptable evidence. Such changes conflict with the good governance principle of reciprocal responsibility between a government and its citizens. More importantly, they are not fair. The GDNA recommends that MLS' efforts instead be redirected to ensuring that the City can appropriately fulfill its own enforcement role.

The GDNA thanks MLS for undertaking this initiative. It is our sincere belief that the above comments can only strengthen your proposal and lead to a better Bylaw.

If you have any questions related to our comments, please feel free to contact us directly at GDNAToronto@gmail.com or via our website at www.GDNAToronto.org. We look forward to the next iteration of your proposals; and encourage you in your efforts towards building a more useful and effective Noise Bylaw for Toronto.

Sincerely yours,



The Garment District Neighbourhood Association

Valerie Eggertson
Catherine Mitchell
Dieter Riedel
Ann Marie Strapp

cc: Councillor Cressy