

To: Corporate Services Committee

From: Tracy Adams, Commissioner,
Corporate Services Department

Report Number: CORP-22-09

Date of Report: February 2, 2022

Date of Meeting: February 7, 2022

Subject: Noise Exemption Request and Notice Process

Ward: All Wards

File: 03-05

1.0 Purpose

On May 21, 2019, City Council (“Council”) provided the following referral (CNCL-19-44):

“That in future, when the City of Oshawa receives an application for extension of hours for noise generation that the City circulate a notice to area residents prior to the application being heard at Committee.”

The purpose of this report is to respond to the aforementioned Council referral and present options for a proposed noise exemption request and notice process for the Corporate Services Committee’s (“Committee”) consideration.

Attachment 1 is benchmarking of other municipalities’ noise by-laws and exemption processes.

Attachment 2 are example timelines to depict the time required for each option.

Attachment 3 is a correspondence received from Durham Region Home Builders’ Association dated January 20, 2022.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

That the Corporate Services Committee select an option detailed in Section 5.2 of Report CORP-22-09 “Noise Exemption Request and Notice Process”, dated February 2, 2022.

3.0 Executive Summary

Not Applicable

4.0 Input From Other Sources

The following were consulted in the preparation of this report:

- Commissioner, Development Services
- City Clerk Services
- Legal Services
- Municipalities: Ajax, Brampton, Clarington, Guelph, London, Markham, Mississauga, Newmarket, Pickering, Richmond Hill, Toronto, Vaughan, Whitby
- The Building Industry Liaison Team (B.I.L.T.) including Durham Region Home Builders' Association (D.R.H.B.A.)

5.0 Analysis

5.1 Background

The City of Oshawa's ("City") [Noise By-law 112-82](#), as amended ("Noise By-law") regulates noises likely to disturb the inhabitants of the City. This is done through a general prohibition of noises from one's property at all times. Notwithstanding this general prohibition, certain noises are deemed to be necessary and are therefore exempted under Section 3 of the Noise By-law. This includes, but is not limited to:

- Construction noise between 7 a.m. and 7 p.m. Monday through Saturday, on any day that is not a Holiday;
- Construction noise on Sunday between 9 a.m. and 5 p.m.; and,
- Reasonable and necessary noise made by any person upon their own property that does not interfere with the enjoyment of any adjoining property owner and is not audible at a distance of twenty-five (25) feet from the limit of the property.

In April 2020, the Ontario government passed [O. Reg 131/20](#), which allowed essential construction projects, such as those related to the health care sector amid COVID-19, to be exempt from noise regulations twenty-four (24) hours a day. O. Reg 131/20 also exempted all other construction activity in a municipality between the hours of 6 a.m. and 10 p.m. This regulation was repealed on October 7, 2021.

The Municipal Act, 2001, S.O. 2001, c. 25 provides Council with the authority to provide exemptions to any and all provisions in the Noise By-law. Some municipalities have delegated noise exemption requests to staff as outlined in Attachment 1.

The City's standard template for both Site Plan Agreements and Subdivision Agreements contains an advisement regarding the Noise By-law and the obligations of the developer to adhere to it.

Council periodically receives requests from individuals for occurrences such as special events or construction projects that require work outside of the already exempted hours. Exemption requests are sometimes received for construction activities as night work may be required to reduce risks to construction workers, reduce traffic congestion and in order to meet project timelines. Exemption requests have also been received for non-construction projects, such as filming activities and special events (e.g. weddings).

This report presents three (3) options for noise exemption request and notice processes for Committee's consideration.

5.1.1 Public Authorities

Municipalities are created by and subject to Provincial legislation and do not possess the authority nor jurisdiction to regulate the emission of noise from higher level of governments (e.g. Regional, Provincial, and Federal). As such, Public Authorities are not required to apply for noise exemptions and do not go through Committee and Council for approval. The Region and Province provide notification about construction projects such as road work directly to the public through their websites, social media, and road signs. Additionally, information is posted on the City's website.

5.1.2 Current Noise By-law Exemption Process

Since 2018, the City has received eight (8) noise exemptions requests. Currently requests for exemption to the Noise By-law are received by City Clerk Services and include various details, including but not limited to:

- The location of the noise;
- The requested duration of the exemption;
- The potential hours of the event or construction project and reasoning;
- The nature of the work; and,
- Contact information of the project/event supervisor and on-site supervisor.

The request is then placed on the next Corporate Services Committee agenda for consideration and, if approved, the recommendation for an exemption proceeds to City Council for further deliberation. Following Council's consideration, City Clerk Services notifies the requestor of the status of their request as well as any conditions that Council may have added. Conditions typically include:

- A requirement to provide notice to the public of the exemption and associated activity. This may take the form of newspaper advertisements and/or the delivery of flyers/letters to nearby residents.
- A requirement to provide the public and the City with the contact information for an on-site supervisor who can address issues if they arise.

In 2018, the City's internal process was enhanced to also include public notice of the exemption including contact information on the City's website and social media accounts.

5.1.3 Exemption Request Processes for Other By-laws

A number of other City by-laws permit the Director, Municipal Law Enforcement and Licensing Services (M.L.E.L.S.) to manage exemption requests, including:

- Boulevard By-law 136-2006
- Business Licensing By-law 120-2005
- Fence and Sight Triangle By-law 23-2014
- Responsible Pet Owner By-law 14-2010

The exemption request fee for each of these by-laws is one hundred twenty-five dollars (\$125), as established in the General Fees and Charges By-law 13-2003.

The Director reviews exemption requests with a goal of ensuring the exemption generally maintains the purpose and intent of the by-law without having a negative effect on the neighbourhood and nearby residents. The process outlined in the Fence and Sight Triangle By-law 23-2014 includes the distribution of notices to the adjacent property owners for their feedback.

In addition, the Commissioner, Development Services has delegated authority to approve sign variance applications as well as requests related to encroachments on city property. The delegated authority for sign variance applications is subject to a restriction that controversial applications or applications proposed to be denied are to be considered by Council. The delegated authority for encroachments is subject to a restriction that the total consideration for the encroachment is less than \$75,000 per annum.

5.1.4 Municipal Benchmarking

Staff undertook a survey of thirteen (13) Southern Ontario municipalities' noise by-laws and exemption processes. Some of the key highlights include:

- Eleven (11) municipalities have formal noise exemption processes
- Eleven (11) municipalities delegate authority to staff to grant noise exemptions
- Nine (9) municipalities have fees associated with noise exemption requests
- Seven (7) municipalities have notice processes in place for applicants to notify properties surrounding the site of the noise exemption

Full benchmarking can be found in Attachment 1.

5.2 Proposed Noise Exemption Process Options

In an effort to streamline the process and enhance communication to the public, staff is presenting three (3) options for consideration. Attachment 2 are example timelines to depict the time required for each option.

Options "A" and "B" include these common elements:

- Introduce a two hundred fifty dollar (\$250) noise exemption application fee to recover costs associated with administering the process (mailing, tracking, website updates, etc.).
- Notifications containing details of exemption requests will be sent to property occupants within one hundred and twenty (120) metres of the noise location (as is consistent with notifications for rezoning) providing them the opportunity to submit feedback for consideration. For multi-unit properties (e.g. residential, commercial, etc.) under single ownership, the notification will be sent to property owners to post for their occupants.

5.2.1 Option “A” – Staff Administered

Consistent with the process for other City By-laws, the Director, M.L.E.L.S. will receive, review and approve or deny exemptions to the Noise By-law.

As this option is not tied to the Committee and Council process, this process can be completed in approximately twenty (20) to 30 (thirty) days.

Process

- Applicants will be required to submit an application and pay a two hundred fifty dollar (\$250) application fee.
- It is suggested that requests be submitted at least thirty (30) days in advance of the activity in order to allow sufficient time for staff to undertake public notice activities and to allow for public feedback to be received and reviewed by staff.
- City staff will send a letter to all property occupants within one hundred and twenty (120) metres of the site, via regular mail, advising of details of the request, and the process for residents to submit comments to City staff. For multi-unit properties (e.g. residential, commercial, etc.) under single ownership, the notification will be sent to property owners to post for their occupants.
- The noise exemption request application and any public feedback will be considered by the Director, M.L.E.L.S. The Director, M.L.E.L.S. would approve or deny the exemption.
- If the request is approved, staff will provide notice of the approved exemption on the City’s website, to the applicant, to Ward Councillors, the Mayor, and to those who submitted comments. If the request is not approved by the Director, staff will advise the applicant.

If Committee were to choose this option, the following motion should be passed:

1. That Council approve a by-law to amend Noise By-law 112-82, as amended, and General Fees and Charges By-law 13-2003, as amended as outlined in Option “A” of Section 5.2 of Report CORP-22-09 “Noise Exemption Request and Notice Process”, dated February 2, 2022, and in a form and content acceptable to Legal Services and the Commissioner of Corporate Services; and,

2. That the requirements of Notice By-law 147-2007 regarding notice to the public for amendments to the General Fees and Charges By-law 13-2003, as amended, be waived.

5.2.2 Option “B” – Council Administered

City Council will receive, review and approve or deny any exemptions to the Noise By-law.

Due to the Committee and Council schedule, it may take an estimated 35 (thirty-five) to 70 (seventy) days to complete this process depending on when the application is received.

Process

- Applicants will be required to submit an application and pay a two hundred fifty dollar (\$250) application fee.
- It is recommended that requests be submitted at least sixty (60) days in advance of the activity in order allow sufficient time for staff to undertake public notice activities and to allow for public feedback to be received and reviewed by Committee.
- City staff will send a letter to all property occupants within one hundred and twenty (120) metres of the site, via regular mail, advising of details of the request, the date of the Committee meeting when the request will be considered and methods of submitting feedback to City Clerk Services. For multi-unit properties (e.g. residential, commercial, etc.) under single ownership, the notification will be sent to property owners to post for their occupants.
- The noise exemption request application and any public feedback will appear on the next Committee Meeting agenda for consideration.
- Corporate Services Committee will recommend approval or denial to City Council.
- If the request is approved by Council, staff will provide notice of the approved exemption on the City’s website, to the applicant, and to those who provided feedback. If the request is not approved by Council, staff will advise the applicant.

If Committee were to choose this option, the following motion should be passed:

1. That Council approve a by-law to amend Noise By-law 112-82, as amended, and General Fees and Charges By-law 13-2003, as amended as outlined in Option “B” as detailed in Section 5.2 of Report CORP-22-09 “Noise Exemption Request and Notice Process”, dated February 2, 2022, and in a form and content acceptable to Legal Services and the Commissioner of Corporate Services; and,
2. That the requirements of Notice By-law 147-2007 regarding notice to the public for amendments to the General Fees and Charges By-law 13-2003, as amended, be waived.

5.2.3 Option “C” – Current Exemption Request Process

The current process would continue as outlined in Section 5.1.2.

Due to the Committee and Council schedule, it may take an estimated 21 (twenty-one) to 35 (thirty-five) days to complete this process depending on when the application is received.

If Committee were to choose this option, the following motion should be passed:

1. That Report CORP-22-09 “Noise Exemption Request and Notice Process”, dated February 2, 2022, be received as information.

5.2.4 Assessment of Options

Benefits and detractors associated with each proposed option have been outlined in Table 1 below.

Table 1 Benefits and Detractors of Proposed Process

	Benefits	Detractors
Option “A” – Staff Administered	<ul style="list-style-type: none">• Increased opportunity for public input prior to the request being considered• Costs associated with public notification are paid by the applicant• Allows noise exemptions to be processed in a more timely manner• Allows noise exemptions to be considered during Council recesses without the need for special meetings• Consistency with other City by-laws	<ul style="list-style-type: none">• The time required to seek public feedback may cause delays in the construction process (most construction companies are working under tight timelines and supply chain issues)• There is a risk of increased non-compliance due to timing and cost – some may proceed with work without requesting an exemption

	Benefits	Detractors
Option “B” – Council Administered	<ul style="list-style-type: none"> Increased opportunity for public input prior to the request being considered at Committee and Council Costs associated with public notification are paid by the applicant 	<ul style="list-style-type: none"> Council may not be able to meet the needs of time sensitive requests due to the Committee and Council schedule meeting schedule (e.g. unforeseen construction related activities, filming) Summer is a popular time for events and construction that require noise exemptions, leading to the need for special meetings during Council’s summer recess The time required to seek public feedback may cause delays in the construction process (most construction companies are working under tight timelines and supply chain issues) There is a risk of increased non-compliance due to timing and cost – some may proceed with work without requesting an exemption
Option “C” – Current Exemption Request Process	<ul style="list-style-type: none"> No cost to applicant Less staff time required to administer The public can provide input through the normal Committee and Council meeting processes Simplified process for applicants 	<ul style="list-style-type: none"> Summer is a popular time for events and construction that require noise exemptions, leading to the need for special meetings during Council’s summer recess There is less opportunity for public input prior to Committee and Council consideration

5.3 Conclusion: Stakeholder Feedback and Recommendation

Staff consulted B.I.L.T., and feedback was received from the D.R.H.B.A., who is a member of B.I.L.T. D.R.H.B.A. indicated they are supportive of the current process, Option “C”. The correspondence can be found in Attachment 3.

Staff recommend that Option “C” - Current Exemption Process be continued for the following reasons:

- The time required in Options “A” and “B” for public input before the exemption request is considered by staff or Council is lengthy and may be unrealistic for some applicants.
- The public is already notified of upcoming noise exemptions via Council agenda and minutes, as well as the City website.
- It is likely that those who are not opposed, and those who are indifferent, to the request will not take the time to submit feedback and the only feedback received will be from those who are opposed, resulting in an unbalanced perspective.
- The City receives very few noise exemption requests.

6.0 Financial Implications

Should Option “A” or “B” be selected, the cost of staff time and supplies required to prepare and mail notices to property occupants will be recovered by the application fee of two hundred fifty dollars (\$250).

Should Option “C” be selected, there would be no financial implications.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report respond to the following goals within the Oshawa Strategic Plan:

- 4.1 Economic Prosperity and Financial Stewardship: Responsible Taxation; and,
- 4.2 Accountable Leadership: Deliberate Community Engagement.



Brenda Jeffs, Director,
Municipal Law Enforcement and Licensing Services



Tracy Adams, Commissioner,
Corporate Services Department

2022 Benchmarking – Noise By-laws and Noise Exemption Processes

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
Town of Ajax	None	<ul style="list-style-type: none"> • Events undertaken by the Town • Emergency work for the health/safety/welfare of the Town's inhabitants • Emergency work carried out by the Town, Region of Durham, or utility companies • Farm equipment/machinery • Municipal operations (e.g. snow clearing, street cleaning) • Snow removal for the operation of a business, condo, school 	Yes, on a case-by-case basis	N/A	N/A
City of Brampton	The Chief of Planning and Infrastructure Services , or designate	<ul style="list-style-type: none"> • Church bells • Agricultural zones • Steam or air whistles • Military or other bands for parades with written permission from the City • Railway or railway work • Road work done by Ministry to Transportation, or the Region of Peel • Noise that has an Environmental Compliance Approval or a similar approval from the Ministry of Environment, Conservation and Parks 	Yes, on a case-by-case basis	<p>All property owners within a 500m radius from the site must be notified</p> <p>Note: a 'notification plan' is satisfactory to an application, so the notice can be given before or after the exemption is granted</p>	N/A

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
Municipality of Clarington	Appropriate Staff	<ul style="list-style-type: none"> • Emergency Services (e.g. fire, police) • the Bowmanville Foundry Co. Ltd., manufacturing; • Goodyear Canada Inc., manufacturing; • Oshawa Ski Club, recreational snowmaking; • Mosport Park, automobile and motorcycle racing; • Blue Circle Canada Inc., its licensed pit and quarry operations and all accessory uses related thereto 	N/A	N/A	N/A
City of Guelph	None	<ul style="list-style-type: none"> • Emergency involving the public • City employees, contractors, etc. carrying out City operations or maintaining municipally-owned infrastructure • Approved Council events • Sport or events in parks authorized by the City • Cultivating agriculture • Excavation equipment in a cemetery or interment services 	Yes	The City posts on social media and in newspapers notifying residents of the requested exemptions, with the opportunity to appeal the exemption	\$755

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
City of London	<p>The Manager of By-law Enforcement has the power and authority to grant exemptions for:</p> <ul style="list-style-type: none"> • Amplified Live Speech • Amplified Patio Sound • Construction or Community Event 	<ul style="list-style-type: none"> • Police • Railway/airport • Public necessity – emergency • City equipment – snow removal, road cleaning, etc. • Signaling devices • City construction projects • Fireworks • Industrial use in industrial zone • Normal farm practice • Public utilities • Work approval – Streets by-law • Public election • Special event authorized by City • Community event in compliance with City's policy • Snow removal 	No	<p>London does not have an exact radius notification requirement, but depending on the type of noise (construction or music from a patio) they would ask that the applicant notify the closest neighbors</p> <p>Depending on the nature of the application, City Staff may contact the Ward Councilor and provide details of the exemption</p>	<p>Application fee of \$75.00;</p> <p>Temporary noise permit fee of \$100.00;</p> <p>No fees associated with a permit for Amplified Live Speech</p>

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
City of Markham	<p>The Clerk is authorized to grant exemptions to the Noise By-law for:</p> <ul style="list-style-type: none"> • Fireworks • Electronic devices for amplified noise • Yelling, shouting, hooting, whistling, singing • Construction noise <p>All other requests will be considered and approved by Council</p>	<ul style="list-style-type: none"> • Authorized Emergency Vehicles • Operations of bells at traffic signal locations and railway crossings • Operations of city machines and equipment (e.g. crosswalk painting machines, catch basin cleaners, tree/shrub pruning, city owned or contracted street cleaners, construction equipment on behalf of the city such as snow removal, etc.) • Any noise related to religious worship 	No	<p>There are two different processes for notifying surrounding properties of a noise exemption:</p> <p>Residential and special events:</p> <p>After the exemption has been granted, the applicant has to send out a letter (provided by the City) to neighbouring properties at least seven (7) days in advance of the event start date. Markham provides them with the addresses that they need to notify</p> <p>Construction/ Public Works:</p> <p>Applicants typically have their own form that they circulate to neighbouring properties</p>	\$327

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
City of Mississauga	Commissioner of Transportation and Works	<ul style="list-style-type: none"> • Emergency measures undertaken for: • Health, Safety, or welfare of City inhabitants • Preservation or restoration of property • Any of the traditional, festive, religious, or other activities set out in Schedule 3 of the by-law (local festivals, holidays, celebrations, etc.) 	Yes, on a case-by-case basis	<p>Proof of publication for two consecutive days within the preceding ten (10) days in a newspaper of general circulation within the City, of a notice of intention to apply for any exemption to this by-law,</p> <p>or</p> <p>By the distribution of a flyer as prescribed by the City to all residences within a five hundred (500) meter radius of the subject property either by mailing it, or delivering it door to door</p> <p>City staff will do random checks to confirm the notice has been circulated</p> <p>Local residents then have two (2) weeks to voice concerns, objections, or comments</p>	\$259.62

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
Town of Newmarket	<p>Director</p> <p>The Mayor, Deputy Mayor, Regional Councillor, or Ward Councillor may request a noise exemption request be considered by the Committee of the Whole</p>	<ul style="list-style-type: none"> • A matter of public necessity or public Emergency; • Measures undertaken by the Town, its servants, employees, contractors or agents to carrying out Town operations or to operate, maintain or install municipally-owned infrastructure, facilities or the like, or to deliver municipal services; • A vehicle of the York Region Police Service, provincial or federal police, Central York Fire Services, or York Region Paramedics Services, while in performance of their duty; • The operation of machines and equipment by or on behalf of the Town, including but not limited to snow removal equipment, road cleaning equipment, grass cutting or field maintenance equipment, tree and shrub pruning and mulching equipment, painting machines for crosswalks and Highways; • The collection or disposal of garbage, waste or recyclable material by or on behalf of the Town; • The operation of equipment in conjunction with Town Construction projects, Town general maintenance projects, and Town Emergency maintenance projects; 	Yes, on a case-by-case basis	No	<p>Application: \$75</p> <p>Permit Fees:</p> <p>Events:</p> <p>1 day \$25.50</p> <p>2-5 day \$61.50</p> <p>Construction:</p> <p>1 day: \$79</p> <p>under 6 months: \$153.75</p> <p>over 6 months: \$230.50</p>

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
		<ul style="list-style-type: none"> • Necessary municipal work and Emergency work that cannot be performed during regular business hours; • Operation of machinery by or on behalf of a public utility where work needs to be done to minimize service interruptions; • Construction or an Event for which a valid temporary Noise permit has been issued, but only if the terms 			
City of Pickering	City Clerk Note: Exemptions are not generally available but may be granted for large-scale construction projects which are time sensitive (e.g. road repair, concrete pouring, etc.)	<ul style="list-style-type: none"> • Any special event provided that the necessary permissions or approvals have been obtained from the City and the Durham Regional Police Service. • Any emergency work undertaken for the immediate health, safety or welfare of the inhabitants of the City or for the preservation, protection or restoration of property. • Any emergency work being carried out by the City, The Regional Municipality of Durham, any electric utility company, any natural gas utility company, or any telephone utility company. • Necessary municipal operations carried out in the interest of public necessity and convenience, including but not limited to snow clearing, street cleaning and garbage collection, undertaken by or on behalf of the City 	Yes, on a case-by-case basis	N/A	N/A

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
		<ul style="list-style-type: none"> Any snow removal which IS essential for the effective operation of a business. 			
City of Richmond Hill	Director	<ul style="list-style-type: none"> Operation of emergency vehicles. Any community event which is run by the Corporation, has received Council approval for in-kind services, or is hosted by a Councillor of the Corporation Operation of machines and equipment by or on behalf of the Corporation Operation of machinery by or on behalf of a Provincial, Regional, or public utility Construction project where the work needs to be done outside of the allowed periods to minimize service interruptions. Operation of Construction Equipment where the Corporation has issued a road use permit and in issuing such permit the Corporation mandates that the work be done on weekends or overnight to minimize traffic impacts. Construction Equipment and machinery, including snow removal equipment, used by or on behalf of the Corporation while carrying on or engaged in the performance of public works 	Yes	This is a best practice recommendation, but not established in their by-law	Construction - \$300 Special Events - \$100

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
City of Toronto	Executive Director	<ul style="list-style-type: none"> • Bells or sirens required for the purposes of public safety including sirens when operated by Police Services, Fire and Paramedic Services, or bells or whistles operated by rail or transit services • Measures undertaken for the immediate health, safety or welfare of persons under emergency circumstances • Measures undertaken as a result of an emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway • Government Work 	Yes	On receipt of an application that is satisfactory to Municipal Licensing and Standards (ML&S), ML&S provides notice, in writing, to the local Ward Councillor(s) where the event or activity is to be held. The Councillor(s) has fourteen (14) days to review and respond to the notice	<p>\$100</p> <p>The city may determine that noise monitoring is required for permit approval – if so, the fee is \$60 per hour per officer, plus tax – events after 7 p.m. may require two officers</p>
City of Vaughan	Director of Enforcement	<ul style="list-style-type: none"> • The City or Regional Municipality of York, the Province of Ontario, the Government of Canada or any of their agents when the emission of Sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the City • Snow removal activities conducted by the City, Regional Municipality of York, or the Province of Ontario. • The clearing of snow from designated fire routes 	No	Communication notices be delivered to surrounding residents and businesses within a sixty (60) metre radius of the site at least two (2) weeks prior to the start date. (If there is less than two (2) weeks prior to the start date, notices must be hand-delivered prior to the project start).	\$335.24

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
				<p>This communication must include, at a minimum:</p> <p>The applicant's organization and any agencies the work is being performed on behalf of</p> <p>An explanation of the work to be performed, including what it will accomplish, where, when, a description of the expected noise and noise levels, and steps that will be taken to mitigate noise; and</p> <p>Contact information for the construction supervisor and any other agencies involved, with an explanation of who can be contacted in the event of a complain</p>	

Municipality	Delegated Authority	Established Exemptions	Exempt Public Authorities	Notice Process	Fees
Town of Whitby	Commissioner of Public Works can grant exemptions for construction works undertaken by the Town of Whitby, Region of Durham, and/or Ministry of Transportation (with the exemption of Highway 407 related activities)	<ul style="list-style-type: none"> • Any special event held by the Town • Any emergency work being carried out by the Town, the Regional Municipality of Durham, the Ministry of Transportation, any electric utility company; natural gas or telephone utility • Necessary operations carried out in the interest of public necessity and convenience, including but not limited to snow clearing, street cleaning and garbage collection, undertaken by or on behalf of the Town or the Region. • Any snow removal activities which are essential for the effective operation of a business. 	Yes, on a case-by-case basis.	No	\$110 per day

Timelines for Noise Exemption Options

The examples below show approximate timelines when an application is received on April 22, 2022. For Options “B” and “C” that include considerations for the Committee and Council schedule, timelines may vary depending on when the application is received.

Option “A” – Staff Administered

				April											May										
Task	Duration (days)	Start	Finish	22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11		
Application Fee and Request Received	1	April 22	April 22																						
Notice Preparation and Mail Out	2	April 23	April 24																						
Participation Period	14	April 25	May 8																						
Director Review and Decision	1	May 9	May 9																						
Follow up	2	May 10	May 11																						
Total Days	20																								

Note:
Significant conditions placed on the exemption (e.g. Newspaper Advertisement) could extend the follow up time to seven (7) days

Option “B” – Council Administered

Task	Duration (days)	Start	Finish	April											May															June				
				22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Application Fee and Request Received	1	April 22	April 22																															
Notice Preparation and Mail Out	2	April 23	April 24																															
Participation Period	37	April 25	May 31																															
Committee Meeting	1	June 6	June 6																															
Council Meeting	1	June 20	June 20																															
Follow Up	2	June 21	June 22																															
Total Days	62																																	

Notes:
The participation period is two (2) weeks, but staff will accept feedback any time prior to a Committee Agenda being finalized
Sixty-seven (67) days is the total amount of time this example would take, however there are no activities prior to the scheduled Committee Meeting (June 1-5), or between the scheduled Committee Meeting, and Council Meeting (June 7-19)
Significant conditions placed on the exemption (e.g. Newspaper Advertisement) could extend the follow up time to seven (7) days

Option “C” – Current Exemption Request Process

Task	Duration (days)	Start	Finish	April											May																						
				22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Application Fee and Request Received	1	April 22	April 22																																		
Committee Meeting	1	May 9	May 9																																		
Council Meeting	1	May 24	May 24																																		
Follow up	2	May 25	May 26																																		
Total Days	35																																				

Notes:

Thirty-five (35) days is the total amount of time this example would take, however there are no activities prior to the scheduled Committee Meeting (April 23 - May 8), or between the scheduled Committee Meeting, and Council Meeting (May 10 - May 23)

Significant conditions placed on the exemption (e.g. Newspaper Advertisement) could extend the follow up time to seven (7) days



January 20, 2022

Kenneth Man
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Proposed Noise Exemption Request Process

The Durham Region Home Builders' Association (DRHBA) would like to thank City staff for reaching out to us for feedback on the proposed noise exemption process. When the City reached out to us on the same topic in the spring of 2020, we responded with correspondence (attached) that contained our feedback, and those comments still represent the views of the Association.

Our team has reviewed the three options provided and we feel that Option "C" – Maintain Current Process will work the best for both the industry and the City of Oshawa.

The province of Ontario is currently experiencing a severe housing shortage. A recent study from Scotiabank noted that Ontario would have to build 650,000 homes just for its ratio of dwellings to population to equal that in the rest of the country. In addition, Canada's population-adjusted housing stock is the lowest in the G7. As a result, housing prices have skyrocketed.

Considering the above information and the current affordability crisis, DRHBA is encouraging all municipalities to streamline their processes to become as efficient as possible – allowing builders and developers to bring more units online and available to purchasers.

Our concerns with Options "A" and "B" are that the timelines involved add unnecessary delays to the process. In addition, when seeking feedback from the public, it is likely that any feedback the City would receive would be against the noise exemption. In some instances, working past the allowed times is necessary, such as a continuous concrete slab pour or repairs to infrastructure (watermain or sanitary sewer repair), and if exemptions are not granted due to public feedback, work will stop.

DRHBA believes that since noise is sometimes required during construction that it would be more productive to educate the public instead of inviting feedback and complaints.

While the Association supports Option "C", we do have concerns about the lack of committee and council meetings during July and August – prime construction season. We would support a provision that would allow staff to approve the noise exemptions during this time to prevent unnecessary delays and to allow building to continue.

Sincerely,



A handwritten signature in black ink, which appears to read "Stacey Hawkins", is positioned below the logo.

Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:

Paul Ralph, City Manager, City of Oshawa
Warren Munro, Commissioner of Development Service, City of Oshawa
Tiago Do Couto, president, DRHBA
Domenic Chiodo, vice-president, DRHBA



Durham Region Home Builders' Association
1-1255 Terwillegar Avenue
Oshawa, Ontario L1J 7A4
Tel. (905) 579-8080

May 28, 2020

Kenneth Man
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Proposed Noise Exemption Request Process

The Durham Region Home Builders' Association (DRHBA) proudly represents over 170 member companies that are involved in the construction and renovation industry, and is the voice of the residential construction industry in Durham Region.

First, DRHBA would like to thank City staff for reaching out to us for feedback on the proposed noise exemption request process. We really appreciate how the City of Oshawa involved the development community in their decision making processes.

The Durham Region Home Builders' Association fully supports the ability of staff to work with builders and developers to allow construction to continue past the set out municipal noise bylaw times as may be required. This is essential to builders during certain circumstances, for example, a continuous concrete slab pour is in many cases needed for structural integrity. Screeding and finishing of concrete must occur after a concrete pour and takes many hours to complete (often well into the night) and needs to be completed while the concrete is still wet. Yet another example is a repair to infrastructure (such as water main or sanitary sewer repair), that may need to be completed during off hours.

However, the Durham Region Home Builders' Association has a few concerns with the process proposed.

In the City of Oshawa's proposal, it states that council directed staff to examine the following in relation to noise exemption requests: "That in the future, when the City of Oshawa receives an application for extension of hours for noise generation that the City circulate a notice to area residents prior to the application being heard at committee." In response, the City's proposal includes that "Applicants will be required to submit an application and pay a \$250 application fee at least 60 days in advance of the activity. The 60 day timeline is required to allow sufficient time for staff to undertake public notice activities and to allow for public feedback to be received."

It is completely valid to send notices to area residents that may be affected by construction operating outside of normally accepted hours, but feedback should not be solicited. It's entirely likely that when feedback is solicited, no extension will ever be granted. It is very concerning to the Association that with public feedback requested and received that some applications could be denied. As with the concrete example above, it is a part of construction that must be continuous and cannot be stopped and restarted. With a denied application, it would be difficult, if not impossible, for developers and builders who may be required to perform any of these tasks that require extended hours to continue to operate in Oshawa, which is certainly not ideal in the current climate of needing more investments into local economies.

Without the public feedback portion of the notice, the City of Oshawa can also eliminate the 60 day notice period as would be required in the proposed bylaw.

Collecting feedback from the public on this matter will also add delays to construction timelines, and delays equal increased costs.

By mandating that council approval will be required, the timeline is delayed even further. The proposal also does not specify, what, if any, recourse is available to a builder/developer if their application is denied. If the builder/developer must reapply, all of the delays are again added to the timeline.

The Durham Region Homebuilders' Association believes that since noise is sometimes required during construction that it would be more productive to educate the public instead of inviting feedback and complaints.

With these concerns in mind, the Durham Region Home Builders' Association recommends that staff be given the authority to review and approve requests to work outside of the municipal noise restrictions. When a request is granted by City staff, a notice can be placed on the City's website and notices sent out to residents within the specified area, ensuring they are aware of what will be taking place, but removing the delays and complaints that come with public consultation. The Association feels that with these minor changes to the process, building can continue unabated and allow the City of Oshawa to grow at an appropriate pace.

We appreciate that the City of Oshawa will take our comments into consideration and we are available to answer any further questions you may have.

Sincerely,



Stacey Hawkins
Executive Officer

Durham Region Home Builders' Association

cc:

Paul Ralph, City Manager, City of Oshawa

Warren Munro, Commissioner of Development Service, City of Oshawa

Johnathan Schickedanz, president, DRHBA

Tiago Do Couto, vice-president, DRHBA