

COMMITTEE OF THE WHOLE - MAY 10, 2011

DEPUTATION - MR. LUCIAN BAIU WITH RESPECT TO NOISE FROM THE SPORTS VILLAGE

Recommendation

The Commissioner of Legal and Administrative Services and the Director of Enforcement Services recommend that:

1. This report is to be reviewed for information purposes.

Contribution to Sustainability

The Noise By-Law, 96-2006 provides for acceptable levels of noise throughout the City of Vaughan so as to reduce levels of noise pollution and noise impact to residents.

Economic Impact

There is no economic impact associated with this report.

Communications Plan

N/A

Purpose

The purpose of this report is to provide information arising from the deputation of Mr. Lucian Baiu.

Background - Analysis and Options

The City of Vaughan Noise By-law, 96-2006 provides for the regulation of noise. The By-law does not restrict noise by way of decibel level with the exception of air conditioners and Special Event Permit noise monitoring. The By-law contains general prohibitions, such as time restrictions for when noise is allowed and prohibited.

On November 24, 2009, Mr. Lucian Baiu of 114 Holly Bush Drive made a deputation to the Committee of the Whole complaining of the noise from the Sports Village on Rutherford Road and that his complaints had not resulted in any change. As a result, Council adopted the following recommendation:

“That staff review the matter regarding amplified music and report to the Committee of the Whole meeting with the results of the review and any appropriate recommendations to assist with a remedy in this matter.”

On May 26, 2010, staff attended the Sports Village to conduct a review of the noise system, speakers, and noise infiltration on Holly Bush Drive. Holly Bush Drive is situated to the north of the Sport Village site.

The Sports Village has a sound system and speaker on the north side of the complex. The intended uses are to provide music and announcements to the patrons, specifically those using the volleyball courts. The sound system has 8 external speakers in use. Five of the speakers are in the volleyball court area, three outside the volleyball area, and those by the patio and walkway. The speakers are mounted on poles and are approximately 5m above ground level.

At the time of the inspection seven of the speakers were directed towards the volleyball area and two towards Holly Bush Drive. The distance from those speakers to the rear property lines ranged from 295 feet to 450 feet (89.9m-137.1m). Close to the rear property lines on Holly Bush Drive there is a berm that extends the full length of the properties. There are also mature coniferous trees on and around the berm. Together, these landscape features create a natural noise barrier.

Staff who are certified by the Ministry of the Environment to conduct noise measurements conducted a series of six noise tests. These tests were taken at the rear property line of Mr. Baiu. It should be noted that proper noise tests are supposed to be conducted "at the point of reception". So, in this case, the noise tests should have been taken from Mr. Baiu's rear yard or inside the house. However, the noise tests were conducted from the property line. The noise would be louder at the property line than at the usual point of reception.

The first three tests were conducted with music playing at 5.5amps and increased to 10amps. The recorded music level ranged from 43.2dba at 5.5amps to 51.8dba at 10amps.

The second series of tests were conducted with the sound system being used for announcements only at 5.5amps and 10amps. The recorded sound levels ranged from 47dba to 53.4dba.

Staff also noted noise sources from barking dogs, a train, and aircraft on approach to Lester B. Pearson airport. These noises were noted to be louder than the music and announcements.

As part of the discussions after the noise tests and site inspections were conducted, several remedies were discussed.

1. The two speakers facing Holly Bush Drive were to be removed or redirected towards the volleyball courts.
2. The amplifier was to be restricted to 5.5amps.
3. Enforcement Services would periodically monitor noise levels throughout the summer.
4. The Sports Village would require Special Events permits, including noise monitoring for any special events outside their annual scheduled routine. According to Mr. Baiu, several bands played there in the past.

These steps and measures were accepted as satisfactory by Mr. Baiu and staff from the Sports Village.

Staff made three visits throughout the summer and recorded noise levels that were not exceeding 57dba. Staff also reviewed the status of the speakers that were to be moved or disconnected. One speaker had been redirected and one disconnected. The music amplifier had been programmed not to exceed 5amps, but the microphone for announcements did not appear to have been programmed.

In regards to Special Events permits, the Noise By-law stipulates that noise levels should not exceed 55dba at the point of reception. Staff monitor the noise levels at these events, generally from any potentially affected residential properties. In circumstances where noise exceeds 55dba, the event operators are advised to turn down the noise. If the noise level continues, the Special Event permit is cancelled and the event shut down. Special Events with noise monitoring do not usually extend past 11pm. Further, staff conduct noise monitoring at 20-25 special events across the City every summer enforcing the 55dba noise limit. No complaints from a monitored event have been received.

The 55dba noise level was established as that noise level allows for normal conversations at the point of reception.

With the exception of one test in August that measured 56.8dba, every other test conducted has been below 55dba at the property line. It can be assumed that the noise level would be even less in the house on Holly Bush Drive.

The Sports Village operates Beach Volleyball Leagues in the summer months and music and announcements are part of those events. It appears as though the noise is not directed to the houses on Holly Bush Drive and are solely directed to the Volleyball courts.

The Sports Village had their music amplifiers programmed to restrict output to 5 amps and the noise levels at the property line are not excessive.

Based on the information above, it appears as though 55dba is an acceptable noise level for special events. By restricting the output of their amplifier, the Sports Village they have ensured that the levels of noise do not exceed 55dba and thereby allowing normal levels of conversation at the property lines on Holly Bush Drive.

As long as the music ends at 11pm there are no violations of the Noise By-law by the Sports Village. Mr. Baiu could keep a log of the noise he feels is disturbing him in an attempt to support a charge under the Noise By-law of "Noise likely to disturb the inhabitants". However, it is unlikely that a charge would be successful due to the noise levels measured.

Staff do not recommend any amendments to the Noise By-law at this time. Enforcement staff will occasionally monitor the noise levels at The Sports Village over the coming summer, and also ensure that Special Events Permits are obtained where required.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set out in Vaughan Vision 2020, particular "Enhance and Ensure Community Safety. Health and Wellness.

Regional Implications

N/A

Conclusion

Staff have established that the noise levels being received at the property lines on Holly Bush Drive are such that normal conversation can take place. In addition, other noise activities across the City indicate that no amendments are required to the Noise By-law, 96-2006.

Attachments

N/A

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Respectfully submitted,

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Services

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and City Solicitor