

Retirement home construction clatter roots out problem in noise bylaw

By Brock Weir

Sundays mornings are usually quiet on Aurora streets ? and this was the case in southwest Aurora until fairly recently when the Aurora Retirement Centre decided to grow.

But complaints over construction and on-street parking from that construction has found a shortcoming in local noise bylaws ? there is nothing the Town can do, right now, to mitigate noise for area residents, even on weekends.

This could change, however, after these concerns were raised around the Council table once again last week.

?This is the second, or possibly third Sunday where construction has been occurring,? said Councillor Tom Mrakas. ?It is my understanding that construction was not allowed without an exemption. We allow construction Monday to Saturday from 7 a.m. to 7 p.m. We hear that all the time at Public Planning. I am just wondering how it is and why it is they keep working on Sunday??

Municipal staff, however, sent mixed messages on just why this work is continuing.

Planning Director Marco Ramunno, for instance, said he has asked the owner of the Retirement Centre, which is also known as Kingsway Arms, to notify their subcontractors that they shouldn't be working on Sundays.

?We have had some success with the developer down south of Ridge Road and we put the same call into the owner and developer of the seniors' addition at Seaton and Murray, so I am sure they will respond accordingly.?

But, if they did respond accordingly, they wouldn't necessarily be required to, added Techa Van Leeuwen, Aurora's Director of Corporate Services ? at least as things stand.

?Our noise bylaw does regulate construction noise,? she said. ?However, our noise bylaw only regulates construction noise in a residential zone and commercial zones. This is an institutional zone and our noise bylaw is silent on institutional zones as well as other zones such as rural zones and open space zones. We don't have any enforcement tools in this space. Unless there are other provisions and an agreement elsewhere, our noise bylaw does not apply in this situation.?

From the perspective of Council, this was, in the words of Councillor Mrakas, ?a big loophole that we need to have fixed immediately.?

?I don't understand how construction could be happening on a Sunday, especially since we sit here at Public Planning all the time and we constantly hear, when residents [ask] when construction will be happening, we always say ?Monday to Saturday from 7 a.m. to 7 p.m.' ...That, to me, is a big loophole and something we need to correct, and I think it is urgent.?

To bring about this change, a Councillor would need to put forward a notice of motion in that regard, and that almost took place last Tuesday until staff suggested some time to delve in to the matter further and bring forward more information for Council's review.

?I am wondering specifically why institutional was left out,? said CAO Doug Nadorozny about the noise bylaw. ?There probably was some rationale behind that and I think it would be beneficial to bring that forward before Council makes a decision.?

There might be some hope for area residents, however, if there is a noise condition buried within the retirement centre's site plan agreement, and that too will be reviewed.

?Unless there is a provision in some other agreement, like a site plan agreement or some other agreement I am not aware of, with respect to the noise bylaw, there is no violation so we are unable to take action.?

The fact the bylaw is silent on institutional zones and causing disruption to a neighbourhood is something Councillor Wendy Gaertner said was ?absolutely an insult to the residents.

?This is a huge oversight and the sooner it can be corrected the better.?