

Power of entry, waste collection questioned as Council considers new noise bylaw

The right for bylaw officers to enter your property to address noise complaints was top of mind for local lawmakers last week as Council considered further revisions to the municipal Noise Bylaw.

Changes to the bylaw have been in the works since 2019 to bring the document up to date and address changes in the community that have resulted from growth.

In their first meeting back from the summer recess, however, debate focused on property rights and enforcement.

Leading the questions was Councillor John Gallo who highlighted concerns with provisions allowing a municipal bylaw officer to enter onto any land to inspect following a complaint.

Techa van Leeuwen, Aurora's Director of Building and Bylaw Services, said this allows the bylaw officer and the Town to be able to identify the individual that may be in violation.

"If there is a party happening in the rear yard, without these permissions we would be able to enter onto those lands to collect the evidence required," she said, referring to changes to right-of-entry made by Council earlier in this term. "We are following the procedure and that procedure was endorsed by Council a couple of years ago."

Councillor Rachel Gilliland, however, pressed further, stating that the proposed bylaw read to her "if someone was having a few people in their backyard, that they could have an officer interrupt them unexpectedly and go in any part of their property without any kind of notification."

"I guess what I am trying to understand is what the process [is] as far as they knock on the door ? is there some sort of notification where all of a sudden you just have some random person showing up in your yard???"

The language, said Ms. van Leeuwen, is based on legislation, including the Building Code Act.

"Our prosecutor recommends this wording, but we do have the standard operating procedure, so we have some guidelines in place and we are following those guidelines," she said.

Additional changes being considered by Council include a noise exemption permit system for construction, throwing out old rules that currently bar noise associated with home renovations and repairs on Sundays to allow residents to work on decks, paint windows, etc., between the hours of 9 a.m. and 5 p.m., and a new system to administer fines to bylaw violators.

But a lot has changed since 2019 and new rules from the Province set to take effect on September 19 have called into question how many of the rules within the noise bylaw will be enforced.

"The Provincial Government has recently amended the Municipal Act with wording which speaks to noise regulations relating to the delivery of goods," said Bylaw Manager Alexander Wray in his report to Council. "The amendments stipulate that a municipality does not have the power to prohibit and regulate with respect to noise made in the municipality with any of the following, except as otherwise authorized by regulation: retail business establishments, restaurants, including cafes and bars, hotels and motels, [and] goods distribution facilities."

"As a result of these changes, municipalities may not be able to regulate noise resulting from the activities listed."

Additional rules introduced at Queen's Park have also suspended enforcement of municipal noise bylaws stemming from construction activities for a period of 18 months from April 2020.

These extra details prompted further questions from Council as many residential neighbourhoods, particularly in the Yonge and Bayview corridors, are next to commercial developments.

The proposed bylaw will allow solid waste collection between 5 a.m. and 11 p.m. in areas not zoned residential or directly abut a residential area in an effort to reduce traffic on Town roadways and reduce greenhouse gas emissions from large trucks.

By Brock Weir Editor Local Journalism Initiative Reporter