

Staff Report

Community Services Department

REPORT TO: Committee of the Whole

DATE OF MEETING: September 30, 2024

SUBMITTED BY: Gloria MacNeil, Director, Bylaw Enforcement, 519-741-2200 ext 7952

PREPARED BY: Gloria MacNeil, Director, Bylaw Enforcement, 519-741-2200 ext 7952

WARD(S) INVOLVED: 9 and 10

DATE OF REPORT: September 23, 2024

REPORT NO.: CSD-2024-449

SUBJECT: Supplementary Report to CSD-2024-408 – Noise Exemption VanMar Constructor – 641 King Street West

RECOMMENDATION:

That staff be directed to complete a public consultation process as outlined in CSD-24-408 (Supplementary Report) to assess neighbourhood support for a noise exemption request from VanMar Constructors to begin construction at 641 King St. W. at 6:00am until April 30, 2025.

REPORT HIGHLIGHTS:

- VanMar Constructors ON Inc. requested a noise exemption to begin construction at 6:00 a.m. (instead of 7:00 a.m.) at 641 King St. W, from October 1, 2024, to April 30, 2025.
- Staff recommended that the noise exemption be denied due to the extended duration of the request, staying consistent with past practices and the potential to set a precedent for other construction projects across the city.
- At the FCS meeting on September 13, 2024, Council directed staff to conduct a public consultation process with residents near the construction site to determine if there is community support for the proposed noise exemption.
- Staff are proposing the public consultation process include residents living within a 250-metre radius of the construction site, and that staff return to Council in late October with the results of that survey to help inform a final decision on the requested exemption.

BACKGROUND:

Staff attended the Finance and Corporate Services Committee on September 13, 2024, after receiving a noise exemption request from VanMar Constructors ON Inc. The noise exemption request is to allow construction at 641 King St. W to begin at 6:00 a.m., instead of the currently permitted 7:00 a.m., from October 1, 2024, to April 30, 2025. Currently, Chapter 450 (Noise) permits construction to begin at 7:00 a.m. Based on staff's review, it was recommended that the noise exemption be denied by Council.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

During the meeting, several Councillors expressed a concern that there had not been sufficient public consultation from the contractor regarding this exemption request. As a result, Council directed staff to conduct additional public consultation to assess whether the surrounding neighbourhood would be in support of the earlier start time for construction.

REPORT:

In response to Council's direction, staff will develop and launch a survey targeting residents within approximately a 250-metre radius of the construction site at 641 King St. W.

Nearby Residents will also have the opportunity to provide open-ended feedback to explain their reasoning for either supporting or not supporting the exemption.

Survey Distribution and Participation

The survey will be distributed using a targeted approach. Part-time Bylaw Enforcement staff (who have knowledge of the City's noise bylaw and can respond to residents questions) will deliver postcards with a QR code linking residents directly to the online survey of all residential units and addresses within 250 metres of 641 King Street West. Only one response will be permitted per address.

Staff will perform door-knocks to deliver the postcards encouraging participation from all the residents. If no one is home, the postcard will be left in the door/mailbox. The distribution effort is expected to take 1–2 days. The survey will remain open for a two-week period to allow time for responses, considering potential impacts of the upcoming long weekend and possible resident travel plans.

Online Survey Details

The online survey will also include additional resources, such as:

- Information on the current noise bylaw regulations regarding construction start times.
- A link to the original report presented to Council.
- Contact information for inquiries.
- Next steps.

Following the two-week consultation period, staff will compile and analyze the feedback. The results of the survey will then be reported back to Council on October 28, 2024 for a decision by Council on whether to support or deny the noise exemption request. In the meantime, VanMar Constructors is permitted to continue with construction during the permitted hours.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The impact for conducting the public consultation is estimated to be \$1000 for the creation and printing of the postcards, and approximately \$1100 (\$34.19/hr x 2 staff for 2 days) for bringing in additional staffing to deliver the postcards to residents.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

CONSULT – Although public consultation is not typically part of the Noise Exemption approval process, this initiative will involve a targeted survey distributed to residents within 250 metres of the construction site to assess support for the proposed 6:00 a.m. construction start time. Residents will be asked to provide a yes/no response and explain their reasoning for supporting or opposing the exemption, and the feedback gathered will be vital in guiding Council's decision.

PREVIOUS REPORTS/AUTHORITIES:

- [CSD-24-408 – Noise Exemption VANMAR Constructor On Inc 641 King Street West](#)

APPROVED BY: Michael May, General Manager, Community Services Department

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