



The Corporation of the Town of Milton

Report To:	Council
From:	Meaghen Reid, Director, Legislative & Legal Services/Town Clerk
Date:	September 20, 2021
Report No:	CORS-050-21
Subject:	Noise By-law Update - Main Street Recovery Act, 2020
Recommendation:	THAT the necessary by-law, included on the September 13, 2021 Council meeting agenda, be considered for approval.

EXECUTIVE SUMMARY

- In the fall of 2020, the Province introduced amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006* through Bill 215, *Main Street Recovery Act, 2020*.
- As of September 19, 2021, municipalities will not be able to regulate noise related to the delivery of goods to retail business establishments, restaurants (including cafes and bars), hotels and motels, and goods distribution facilities.
- These legislative changes are scheduled to come into force on September 19, 2021 and require amendments to the Town's Noise By-law.

REPORT

Background

On November 30, 2020, the Province passed Bill 215, *Main Street Recovery Act, 2020*, which introduced temporary amendments to the *Municipal Act, 2001*, as amended. This includes O. Reg. 70/20, which temporarily prohibits municipalities the power to regulate noise in connection with the delivery of goods in a municipality.

In accordance with legislative changes resulting from the *Main Street Recovery Act, 2020*, there will be an ongoing change to noise regulations as of September 19, 2021, wherein municipalities will not be able to regulate noise related to the delivery of goods to the following destinations:

1. Retail business establishments;
2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

The above noted changes will come into force on the same day as the expiry of this temporary regulation (O. Reg. 70/20). Once the temporary regulations expire,



Background

municipalities will again have the authority to regulate delivery noise to destinations other than the four categories listed above.

Discussion

Section 4.3 of the Town's Noise By-law No. 133- 2012 prohibits any person from emitting noise from the loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever which sound is clearly audible at a Point of Reception between 11:00 p.m. - 7:00 a.m.

As a result of the legislative changes that will come into effect on September 19, 2021, the Town's Noise By-law requires amendments to remove the timing provisions from Section 4.3 for businesses that are defined as a retail business establishment, a restaurant, a motel or hotel or a good distribution facility.

These establishments noted above will be added to Section 2 of the Town's Noise By-law and defined as:

1. Restaurant: Means a premises in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment or on an abutting terrace or patio, and which may include home delivery, catering or food pick-up/ take-out services.
2. Retail business establishment: Means a premises in which goods, wares, merchandise, substances, articles, things or services are offered or kept for sale at retail or on a rental basis.
3. Hotel: Means a premises in which lodging or sleeping accommodation are provided to the general public and may include accessory services such as restaurants, meeting facilities, recreation facilities, convention and banquet facilities.
4. Motel: Means a premises that contains rooms with no private cooking facilities that are rented on a temporary basis to the public traveling predominantly by motor vehicle, with some of the rooms being accessed from the outside.
5. Goods Distribution Facility: Means a premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a building and may include a commercial storage facility or facilities for an accessory wholesale or retail outlet, but does not include a transportation terminal.

Staff recommend that the amendments to the Town's Noise By-law outlined in this report be considered for approval to align with the requirements of the *Main Street Recovery Act, 2020*.

Financial Impact

There is no financial impact with this report.

Respectfully submitted,



The Corporation of the Town of Milton

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Troy McHarg
Commissioner, Corporate Services

For questions, please contact:
Mary Beth McMullen

Phone: Ext. 2133

Attachments
Appendix A: Memorandum from Deputy Minister Kate Manson-Smith (Ministry of Municipal Affairs and Housing), August 3, 2021

CAO Approval
Andrew M. Siltala
Chief Administrative Officer



August 3, 2021

**SUBJECT: *Main Street Recovery Act: Proclamation of Amendments to the
Municipal Act and City of Toronto Act***

Dear Chief Administrative Officers and Clerks:

As you may know, in fall 2020, the government introduced amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006* through [Bill 215, *Main Street Recovery Act, 2020*](#). I am writing to update you that these legislative changes are scheduled to come into force on **September 19, 2021**.

As we collectively work to recover from the impacts of the pandemic, these legislative changes will help support economic recovery on main streets across Ontario and help ensure that important goods can continue to be delivered to businesses in our communities as efficiently as possible. Past pilot projects, which worked with municipal partners, have shown that the changes could also help reduce rush-hour traffic, lower fuel costs for businesses, and reduce greenhouse gas and other emissions.

From September 19, 2021 onwards, municipalities will not be able to regulate noise related to the delivery of goods to the following destinations:

1. Retail business establishments;
2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

These changes will come into force on the same day as the expiry of temporary regulations (O. Reg. 70/20 and O. Reg. 71/20). These regulations, introduced at the outset of the pandemic, limit municipalities from regulating all noise related to the delivery of goods. From September 19, 2021 onwards, once the temporary regulations expire, municipalities will again have the authority to regulate delivery noise to destinations other than the four categories listed above.

Many municipalities, as well as business and logistics sector stakeholders, have expressed support for providing more flexibility for deliveries because of the benefits they offer Ontario's main street businesses and the local communities these businesses serve. Local businesses also have an interest in working to ensure that they continue to be good neighbours while planning for deliveries of goods to their businesses.

Prior to these amendments coming into force and for clarity for your stakeholders, your municipality may wish to review any applicable bylaws and consider whether any changes are necessary to align with the new framework. If your municipality has any questions on these changes, I would encourage you to contact your local [Municipal Services Office](#).

We will continue to monitor the implementation of this new framework. The Minister of Municipal Affairs and Housing has regulation-making authority to authorize municipalities to regulate delivery noise to the businesses noted above. No regulations are proposed to be made at this time to minimize burden for municipalities and businesses but may be considered in the future if deemed necessary.

Thank you for your continued support and collaboration as we work to support economic recovery in Ontario's communities.

Yours truly,



Kate Manson-Smith

Deputy Minister

- c: Laurie LeBlanc, Deputy Minister, Transportation
Giles Gherson, Deputy Minister, Economic Development, Job Creation and Trade
Brian Rosborough, Executive Director, Association of Municipalities of Ontario
Bill Bond, President, Municipal Law Enforcement Officers' Association
Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing
Hannah Evans, Assistant Deputy Minister, Municipal Services Division, Ministry of Municipal Affairs and Housing