

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 056-2025

A By-law of the Corporation of the City of Vaughan to amend Noise By-law 121-2021, as amended, to expand the scope of properties eligible to be exempted from noise provisions, under Schedule 5, Exempted Employment Area.

WHEREAS subsection 5(3) of the *Municipal Act, 2001, S.O. 2001, c. 25* (“*Municipal Act*”), as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act* provides that the powers of a municipality under the *Municipal Act* shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 129(a) confirms that a municipality has the authority to pass by-laws to prohibit and regulate noise;

AND WHEREAS Council has determined that it is desirable to make an amendment to By-law 121-2021 to exempt properties, that meet a broader set of requirements, from the general noise provisions of the By-law;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Noise By-law 121-2021, as amended, be further amended by replacing the words “good distribution facilities” in sections 2.0(3)(d) and 11.0(3)(d) with “goods distribution facilities”.
2. That Noise By-law 121-2021, as amended, be further amended by repealing the definition of “Exempted Employment Area” in Part 3.0 and replacing it with the following:
“Exempted Employment Area” means an industrial or commercial location that meets the requirements of section 18.0(1), and is listed under Schedule 5 of this By-law;
3. That Noise By-law 121-2021, as amended, be further amended by adding the following definition to Part 3.0:

“Hearing Officer” means a *Person* appointed by the *City Clerk* or his or her successor or designate, pursuant to Administrative Monetary Penalties By-law 240-2024, as amended, or its successor by-law;

4. That Noise By-law 121-2021, as amended, be further amended by repealing subsection 4.0(1)(c) and replacing with the following:

- (c) from any act listed in Schedule 2 - Prohibitions by Time and Place, if it can be heard at a *Point of Reception* in a *Residential Area* or *Quiet Zone* at a prohibited time, unless the *Sound* can be heard in a *Class 4 Area* and is generated in an *Exempted Employment Area* which exemption is issued pursuant to:

- (i) sections 18.0(1)(a) and 18.0(1)(b) which exempted acts are subject to a valid *Ministry-issued Environmental Compliance Approval* that states which specific act(s) of Schedule 2 are permitted, and the act(s) being conducted are in compliance with the *Environmental Compliance Approval*; or
- (ii) sections 18.0(1)(a) and 18.0(1)(c), which exempted acts are detailed in Schedule 5.

5. That Noise By-law 121-2021, as amended, be further amended by repealing Part 18.0 and replacing it with the following:

18.0 Exempted Employment Areas

- (1) The *Director of Enforcement* is delegated the authority to include a location as an *Exempted Employment Area* in Schedule 5, when such location:
 - (a) is a commercial or industrial location adjacent to a *Class 4 Area* that is designated as a *Class 4 Area* and is or will be identified on Schedule 4 of this By-law; and
 - (b) has a *Ministry-approved Environmental Compliance Approval* in good standing that lists the activities that may be performed at that location; or
 - (c) for activities not subject to a *Ministry-approved Environmental Compliance Approval*, its uses are permitted by the in-effect

Official Plan at the time the *Director of Enforcement* is considering the location as an *Exempted Employment Area*.

(2) An application to be designated as an *Exempted Employment Area* shall be made in writing to the *Director of Enforcement* and shall include the following:

- (a) the name and address of the *Owner*;
- (b) the legal description and municipal address for the location;
- (c) if the exemption is sought pursuant to sections 18.0(1)(a) and 18.0(1)(b):
 - (i) the most up-to-date copy of the *Ministry*-approved *Environmental Compliance Approval* in good standing that lists the activities that may be performed at that location;
- (d) if the exemption is sought pursuant to sections 18.0(1)(a) and 18.0(1)(c):
 - (i) the *Source of Sound or Vibration* in respect of which the exemption is sought;
 - (ii) the provisions of this By-law in Schedule 2 from which the exemption is sought;
 - (iii) a detailed description of the activities for which the exemption would apply;
 - (iv) the rationale for requesting an exemption; and
 - (v) an *Acoustic Assessment Report* and/or any other studies or reports requested by the *Director of Enforcement* in their sole discretion, which may be peer reviewed, at the *Owner's* expense, as per the Fees and Charges By-law 224-2023, as amended, or by its successor by-law;
- (e) payment of the application fee as described in the Fees and Charges By-law 224-2023, as amended, or its successor by-law; and

- (f) proof that the applicant has obtained all required *City* permits and approvals, if applicable.
- (3) The *Director of Enforcement* may refuse, by way of a written *Notice*, an application to list a location as an *Exempted Employment Area* where an application is incomplete per section 18.0(2) or where the application does not meet the requirements under sections 18.0(1)(a) and 18.0(1)(b) or 18.0(1)(c), as may be applicable.
- (4) *Exempted Employment Areas* are permitted to perform the exempted activities listed:
- (a) in the case of an exemption provided per sections 18.0(1)(a) and 18.0(1)(b), in the *Ministry-approved Environmental Compliance Approval*, including those activities that do not meet the requirements listed in Schedule 2 of this By-law; or
- (b) in the case of an exemption provided per section 18.0(1)(a) and 18.0(1)(c), in Schedule 5 of this By-law.
- (5) For activities not listed in an *Environmental Compliance Approval* or Schedule 5 of this By-Law, as may be applicable, the other provisions of this By-law continue to apply.
- (6) Should the activities or operations for which a location designated as an *Exempted Employment Area* per section 18.0(1)(a) and 18.0(1)(c) change, the *Owner* shall notify the *Director of Enforcement*, who may, in their sole discretion, request the submission of an updated *Acoustic Assessment Report* or any other studies to consider whether the exemption may continue to apply.
- (7) If in the opinion of the *Director of Enforcement*, a location no longer meets the requirements of sections 18.0(1)(a), 18.0(1)(b), 18.0(1)(c) or Schedule 5, in whole or in part, after having been designated as an *Exempted Employment Area*, the *Director of Enforcement* shall send a written *Notice* to the *Owner* that the designation will be revoked.
- (8) A written *Notice* of decision provided under section 18.0(3) or 18.0(7) shall:

- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the decision; and
 - (c) state that the *Owner* is entitled to respond to the *Director of Enforcement* within thirty (30) days to establish how the location meets the conditions in section 18.0(1)(a), 18.0(1)(b), 18.0(1)(c), 18.0(2), or Schedule 5, as may be applicable.
- (9) Failure by the *Owner* in receipt of a *Notice* under section 18.0(3) or 18.0(7) to respond within thirty (30) days of the date of the said *Notice*, shall result in the location either not receiving an *Exempted Employment Area* exemption or no longer being designated as an *Exempted Employment Area*, effective immediately.
- (10) If, upon the receipt and review of a response from an *Owner*, to a *Notice* issued under sections 18.0(3) and 18.0(7), the *Director of Enforcement* is still of the opinion that the location does not meet the conditions of section 18.0(1)(a), 18.0(1)(b), 18.0(1)(c), 18.0(2), or Schedule 5, in whole or in part, as may be applicable, the *Director of Enforcement* shall provide written *Notice* to the *Owner* of their final decision.
- (11) A written *Notice* of final decision provided under section 18.0(10) shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the decision; and
 - (c) state that the *Owner* is entitled to appeal the decision of the *Director of Enforcement* to the *Hearing Officer* within fourteen (14) days after the *Notice* is served, by providing a notice in writing to the By-law and Compliance, Licensing and Permit Services Department requesting a hearing from the *Hearing Officer* accompanied by the non-refundable appeal fee as per the *City's Fees and Charges By-law 224-2023*, as amended, or its successor by-law.

18.1 Appeals to a Hearing Officer

- (1) The powers and authority to hear appeals from decisions made by the *Director of Enforcement* under section 18.0(10) are delegated to the *Hearing Officer*.
- (2) Where an *Owner* wishes to appeal the *Director of Enforcement's* decision, the *Owner* shall deliver a notice in writing to the By-law and Compliance, Licensing and Permit Services Department within fourteen (14) days of being served with the *Director of Enforcement's* decision.
- (3) The notice in section 18.1(2) shall be accompanied by a non-refundable appeal fee as set out in the *City's Fees and Charges By-law 224-2023*, as amended, or its successor by-law.
- (4) Where the *Owner* requests an appeal within the required time period, and pays the required appeal fee, the By-law and Compliance, Licensing and Permit Services Department shall provide written notice to the *Owner* of the time, place and date of the appeal hearing.
- (5) When an appeal hearing date before the *Hearing Officer* has been set or fixed, and the *Owner* having been provided with written notice referred to in 18.1(4), fails to attend at the appointed time, place and date, the *Hearing Officer* may proceed in their absence and the *Owner* will not be entitled to any further notice in the proceedings.
- (6) At the appeal hearing, the onus shall be upon the *Owner* to show cause why:
 - (a) the *Exempted Employment Area* designation application should not be refused; or
 - (b) the *Exempted Employment Area* designation should not be revoked.
- (7) The *Hearing Officer* may:
 - (a) uphold the determination made by the *Director of Enforcement*;

- (b) overturn the determination made by the *Director of Enforcement*; and/or
 - (c) establish conditions under which the location may be designated or continue to be designated as an *Exempted Employment Area*.
- (8) All appeal hearings shall be public hearings.
- (9) At the conclusion of the appeal hearing, the *Hearing Officer* may give their decision orally or reserve such decision, but in either case shall provide the decision in writing, with reasons, within fourteen (14) days of the hearing to the *Owner* and the *Director of Enforcement*.
- (10) The decision of the *Hearing Officer* is final and binding.
- (11) Where a location's *Environmental Compliance Certificate* has been revoked and/or is no longer designated as an *Exempted Employment Area*, it is an offence for an *Owner* to continue to perform those activities, as had been prescribed in its *Environmental Compliance Approval* or Schedule 5.
6. That Noise By-law 121-2021, as amended, be further amended by renaming Part 19.0 as **Exemptions for Events**.
7. That Noise By-law 121-2021, as amended, be further amended by correcting and replacing all the references to the City's Fees and Charges By-law as "the City's Fees and Charges By-law 224-2023, as amended or its successor by-law".
8. That Noise By-law 121-2021, as amended, be further amended by adding section 24.0(6) to read as follows:
- (6) For purposes of section 18.0(11), every day, or part thereof, that an *Owner* is in violation shall be deemed a separate offence subject to an administrative monetary penalty.
9. That Noise By-law 121-2021, as amended, be further amended by repealing and replacing Schedule 5 with the following:

Schedule 5

City of Vaughan Exempted Employment Areas

Location	Section of the Noise By-Law 121-2021	Schedule 2 Exemptions	Description of Exempted Activities
<p>805062 Ontario Limited, a wholly owned subsidiary of Granite Real Estate Investment Trust and Granite REIT Inc., and its lessee, Magna International Inc., part of Lot 15, Concession 4, being Parts 1, 2, 11, 12, 13, 14, 15, 16 on 65R-34051, <i>City of Vaughan, Regional Municipality of York.</i></p> <p>Municipally known as 401 Caldari Road, Vaughan, ON L4K 5P1.</p>	<p>18.0(1)(a) and 18.0(1)(b)</p>		<p>ECA – 1867-9Y8H24, as amended or its successor:</p> <p>https://www.accesseenvironment.ene.gov.on.ca/instruments/7968-94VMKP-14.pdf</p>
<p>United Parcel Service Canada Ltd.</p> <p>PT LT 1, CON 4, VAUGHAN, PT 1, PL 65R5422 SAVE AND EXCEPT PTS 1, 5, 6, 7 AND 8, PL 65R10003, PTS 1 AND 2, 65R30087, PTS 2, 4, 6, 8, 11, 13, 15, 28, 30 AND 32, EXP PL YR1589373, PTS 1, 2, 3, AND 4, PL 65R34222, PTS 1, 2, 3, 4, 5, AND 6, PL 65R34236 AND PTS 11, 12, 13, 14, 18 & 19, PL 65R38475; Vaughan.</p> <p>Municipally known as 2900 Steeles Avenue West, Vaughan, ON</p>	<p>18.0(1)(a) and 18.0(1)(c)</p>	<p>2, 3, and 13</p>	<p>UPS Operations and Predicted Noise Impact</p>

10. That Noise By-law 121-2021, as amended, be further amended by adding the following row to Schedule 6:

18.0(10)	Fail to cease prohibited activities after revocation of designation as <i>Exempted Employment Area</i> .	\$750
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Voted in favour by City of Vaughan Council this 25th day of February, 2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

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Authorized by Item No. 6 of Report No. 21 of the Committee of the Whole (Closed Session).
Report adopted by Vaughan City Council on May 22, 2024.
City Council voted in favour of this by-law on February 25, 2025.
Approved by Mayoral Decision MDC 002-2025 dated February 25, 2025.
Effective Date of By-Law: February 25, 2025