

## Developing Toronto's Night Economy Policy

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Amplified sound pop up event at Lawrence Plaza, author's photo[i]

Toronto defines “The Night Economy” as “*the social, cultural, and economic activities (taking) place between 6 p.m. and 6 am...*” The city considers it a “*new competitive edge for post-industrial cities.*” By adopting it, Toronto joins “*other world-class cities like Amsterdam, New York, Berlin, Paris and Sydney facing similar challenges and actively working to plan, protect and create nighttime activities.*”[ii]

In 2019 City staff estimated Toronto's late night entertainment economic output to be roughly \$4.2 billion. According to 2019 data, it accounts for an estimated 300,000+ jobs.[iii] In implementing The Night Economy, Toronto aims to streamline enforcement and approvals, reduce red tape, expand live entertainment areas in restaurants and allow live entertainment in commercial zones throughout Toronto.

Despite The Night Economy's admirable objectives, without stringent noise control and effective enforcement, both patrons and the many people living near entertainment venue zones could suffer. Implementing it without much tighter noise regulations and effective and timely enforcement, Toronto ignores its own research, high complaint level history, negative public feedback, noise enforcement challenges and the proposal's health impacts.

### Why are Live Entertainment Venues so Loud?

Venues have become noisier as operators follow current design trends based on the popular minimalist approach. Instead of using sound absorbing interior finishes like acoustic ceilings, baffles, fabric wallcoverings and carpets, venue operators opt for trendy but less expensive finishes

that reflect sound like exposed concrete, painted drywall and concrete floors.

Operators crank up the sound to boost profits. Beach and Gilliver's research paper on nightclub participants point to a number of studies that *"found that in loud music environments, people drink more quickly and consume more drinks than when music levels are moderate.... They suggest that: "high sound levels increase arousal, which in turn leads to an enhanced behavioral response, i.e., consuming more drinks more quickly. An alternative explanation is that patrons drink more quickly in high-noise environments because loud music makes conversation virtually impossible, and therefore drinking is the only viable option."*[iv]

## Customer Preferences

Beach and Gilliver showed that while customers generally considered their hearing as good, most experienced hearing difficulties after high sound exposure from music venues. Most regular patrons were dissatisfied with these high levels, with around three-quarters preferring lower levels than those typically experienced at music venues. Participants were generally aware of the harms from loud music and those regarding themselves at greater risk more likely preferred lower sound levels.[v]

Beach and Gilliver suggest that venue operators lower noise levels to suit customers' preference for lower sound levels to possibly improve profitability.[vi] This seems optimistic when high sound volumes are a magnet for patrons and alcoholic beverages yield an average 36% profit net of excise and sales taxes[vii].

## Health Impacts

Live music venue patrons risk permanent hearing loss and/or developing tinnitus by exposing themselves to long and repeated loud music performances.[viii]

The Night Economy will expand live entertainment locations with amplified sound beyond the city core. This will increase health related noise impacts to more Torontonians including venue staff when sound is disseminated at unsafe levels within and beyond the venues. The Night Economy appears to have overlooked Toronto Public Health's 2017 report, Health Impacts of Environmental Noise in Toronto warning that loud noise can create serious health issues. It states:

*"Maintaining a quality outdoor noise environment...contributes to better health and well being."*

and

*"...current evidence finds this threshold (for ischemic heart disease) to start around 58 dBA. Currently,...thresholds for self-reported sleep disturbance is 42 dBA nighttime, where as previously they were around 60 dBA. ...more recent evidence reviewed for this report...supports these lower thresholds." [ix]*

The report also recommends that Toronto implement a Noise Action Plan but almost 7 years later, the Plan is limited to traffic noise.

According to [Toronto's Sounds of the City](#), discos or nightclubs noise level are an astounding 110dB (10x the CDC's 10 minute limit for 100 db). The Ontario Ministry of Labour limits 85 dB

noise exposure to 8 hours. The Centers for Disease Control's Maximum Allowable Daily Dose for 100dB is 10 minutes. While Toronto Public Health has participated in staff discussions about the Night Economy, City Hall has not released their comments. It should since amplified sound levels significantly exceed the levels recommended in Toronto Public Health's report.

Beach and Gilliver recommend that *“the music industry and relevant authorities... take responsibility to create safer listening environments. It may be more effective to shift attention from trying to change individual attitudes and behaviors to considering systemic changes to protect hearing.”*[x]

Internal sound levels must be sufficiently lowered to protect staff and customers while employing sound mitigation measures to protect those living within earshot. Such measures include adding interior and external sound mitigation measures. These include interior sound absorbing materials as well as perimeter sound insulation, sound locks at entrances and cross talk silencers and insulated ducts where mechanical services penetrate the building envelope, etc.

## Residents' Concerns

Toronto's consultations with operators, residents, and night economy patrons alike, found that sound and noise related conflicts are one of the biggest issues.

The [Implementation Review of the Noise Bylaw](#) (p15)[xi] notes amplified sound noise tops complaints at an acute 73% followed by construction at 29%.[xii]

The [Night Economy Review](#) shows Toronto residents distressed by amplified sound noise:

*“Residents were vocal about...frustration with restaurants....operating as music venues and producing noise and street nuisance.”*[xiii]

Toronto's [Noise Bylaw Public Feedback Summary for Amplified Sound September 21 2023](#) states[xiv]:

*“1. Many residents reported an increase in issues with amplified sound since 2019, especially from bars, special events, concert venues, party boats, restaurants/clubs,..etc.”* and

*“8. Need for stronger enforcement of the bylaw, including better realtime enforcement, proactive enforcement by adding noise mitigation requirements (e.g. soundproofing)..”* and

*“Most participants were at the meeting because of frustration with increased noise...”*

Surging Complaints Suggests More Entertainment Zones Amidst Residential Areas will Overstress Enforcement, Residents and Healthcare.

[MLS Complaint Data](#)\*(excluding retail stores) shows total complaints almost doubling between 2019 & 2022. Heavy traffic noise already assaults many residents living in the 21 proposed entertainment zones. More high intensity amplified sound will make things worse.

No. of Complaints Per Licence Category, 2019-2022						times increase	% of total
						from 2019-22	complaints
Licence Category	2019	2020	2021	2022	Total		
Eating or Drinking Establishments	1020	798	1865	2140	<b>5823</b>	2.10	94%
Entertainment Est/ Nightclub	62	11	26	26	<b>125</b>	0.42	2%
Public Hall (B70)	38	9	34	42	<b>123</b>	1.11	2%
Place of Amusement (B33)	8	45	28	23	<b>104</b>	2.88	2%
Billiard Hall/Pool Hall (B36)	11	8	12	10	<b>41</b>	0.91	1%
<b>Total Less Retail Stores (Food)</b>	<b>1139</b>	<b>871</b>	<b>1965</b>	<b>2241</b>	<b>6216</b>	<b>1.97</b>	

*\*Derived from Amendments to Chapter 545, Licensing for Bars, Restaurants, and Entertainment Venues Attachment 3: Licensing, Enforcement, and Complaints Data*

Complaint data indicates that eating or drinking establishments have the highest number of complaints at 94% of the total per licensed establishments followed by entertainment establishments/nightclub complaints totaling 125 over 4 years with a comparatively low 1% of total complaints. The author excluded retail food store data since amplified sound is rarely an issue in this category.

## The City's Proposals

Currently noise control plans are only required for Nightclubs. The City plans to implement two categories: Level 1 (Basic) and Level 2 (Comprehensive)

- Level 1 (Basic) will apply to venues depending on operating hours and business activities and will focus on best practices to mitigate noise and mediate noise issues and
- Level 2 (Comprehensive) will apply to nightclubs and venues with significant noise impacts and require identifying maximum volume levels, wattage of equipment, and sound insulation method.

Every operator of an expanded activity eating or drinking establishment will be required, upon license application or renewal, to submit

- (i) A level 1 noise control plan
- (ii) A patron management plan

Noise control plans must protect all persons within earshot.

How will Toronto regulate entertainment noise from open air outdoor patios and “pop up” events where sound mitigation measures are challenging if not impossible?

The City plans to allow nightclubs in all mixed-use zones (commercial zones) in non-residential buildings only. Nightclubs must be on the first storey only. Nightclubs located in “close proximity to a residential zone,” are limited to 400 square meters (4,300 square feet). Limiting venue size doesn't necessarily limit amplified sound intensity. Questions remain however including: How will

Toronto regulate entertainment noise from outdoor patios and “pop up” events to adequately protect nearby residents?

## Tighter Amplified Sound By-Law Limits Needed

Vancouver’s Noise Control By-Law limits interior sound levels to 90 (dBA) decibels in restaurants with live entertainment *and* prohibits live entertainment in restaurants after midnight.[xv] Sound must be measured with an approved sound meter within the premises at a distance of not less than 6.1 meters from the source. Austin Texas, “The Music Capital of the World”, limits sound equipment output at outdoor music venues to 70 decibels if the venue is associated with a restaurant (general) use. It limits amplified sound in excess of 85 decibels between 10:00 a.m. and 2:00 a.m., as measured at the property line of the business; or is audible at the property line of the business between 2:00 a.m. and 10:00 a.m. Toronto must measure sound at source as per Vancouver and Austin (both omitted from Toronto’s Jurisdictional Research[xvi]).

Measuring noise at point of reception has serious enforcement challenges. Currently, a complainant must lodge a complaint, wait days for an inspector to come to their location and then wait months to provide evidence in court. This requirement is too stressful and time consuming for complainants. A fairer and better process is required. Both Austin and Vancouver measure noise at the source, instead of point of reception. Measuring noise levels at source for entertainment uses puts the onus venue operators to comply. This was recommended to Toronto staff at public consultations but was not incorporated. Although New York City measures sound at point of reception, it limits noise at 42 dB, well below Toronto’s by-law.

## Conclusions

This paper is an overview; not an exhaustive study, of selected information from the hundreds of pages of staff reports for the Night Economy and noise by-law recommendations.

With Toronto’s healthcare system collapsing, rising population densities, climbing noise complaints and dysfunctional 311 complaint system, Toronto must significantly improve by-law enforcement, implement safe noise limits and increase penalties before expanding entertainment zones and spaces.

Unfortunately strong industry resistance to tighter noise regulations combined with the City’s push to boost tourism, prestige, employment and revenue make noise regulations that protect our health and well-being extremely challenging to achieve. Residents’ complaints aren’t NIMBYism, but genuine health concerns impacting everyone; patrons and staff included. Clearly, Toronto must address these issues.

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## References

- [i] "The photo is of a celebratory event which the author briefly attended. It only lasted for about an hour at 7:00 pm in contrast to most “pop-up” events.
- [ii] Report to the Economic and Community Development Committee, Strengthening Toronto's

Nighttime Economy, General Manager, Economic Development and Culture City of Toronto,  
June 19, 2019

- [iii] *ibid*
- [iv] Time to Listen: Most Regular Patrons of Music Venues Prefer Lower Volumes, E.F.Beach, M. Gilliver *Frontiers in Psychology*, 22 March 2019
- [v] *Ibid*
- [vi] *Ibid*
- [vii] At-a-glance – What proportion of the price of a typical alcoholic beverage is taxation in Canada and why does it matter? S. Churchill, T. Stockwell, A. Sherk, Government of Canada
- [viii] Time to Listen: Most Regular Patrons of Music Venues Prefer Lower Volumes, E.F.Beach, M. Gilliver *Frontiers in Psychology*, 22 March 2019
- [ix] Health Impacts of Environmental Noise in Toronto, Medical Officer of Health, May 29, 2017
- [x] Time to Listen: Most Regular Patrons of Music Venues Prefer Lower Volumes, E.F.Beach, M. Gilliver *Frontiers in Psychology*, 22 March 2019
- [xi] Implementation Review of the Noise Bylaw: Amplified Sound, September 21, 2023, City of Toronto
- [xii] Implementation Review of the Noise Bylaw Public Meeting 6 (of 6) Amplified Sound (In-person)
- [xiii] Toronto Night Economy Review, Licensing and Zoning for Restaurants, Bars and Entertainment Venues
- Public Consultation Summary, VibeLab, Amsterdam, City of Toronto
- [xiv] Implementation Review of the Noise Bylaw Public Meeting 6 Amplified Sound (In-person)
- Thursday, September 21, 2023, September 21 2023
- [xv] City of Vancouver, Noise Control By-Law No. 6555, October 3, 2023
- [xvi] Attachment 1: Night-Time Economy Report – Supporting Documents November 14, 2023, City of Toronto, pp 6-8