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Chapter 591

NOISE

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**[History: Adopted by the Council of the City of Toronto 2019-06-19 by By-law 878-2019¹.
Amendments noted where applicable.]**

General References

Fees and charges - See Ch. 441.

Idling of vehicles and boats – See Ch. 517.

Noise in parks - See Ch. 608.

Railway Safety Act - See R.S. 1985, c. 32 (4th Supp.).

**ARTICLE 1
Definitions**

§ 591-1.1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMBIENT SOUND LEVEL - The sound level that is present in the environment, produced by sound sources other than the source under assessment.

AMPLIFIED SOUND - Sound made by any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound.

CONSTRUCTION - Includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth-moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection with these activities.

CONSTRUCTION EQUIPMENT - Any equipment or device designed and intended for use in construction, or material handling, including hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks,

¹ Editor's Note: By-law 878-2019 replaced Chapter 591, Noise in its entirety. By-law 878-2019 and this new Chapter came into force October 1, 2019.

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loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, and any other material-handling equipment.

CONTINUOUS POURING OF CONCRETE - Slip-forming, deck pour or pre-pour operations that cannot be interrupted once the operations have started.

CONVEYANCE - Includes a vehicle and any other device employed to transport a person or persons or goods from place to place, but does not include any such device or vehicle if operated within the premises of a person.

dB(A) - The sound level in decibels obtained when using a sound level meter with the A-weighting.

dB(C) - The sound level in decibels obtained when using a sound level meter with the C-weighting.

EXECUTIVE DIRECTOR - The Executive Director of Municipal Licensing and Standards or their designate or successor.

EXEMPTION PERMIT SCREENING CRITERIA - Criteria developed by the Executive Director in accordance with 591-3.2I and published by the Municipal Licensing and Standards Division. **[Added 2024-03-22 by By-law 268-2024²]**

GOVERNMENT WORK - Construction, rehabilitation or maintenance work conducted by the City, the Province of Ontario, the Government of Canada and any of its agencies or agents including the operation of motor vehicles and equipment actually engaged in the work.

GRASSROOTS CULTURAL ORGANIZATION - A small community-led organization or collective, determined in consultation with the General Manager, Economic Development and Culture or their designate, to have a defined cultural or community mandate. **[Added 2024-11-14 by By-law 1231-2024]**

HIGHWAY - includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines of a highway.

INSTRUMENT SOUND - Sound made by any musical instrument, including the unamplified playing of percussion instruments. **[Added 2024-03-22 by By-law 268-2024]**

LARGE CRANE WORK - The erection and dismantling of a crane or any other crane work that requires a road closure for the work. **[Amended 2024-03-22 by By-law 268-2024]**

² Editor's Note: This section of By-law 268-2024 came into force on September 1, 2024

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Leq - The continuous sound level which, for a specified time period, produces the same total sound energy as would the actual time-varying sound level. Also referred to as the energy equivalent sound level. **[Amended 2024-03-22 by By-law 268-2024]**

LIVING AREA - Any area that includes the premises of a dwelling or a workplace.

MOTORCYCLE - Means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle.

MOTOR VEHICLE - The same meaning as in section 1(1) of the Highway Traffic Act, 1990. This meaning is noted as follows, for reference purposes only: ‘Includes an automobile, a motorcycle, a motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a roadbuilding machine.’ **[Amended 2024-03-22 by By-law 268-2024]**

NOISE - A sound that a person finds disturbing to their peace, rest, enjoyment, comfort or convenience.

NOISE MITIGATION PLAN - A plan as required and approved by the Executive Director that addresses the mitigation of sound not in compliance with the requirements of this chapter from planned events or activities.

PERSISTENT NOISE - Any noise or sound-induced vibration that is continuously heard or felt for a period of ten minutes or more or heard or felt intermittently for a time totaling ten minutes over a period of one hour. **[Amended 2024-03-22 by By-law 268-2024]**

PLACE OF WORSHIP - A building dedicated to religious worship, including a church, synagogue, temple, mosque, monastery or convent.

POINT OF RECEPTION - Any location on the premises of a person where sound originating from other than those premises is received. The following list provides examples of points of reception, and is not exhaustive: **[Amended 2024-03-22 by By-law 268-2024]**

- (1) An outdoor area that is:
 - (a) near the façade of a building, at a height of 1.5 metres above ground, typically in backyards, front yards, terraces or patios; or
 - (b) on a balcony or elevated terrace (for example, a rooftop) provided it is not enclosed; or
- (2) An indoor area that is inside a building.

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POWER DEVICE - Any equipment driven otherwise than by muscular power used in the servicing, maintenance or repair of property or lawns, including chainsaws, lawn mowers, leaf blowers, grass trimmers, power or pressure washers, or any other similar equipment. A power device does not include construction equipment as defined in this chapter or equipment used to remove snow or ice. **[Amended 2024-03-22 by By-law 268-2024]**

PROPERTY - A building or structure or part of a building or structure, including the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land.

SOUND-INDUCED VIBRATION - The oscillatory motion generated by sound waves that can be felt physically and which may be transmitted through solid structures, liquids, surfaces, or the ground. **[Added 2024-03-22 by By-law 268-2024]**

SOUND LEVEL METER - An instrument that measures levels of sound as approved for use by the Executive Director.

STATIONARY SOURCE - A source of sound which does not normally move from place to place, including the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance. A stationary source does not include a residential air conditioner or similar residential device. **[Amended 2024-03-22 by By-law 268-2024]**

UNREASONABLE NOISE - Any noise or sound-induced vibration that would disturb the peace, rest, enjoyment, comfort, or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation. **[Amended 2024-03-22 by By-law 268-2024]**

WASTE COLLECTION - The collection, transportation or removal of waste, including equipment being used to load, unload and transport containers for handling waste, but does not include the processing or disposal of waste. **[Added 2024-03-22 by By-law 268-2024]**

ARTICLE 2
Prohibitions

§ 591-2.1. Amplified sound or instrument sound.

[Amended 2024-03-22 by By-law 268-2024]

A. No person shall emit or cause or permit the emission of amplified sound or instrument sound, measured with a sound level meter at an outdoor point of reception in a living area:

- (1) That has a sound level (expressed in terms of Leq for a ten-minute period) exceeding 50 dB(A) or 65 dB(C) from 11 p.m. to 7 a.m. or 55 dB(A) or 70 dB(C) from 7 a.m. to 11 p.m.; or

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- (2) Where the ambient sound level at a point of reception (expressed in terms of Leq for a ten-minute period) exceeds the maximum sound level permitted under Subsection A(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

- B. If, during the course of an investigation, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of amplified sound or instrument sound, measured with a sound level meter at an indoor point of reception in a living area:
 - (1) That has a sound level (expressed in terms of Leq for a ten-minute period), exceeding 42 dB(A) or 57 dB(C) from 11 p.m. to 7 a.m. or 50 dB(A) or 65 dB(C) from 7 a.m. to 11 p.m.; or
 - (2) Where the ambient sound level at a point of reception (expressed in terms of Leq for a ten-minute period) exceeds the maximum sound level permitted under Subsection B(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.

§ 591-2.2. Animals.

No person shall cause or permit persistent noise, including barking, calling or whining or other similar persistent noise, to be made by any animal kept or used for any purpose.

§ 591-2.3. Construction.

[Amended 2024-03-22 by By-law 268-2024]

No person shall emit or cause or permit the emission of sound resulting from construction or any operation of construction equipment that is clearly audible:

- A. From 7 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays; and/or
- B. All day on Sundays and statutory holidays.

§ 591-2.4. Loading and unloading.

[Amended 2019-07-18 by By-law 1102-2019; 2022-07-22 by By-law 1102-2022]

- A. No person shall emit or cause or permit the emission of sound resulting from loading, unloading, delivering, packing, unpacking, and otherwise handling any containers, products or materials from 11 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.

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- B. In accordance with section 115.1 of the City of Toronto Act, 2006, Subsection A does not apply to the delivery of goods to the following, except as otherwise authorized by a regulation made under that section:
- (1) Retail business establishments.
 - (2) Restaurants, including cafes and bars.
 - (3) Hotels and motels.
 - (4) Goods distribution facilities.

§ 591-2.5. Motor vehicles.

[Amended 2024-03-22 by By-law 268-2024]

- A. No person shall emit or cause or permit the emission of sound resulting from unnecessary noise from a stationary motor vehicle that is persistent noise, such as the sounding of a horn, revving of an engine, or any like sound that is clearly audible at a point of reception.
- B. No person shall emit or cause or permit the emission of sound resulting from the repairing, rebuilding, modifying or testing of a vehicle if the sound is clearly audible at a point of reception from 9 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.
- C. No person shall emit or cause or permit the emission of any sound from a stationary motor vehicle exceeding the following when measured at least 50 cm from the exhaust outlet using a sound level meter: **[Amended 2024-04-22 by By-law 288-2024³]**
- (1) 92 dB(A) at idle; or
 - (2) 96 dB(A) at any engine speed greater than idle.

§ 591-2.6. Power devices.

[Amended 2022-07-22 by By-law 1102-2022⁴]

- A. No person shall emit or cause or permit the emission of sound from a power device from 7 p.m. until 8 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.

³ Editor's Note: By-law 288-2024 is deemed to have come into force on June 1, 2024.

⁴ Editor's Note: Section 1b of By-law 1102-2022 came into force on September 1, 2022.

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- B. Subsection A does not apply to a power device used to maintain a golf course or public park or carry out City operations including services contracted by the City.

§ 591-2.7. Religious ceremony in a place of worship.

No person shall make, cause or permit the emission of sound that disturbs a religious ceremony in a place of worship.

§ 591-2.8. Stationary sources and residential air conditioners.

[Amended 2024-04-22 by By-law 268-2024]

- A. No person shall cause or permit the emission of sound from a stationary source that, when measured with a sound level meter at an outdoor point of reception in a living area, has a sound level (expressed in terms of Leq for a one-hour period) exceeding:
- (1) 45 dB(A) from 11 p.m. to 7 a.m. or 50 dB(A) from 7 a.m. to 11 p.m.; or
 - (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.
- B. If, during the course of an investigation related to Subsection A, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a stationary source, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding:
- (1) 40 dB(A) from 11 p.m. to 7 a.m. or 45 dB(A) from 7 a.m. to 11 p.m.; or
 - (2) the sound level limit prescribed in provincial noise pollution control guidelines, if applicable.
- C. Subsections A and B do not apply to the emission of sound from a stationary source that is in compliance with a provincial Environmental Compliance Approval (ECA) or is an activity registered on the Environmental Activity and Sector Registry (EASR).
- D. No person shall cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an outdoor point of reception in a living area:
- (1) That has a sound level (expressed in terms of Leq for a one-hour period) exceeding 45dB(A) from 11 p.m. to 7 a.m. or 50 dB(A) from 7 a.m. to 11 p.m.

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- (2) Where the ambient sound level (expressed in terms of Leq for a one hour period) exceeds the maximum sound level permitted under Subsection D(1), that has a sound level (expressed in terms of Leq for a one-hour period) exceeding the ambient sound level.
- E. If, during the course of an investigation related to Subsection D, a By-law Enforcement Officer determines it is not reasonable to measure from an outdoor point of reception in a living area, then no person shall emit or cause or permit the emission of sound from a residential air conditioner or similar residential device, measured with a sound level meter at an indoor point of reception in a living area that has a sound level (expressed in terms of Leq for a one-hour period) exceeding 40 dB(A) from 11 p.m. to 7.a.m or 45 dB(A) from 7 a.m. to 11 p.m.

§ 591-2.9. Unreasonable and persistent noise.

[Amended 2024-04-22 by By-law 268-2024]

- A. No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise.
- B. Subsection A only applies to sound or noise that is not described in § 591-2.1 through § 591-2.8.
- C. Where a type of noise or sound is permitted in § 591-2.1 through § 591-2.8 but the noise or sound is also unreasonable and persistent noise, the Executive Director may, despite anything to the contrary in this chapter, require the person causing or permitting the noise or sound to obtain an exemption permit under § 591-3.2, and such person shall obtain and comply with the exemption permit.

§ 591-2.10. Most restrictive provision applies.

Where a source of sound is subject to more than one provision of this article, the most restrictive provision applies.

ARTICLE 3
Exemptions

§ 591-3.1. Public safety, government work, and waste collection.

[Amended 2024-03-22 by By-law 268-2024]

Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound from:

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- A. Bells or sirens required for the purposes of public safety including sirens when operated by Police Services, Fire and Paramedic Services, or bells or whistles operated by rail or transit services;
- B. Measures undertaken for the immediate health, safety or welfare of persons under emergency circumstances;
- C. Measures undertaken as a result of an emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway; or
- D. Government work.
- E. Waste collection. **[Added 2022-07-22 by By-law 1102-2022]**

§ 591-3.2. Exemption permits.

[Amended 2024-03-22 by By-law 268-2024⁵]

- A. Any person may apply for an exemption permit from a noise prohibition or noise limitation provision in this chapter, in connection with one or more events or activities, by filing the following with the Executive Director at least 28 calendar days prior to the start of the event or activity:
 - (1) An application in the form prescribed by the Executive Director;
 - (2) Reserved; and
 - (3) Any information relevant to the application as requested by and to the satisfaction of the Executive Director including but not limited to:
 - (a) Reasons supporting an exemption permit;
 - (b) A noise mitigation plan;
 - (c) A statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.
- A.1 If an applicant wishes to apply for an exemption permit less than 28 calendar days prior to the proposed event or activity, the applicant must pay a late application fee in addition to the application fee set out in Chapter 441, Fees and Charges, as part of their application. The late fee requirement shall not apply to a person applying for a permit under 591-2.9C
- B. Upon receipt of an application under subsection A, the Executive Director shall assess the application in accordance with the Exemption Permit Screening Criteria in order to

⁵ Editor's Note: This section of By-law 268-2024 came into force on September 1, 2024

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determine which level the application falls under for the purpose of determining applicable additional conditions under subsection F.1 and applicable fees.

- B.1 After assessment of an application under Subsection B, the Executive Director shall give written notice to the Councillor of any ward where each event or activity is to be held and, where each event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.
- C. The Executive Director shall issue an exemption permit if all of the following conditions have been met:
- (1) All of the Councillors notified under Subsection B.1 have either:
 - (a) within 14 calendar days of the notice where the application is categorized as Level 1 or 2, either not responded or responded indicating that they have no objection to the application being approved; or
 - (b) where the application is categorized as Level 3, responded indicating that they have no objection to the application being approved.
 - (2) The applicant has complied, to the satisfaction of the Executive Director, with the last exemption permit, if any, issued to them.
 - (3) The applicant has provided the following:
 - (a) The applicant's name, address, and telephone number;
 - (b) The date, time and location of each event or activity for which the exemption permit is sought and, where applicable, the number of people expected to attend;
 - (c) The purpose for which the exemption permit is required;
 - (d) The description of any sound equipment or construction equipment to be used;
 - (e) The name, address and telephone number of at least one contact person who will supervise each event or activity;
 - (f) A written undertaking that one or more contact persons responsible for supervising each event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the exemption permit; and
 - (g) Any other information or documents that may be required by the Executive Director related to the exemption permit application.

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- (4) The applicant has paid all required fees, including the non-refundable application fee set out in Chapter 441, Fees and Charges.
- (5) The applicant does not have any outstanding fines or fees with respect to this chapter.

D. An exemption permit shall be subject to the following conditions:

- (1) A notice of the exemption permit shall be posted in a visible location determined by the Executive Director where each event or activity will occur 7 days prior to the start of the event or activity. This condition may be altered or waived by the Executive Director and if the applicant is unable to post a notice of the exemption permit at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner;
- (2) If required by the Executive Director, the event or activity shall comply with a noise mitigation plan;
- (3) If required by the Executive Director, the sound levels resulting from each event or activity shall be monitored by City staff with the applicant paying the charges for this monitoring as set out in Chapter 441, Fees and Charges;
- (4) The sound emitted from any equipment shall not exceed a sound level (expressed in terms of Leq for a ten-minute period):
 - (a) For amplified sound, of 85 dB(A) or 105 dB(C) when measured from the lot line of the property where the event or activity is occurring; or
 - (b) For any other event or activity, of 85 dB(A) or 105 dB(C) when measured 20 metres from the source;
- (5) Where the sound level exceeds the limits specified in Subsection D(4), the applicant shall comply with any request made by a police officer or a Bylaw Enforcement Officer with respect to the volume of sound;
- (6) No equipment other than the equipment approved under the exemption permit shall be used by the applicant;
- (7) Each event or activity shall be restricted to the approved location;
- (8) The permission granted shall be for the date and times for each event or activity as set out by the Executive Director in the exemption permit; and
- (9) If required by the Executive Director, a copy of the exemption permit shall be posted in a visible location determined by the Executive Director for the duration of the event or activity. This condition may be altered or waived by the Executive Director and if the permit holder is unable to post a copy of the exemption permit

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at the physical location of the event or activity, the Executive Director may permit the permit holder to post it online in a conspicuous manner.

E. Appeal.

- (1) Where the Executive Director refuses to grant an exemption permit under this subsection, the applicant shall be notified in writing and advised that they may appeal the Executive Director's decision to the community council which has jurisdiction for the location of each proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.
- (2) Notice of hearing shall be sent to all residents within 100 metres of the location where each event or activity is proposed to be held as shown on the last revised assessment rolls and at the applicant's expense.
- (3) Where the location of each proposed event or activity under appeal falls on the boundary street of more than one community council, each affected community council shall provide its recommendations to Council for its consideration of the appeal under this Subsection.
- (4) Council, or the community council under delegated authority, may issue or refuse an exemption permit.
- (5) If the community council under delegated authority or Council issues an exemption permit, the exemption permit is subject to the conditions set out in Subsection D, unless the community council under delegated authority or Council provides otherwise, and to any other conditions respecting health, safety and nuisance as the community council under delegated authority or Council considers advisable.

F. Where an application for an exemption permit is made for continuous concrete pouring or large crane work, only Subsections A, B, B.1, C(2), (3) and (4), G and H apply and the Executive Director may issue the exemption permit subject to the conditions in Subsections D(1), (2), (7) and the conditions that:

- (1) The permission granted shall be for the date and times for each event or activity as set out in the exemption permit with overnight events or activities discouraged;
- (2) Notice for continuous concrete pouring and large crane work shall be distributed by the permit holder to those within a 120 metre radius of the activity at least 7 days prior to the start of such activity; and
- (3) The Executive Director shall provide a final copy of any exemption permit issued under this Subsection to the Councillor of any ward where such activity is to be

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conducted and, where the activity is to be conducted on a boundary street between wards, to the Councillors of the adjoining wards.

- F.1 In addition to those conditions set out in Subsection D, where the noise described in an exemption permit application is categorized as ‘Level 2’ or ‘Level 3’ under the Exemption Permit Screening Criteria, the Executive Director may impose the following conditions on the exemption permit:
- (1) The permit holder must distribute a notice of the exemption permit, in a form and manner satisfactory to the Executive Director, to those within a 120-metre radius of the activity at least 7 days prior to the start of the event or activity;
 - (2) The permit holder must adhere to specific orientation of equipment for the duration of the event or activity, as determined by the Executive Director;
 - (3) The permit holder must install sound dampeners or deadeners, or any other noise protection equipment determined by the Executive Director for the duration of the event or activity.
- F.2. In determining which additional conditions under Subsection F.1 are appropriate, the Executive Director will consider criteria, including but not limited to:
- (1) The duration of the event or activity and the hours the event or activity will be occurring;
 - (2) The total number of participants or attendees at an event or activity with amplified sound or the type of construction development;
 - (3) The proximity of the noise to a residential area and the likelihood that the noise for which an exemption is requested may negatively affect persons in that residential area; and
 - (4) The applicant’s compliance with this chapter, including any previous exemption permits, if any, issued to them.
- G. Despite anything contained in § 591-3.2., where an application for an exemption permit is made by the City or any of its agencies, boards or commissions:
- (1) The application shall be submitted directly to the Executive Director by the City department, agency, board or commission seeking the exemption permit.
 - (2) The fees in Chapter 441, Fees and Charges, do not apply.
 - (3) Subsections C(3)(e) and (f) do not apply.

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- G.1 Despite anything contained in § 591-3.2., where an application for an exemption permit is made by a not-for-profit corporation or a grassroots cultural organization, the applicant will not be required to pay the associated exemption permit application fee in Chapter 441, Fees and Charges. **[Amended 2024-11-14 by By-law 1231-2024]**
- H. The Executive Director may revoke an exemption permit, with or without notice, if there is non-compliance any of the exemption permit's conditions.
- I. The Executive Director will develop Exemption Permit Screening Criteria for the purposes of categorizing types of events or activities contained in an exemption permit application and use the Exemption Permit Screening Criteria in the assessment of exemption applications, including determining the applicable conditions and applicable fees. The Exemption Permit Screening Criteria will categorize types of events or activities into levels depending on their impact, considering factors including the duration of the event or activity, the total number of participants expected (if applicable), the hours of the event or activity, the location of the event or activity in relation to a residential zone, the applicant's historical level of compliance with Chapter 591, and any other criteria determined by the Executive Director, and such Exemption Permit Screening Criteria may be amended by the Executive Director from time to time.

ARTICLE 4

Offences, Entry to Inspect, Orders, Remedial Action and Transition

§ 591-4.1. Offences.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. Every person who fails to comply with an exemption permit issued or an order made under this chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- C. In addition to a fine or fines provided for in this subsection every person who gains an economic advantage from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage obtained from the non-compliance.
- D. In addition to offences referred to in Subsections A, B and C every person is guilty of an offence under this chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;

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- (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- E. Where a corporation contravenes any provision of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- F. Where a corporation fails to comply with an exemption permit issued or an order made under this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000. **[Amended 2020-12-18 by By-law 1129-2020]**
- G. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 591-4.2. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, a By-Law Enforcement Officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) This chapter; or
 - (2) A notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, a By-law Enforcement Officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the By-law Enforcement Officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

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§ 591-4.3. Orders to comply.

- A. A By-law Enforcement Officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- B. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- C. If there is evidence that the occupant of the land is not the registered property owner, the notice shall be served on both the registered property owner and the occupant of the land.
- D. If the address of the registered property owner is unknown, the City is unable to effect service on the registered property owner or occupant of the land under Subsection B or the delay necessary to give an order would result in circumstances that endanger the health or safety of any person or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the registered property owner or the occupant of the land.

§ 591-4.4. Remedial action.

If a person fails to comply with an order to do work to correct a contravention under this chapter, the Executive Director, or persons acting upon their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

§ 591-4.5. Transition.

- A. The provisions of this chapter do not apply to exemption permits granted before October 1, 2019 provided that the holder of such permits continue to comply with the conditions of their original permits and that such permits are not revoked, terminated and do not expire.
- B. All prosecutions and other enforcement processes commenced under this chapter which have not been completed on October 1, 2019 shall be completed as if the chapter had not been amended on that date.
- C. All prosecutions and other enforcement processes commenced under this chapter between October 1, 2019, and May 31, 2024, which have not been completed on June 1, 2024, shall be completed as if the chapter had not been amended on that date. **[Added 2024-04-22 by By-law 268-2024]**
- D. The provisions of this chapter do not apply to exemption permits granted between October 1, 2019, and August 31, 2024, provided that the holder of such permits continues to comply with the conditions of their original permits and that such permits are not

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revoked, terminated, and do not expire. [Added 2024-04-22 by By-law 268-2024]

ARTICLE 5
Railway Whistles

§ 591-5.1. Definitions.

As used in this article, the following abbreviations and terms shall have the meanings indicated:

CN - Canadian National Railway.

CP - Canadian Pacific Railway.

GO - Go Transit.

§ 591-5.2. Prohibited locations.

The use of the whistle on any railway equipment in respect of the highway crossings described in the following table is prohibited, except as otherwise provided in section 23.1 of the Railway Safety Act, R.S. 1985, c. 32 (4th Supp.):

No.	Railway	Subdivision, Branch or other Trackage	Mileage	Street Name
A.	Go	Uxbridge Subdivision	55.73	Sheppard Avenue East in the vicinity of the Agincourt Go Station
B.	Go	Uxbridge Subdivision	55.44	Marilyn Avenue in the vicinity of the Agincourt Go Station
C.	Go	Uxbridge Subdivision	60.19	Danforth Road west of Midland Avenue
D.	Go	Uxbridge Subdivision	59.96	Corvette Avenue pedestrian crossing mile 59.96 Uxbridge Subdivision