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Item No. 21.7
Halifax Regional Council
June 10, 2025

TO: Mayor Fillmore and Members of Halifax Regional Council

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: November 14, 2024

SUBJECT: By-law N-200 Measurable Decibel Level Report

INFORMATION REPORT

ORIGIN

November 9, 2021, Regional Council motion 15.5.3:

Moved by Councillor Deagle-Gammon, seconded by Councillor Hendsbee.

THAT Halifax Regional Council request a staff report on conducting a review of the Noise By-law N-200 to determine a measurable decibel level that is acceptable within a community.

MOTION PUT AND PASSED

EXECUTIVE SUMMARY

Staff were asked to conduct a review of By-law N-200 Respecting Noise and consider whether the inclusion of a measurable decibel level would have a positive impact on the enforcement of noise issues within a community. Consultation took place with other municipalities and legal services to inquire on their decision to either include or not include decibel levels in their legislation and whether decibel readings were a benefit to enforcement or prosecutions.

Based on the research, the majority of municipalities use qualitative measures within their legislation which is the same as Halifax Regional Municipality. The use of qualitative measures provides flexibility to enforcement staff and legal services to address noise issues within a community. Quantitative measures such as a measurable decibel reading device are used in some municipalities. Research indicated that municipalities that chose to use measurable decibel readings in their legislation did so for types of noise such as construction, vehicular and stationary noises.

The inclusion of decibel readings within the by-law would have financial implications. In consultation with the representatives from the various municipalities we were advised there would be a one-time cost of approximately \$75,000.00 and annual costs of \$20,000.00. Costs would be incurred for purchasing equipment, training and maintenance and or replacement of equipment.

Legal services identified a procedural risk associated with the inclusion of measurable decibel readings. The procedural risk is that the inclusion of decibel levels into the offence may make prosecution of said

offences more difficult due to the introduction of a higher evidentiary threshold as a result of including specific decibel levels.

BACKGROUND

Staff have consulted with legal services and conducted a review of By-law N-200 with respect to whether including decibel levels will reduce noise complaints or potentially gain greater compliance with the by-law. Through the consultation process, staff were advised that the current language in the by-law meets the needs of the municipality in pursuing noise complaints before the courts.

Municipalities that have adopted a Noise By-law have taken either a general noise approach including guidelines to what is considered reasonable or unreasonable noise and or incorporating decibel levels. Halifax Regional Municipality does not currently have prescribed decibel levels stated within the Noise by-law.

In preparing this report, a jurisdictional scan was conducted to gain insight into how other municipalities are addressing noise complaints, if prescribed decibel levels are incorporated into their by-law and what are considered acceptable decibel levels within the community.

DISCUSSION

Noise by-laws generally use two methods to determine if a violation exists: qualitative measurements by way of an individual within the community stating that the noise is unreasonable and disturbing their peace, tranquility or enjoyment of their property or quantitative measurement by way of decibel readings.

N-200 Respecting Noise currently uses the qualitative standard. In preparing this report, staff consulted with legal services regarding the by-law and whether the current language and investigations conducted met the threshold for successful enforcement or prosecutions. Legal Services advised that the current by-law meets their needs for court purposes. It was also noted that if decibel levels were incorporated into the HRM Noise By-law, the evidence could be helpful but not required to further support enforcement efforts.

There is also a legal procedural risk that the inclusion of decibel levels into the offence may make prosecution of said offences more difficult due to the introduction of additional factors which would have to be proven, resulting in a higher evidentiary threshold as a result of including specific decibel levels. By introducing a specific decibel level in the Noise By-law, prosecutors would be required to prove, among other factors, that a given offence met that threshold, that the device used was in good working order on the day of the offence, that the device was operated by a qualified employee, etc.

When a noise investigation is initiated, the goal is to work with the complainant and alleged violator to address the noise. The Compliance Officer identifies the noise emitting concern and works with the two parties to seek alternatives in how to mitigate the negative impact created by the noise. If the noise persists and is deemed a violation, then charges are laid before the courts. Below is a table identifying noise investigations and charges laid over the past three years:

Year	# cases investigated	# Summary Offense tickets issued
2021	214	21
2022	270	27
2023	215	20

Research was also conducted with other municipalities to determine best practices and which methods the respective municipalities used to enforce their Noise By-laws. A jurisdictional scan of these municipalities is provided through attachment A. In speaking with representatives from the municipalities, it was noted that many use qualitative measures similar to Halifax Regional Municipality while others have incorporated

decibel readings for vehicular noise or link their by-law to prescribed decibel limits within their provincial regulations.

The municipalities that have incorporated decibel levels within their by-law have not tested many cases before the courts to advise if greater success has been achieved by including these limits in their respective by-laws. The research found that all municipalities use qualitative measurements, and decibel measurements have been used by some, but are not viewed as a tool that makes enforcement more effective. The consensus has been that decibel levels can be of assistance as a reference point to determine if noise is approaching an unreasonable threshold. However, the majority of municipalities continue to pursue investigations under the qualitative measures and laying charges under the general sections of their legislation. The general consensus from speaking with prosecutors is that incorporating decibel levels into a noise by-law has a neutral or minimal increase in effectiveness of prosecution. There is no greater increase for successful prosecution of these offences.

FINANCIAL IMPLICATIONS

There will be no financial implications if Regional Council supports the current approach and maintains status quo with the qualitative measurements outlined in the by-law.

If Regional Council wishes that staff amend the by-law to incorporate quantitative measurements with prescribed decibel readings, costs would be incurred for equipment and training of enforcement staff. It is estimated the costs would be a one-time cost of \$75,000.00 for equipment purchase and specialized training and ongoing annual costs of approximately \$20,000 for equipment maintenance and training. The funding for these new costs would be identified and recommended as a next years budget item.

COMMUNITY ENGAGEMENT

Staff has consulted with community members and internal stakeholders which included Legal Services, Halifax Regional Police and the RCMP.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008, c. 39, subsection 188(1), as follows:

- 188 (1) The Council may make by-laws, for municipal purposes, respecting
[...]
(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws
(i) prescribing the distance beyond which noise must not be audible,
(ii) distinguishing between one type of noise and another,
(iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
(iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited,
(v) authorizing the granting of exemptions in such cases as the by-law provides,
(vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighborhood.
[...]
- (2) Without restricting the generality of subsection (1), but subject to Part VIII, the Council may, in any by-law

- (a) regulate or prohibit;
 - (b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;
 - (c) provide that in a prosecution for violation of a by-law, evidence that one neighbour is disturbed is prima facie evidence that the neighbourhood is disturbed;
- [...]

By-law N-200, Respecting Noise By-law

ATTACHMENTS

Attachment A- Jurisdictional Scan

Report Prepared by: Tanya Phillips, Manager, By-law Standards 902.490.4491

Attachment A

City/ Municipality	Noise By-Law	Are decibel levels used in by-law	What are the prescribed decibel levels	Have charges for violations of decibel levels been laid. Outcome?																																																															
St. John's	Yes	No	N/A	N/A																																																															
Regina	Yes	Yes	<div>Details of decibel requirements are stated based on zones and time of day.</div> <table><tr><th rowspan="2">Zone</th><th colspan="2">Sound Pressure (dBA)</th></tr><tr><th>7:00 am – 10:00 pm</th><th>10:00 pm – 7:00 a</th></tr><tr><td>Residential Zone</td><td>60</td><td>55</td></tr><tr><td>Mixed Use Zone</td><td>70</td><td>60</td></tr><tr><td>All other zones within 30 metres of a Residential Zone</td><td>70</td><td>65</td></tr><tr><td>All other zones</td><td>85</td><td>75</td></tr></table>	Zone	Sound Pressure (dBA)		7:00 am – 10:00 pm	10:00 pm – 7:00 a	Residential Zone	60	55	Mixed Use Zone	70	60	All other zones within 30 metres of a Residential Zone	70	65	All other zones	85	75	No charges have been laid to date.																																														
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Moncton	Yes	No	N/A	N/A																																																															
Edmonton	Yes	Yes	Decibel levels are identified for residential areas and include time of day and zoning. Acceptable decibel levels range from 65- 85 dBA depending on the type and duration of noise activity.	No charges have been laid based on decibel levels.																																																															
Victoria	Yes	Yes	<div>Schedule B</div> <div>Summary of Districts' Permitted Noise Levels</div> <table><tr><th colspan="2" rowspan="3"></th><th colspan="8">NOISE RECEIVER DISTRICT</th></tr><tr><th colspan="2">QUIET</th><th colspan="2">INTER-MEDIATE</th><th colspan="2">HARBOUR INTER-MEDIATE</th><th colspan="2">ACTIVITY</th></tr><tr><th>Day</th><th>Night</th><th>Day</th><th>Night</th><th>Day</th><th>Night</th><th>Day</th><th>Night</th></tr><tr><td rowspan="4">NOISE SOURCE DISTRICT</td><td>QUIET</td><td>55</td><td>45</td><td>55</td><td>50</td><td>55</td><td>50</td><td>60</td><td>60</td></tr><tr><td>INTER-MEDIATE</td><td>60</td><td>50</td><td>60</td><td>55</td><td>60</td><td>55</td><td>65</td><td>65</td></tr><tr><td>HARBOUR INTER-MEDIATE</td><td>60</td><td>50</td><td>60</td><td>55</td><td>60</td><td>55</td><td>65</td><td>65</td></tr><tr><td>ACTIVITY</td><td>60</td><td>55</td><td>65</td><td>60</td><td>67.5</td><td>60</td><td>70</td><td>70</td></tr></table> <div>Table 1: Equivalent Sound Level (L_{eq}) Limits (expressed in dBA) for sound or noise created and received in the "Quiet", "Intermediate" and "Activity" Noise Districts</div>			NOISE RECEIVER DISTRICT								QUIET		INTER-MEDIATE		HARBOUR INTER-MEDIATE		ACTIVITY		Day	Night	Day	Night	Day	Night	Day	Night	NOISE SOURCE DISTRICT	QUIET	55	45	55	50	55	50	60	60	INTER-MEDIATE	60	50	60	55	60	55	65	65	HARBOUR INTER-MEDIATE	60	50	60	55	60	55	65	65	ACTIVITY	60	55	65	60	67.5	60	70	70	Yes, there have been charges laid before the courts.
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	ACTIVITY	60	55	65	60	67.5	60	70	70																																																										
Kitchener-Cambridge-Waterloo	Yes	Yes	The only time we use decibel levels is for stationary sources i.e., air conditioners. We use NPC300 (Provincial Environment Noise Guideline) to determine acceptable noise levels.	Yes, there have been charges laid before the courts.																																																															
Toronto	Yes	Yes	The current Bylaw regulates noise both qualitatively and quantitatively. Decibel levels are identified for: Stationary Sources, Amplified sounds and	Yes, there have been charges laid before the courts.																																																															

City/ Municipality	Noise By-Law	Are decibel levels used in by-law	What are the prescribed decibel levels	Have charges for violations of decibel levels been laid. Outcome?																								
			<p>Motorcycle noise/ idling. All other activities are regulated qualitatively.</p> <p>Stationary Sources the limit is either 50dBA or the applicable sound level limit prescribed in provincial noise pollution control guidelines</p>																									
Ottawa	Yes	Yes	<p>Only certain kinds of noise have decibel level limits, others are prohibited entirely or are permitted depending on the time of day</p> <table><thead><tr><th>Assessment Location</th><th>Time Period</th><th>Class 4 Exclusion Limit (1hr Leq)</th></tr></thead><tbody><tr><td>Outdoor Point of Reception</td><td>7 am to 7 pm</td><td>55 dBA</td></tr><tr><td>Outdoor Point of Reception</td><td>7 pm to 11 pm</td><td>55 dBA</td></tr><tr><td>Outdoor Point of Reception</td><td>11 pm to 7 am</td><td>n/a</td></tr><tr><td>Plane of Window of noise sensitive space</td><td>7 am to 7 pm</td><td>60 dBA</td></tr><tr><td>Plane of Window of noise sensitive space</td><td>7 pm to 11 pm</td><td>60 dBA</td></tr><tr><td>Plane of Window of noise sensitive space</td><td>11 pm to 7 am</td><td>55 dBA</td></tr><tr><td></td><td></td><td></td></tr></tbody></table>	Assessment Location	Time Period	Class 4 Exclusion Limit (1hr Leq)	Outdoor Point of Reception	7 am to 7 pm	55 dBA	Outdoor Point of Reception	7 pm to 11 pm	55 dBA	Outdoor Point of Reception	11 pm to 7 am	n/a	Plane of Window of noise sensitive space	7 am to 7 pm	60 dBA	Plane of Window of noise sensitive space	7 pm to 11 pm	60 dBA	Plane of Window of noise sensitive space	11 pm to 7 am	55 dBA				Yes, there have been charges laid before the courts.
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