



OFFICE OF THE MAYOR
CITY OF HAMILTON

August 20, 2021

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier Ford:

City Council, at its meeting held on August 13, 2021, approved Item 13 of Planning Committee Report 21-012 which reads as follows:

13. Noise Concerns and Request for Expiry of Extended Construction Hours

WHEREAS, municipalities have the authority under the *Municipal Act, 2001* to pass a Noise By-law to regulate and prohibit with respect to noise;

WHEREAS, in response to the COVID-19 pandemic, the Ontario government sought to accelerate construction projects in municipalities;

WHEREAS, the Ontario government passed O.Reg 131/20, under the *Municipal Act, 2001* ("O.Reg 131/20") allowing for extended construction hours for projects associated with the healthcare sector to 24 hours a day and any other construction activity in a municipality between the hours of 6am and 10pm;

WHEREAS, O.Reg 131/20 limits a municipality's authority and enforcement through Section 451.1 of the *Municipal Act, 2001* from prohibiting and regulating noise with respect to after-hour noise from construction sites;

WHEREAS, there has been an increase in complaints as a result of after-hour noise caused by construction sites impacting the quiet enjoyment of the residents of Hamilton; and,

WHEREAS, O.Reg 131/20 is set to expire on October 7, 2021;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor contact the Premier of Ontario, and local Members of Parliament to ask that the Province to promptly expediate the expiry of O.Reg 131/20, the COVID exemption for after-hours noise from construction sites.

- (b) That the Mayor contact the Premier of Ontario, and local Members of Parliament to request that the Province not make the temporary regulations of O.Reg 131/20, or any similar restrictions, permanent through an amendment to the *Municipal Act, 2001*.
- (c) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.

Your consideration of Council's request is appreciated. We would ask that you reference File #C21-014 when responding to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger". The signature is fluid and cursive, with a large loop at the end.

Fred Eisenberger
Mayor

File #C21-014

- c.c. Hon. Andrea Horwath, Leader of the Official Opposition, MPP, Hamilton Centre
- Hon. Donna Skelly, MPP, Flamborough-Glanbrook
- Hon. Paul Miller, MPP, Hamilton East-Stoney Creek
- Hon. Monique Taylor, MPP, Hamilton Mountain
- Hon. Sandy Shaw, MPP, Hamilton West-Ancaster-Dundas
- Association of Municipalities of Ontario
- All Ontario Municipalities (by email)