



**Distributed at the Planning and Development Council Meeting  
of November 4, 2019**

**Re: Item 13 - Noise Exemption Related to Property Standards  
Emergency Order 2019-111642 (58-62 Shepherd Road)**

**(Item not previously listed.)**

## **REPORT**

**PLANNING AND DEVELOPMENT COUNCIL MEETING**

**MEETING DATE: NOVEMBER 4, 2019**

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**FROM:** Municipal Enforcement Services

**DATE:** October 31, 2019

**SUBJECT:** Noise Exemption Related to Property Standards Emergency  
Order 2019-111642 (58-62 Shepherd Road)

**LOCATION:**

**WARD:** 2

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### **RECOMMENDATION:**

That the noise exemption request in the application set out in Appendix A to this report from Municipal Enforcement Services dated October 31, 2019, relating to the carrying out of work to satisfy any emergency property standards order(s) for remediation of structural concerns for the shoring at 58-62 Shepherd Road be approved.

### **KEY FACTS:**

The following are key points for consideration with respect to this report:

- A property standards investigation at 58-62 Shepherd Road revealed doubt as to the structural condition of the construction shoring and possible safety issues related to construction at that address
- As a result, an emergency property standards order requiring an independent professional structural engineer's inspection of the shoring was issued
- An engineer was hired by the town to conduct the inspection and has provided a report identifying necessary emergency remedial action to address identified concerns with the shoring
- The findings of the engineer have been accepted and the emergency remedial work required will now be undertaken by the town. Since there is urgency to the required action, staff are recommending a noise exemption be issued allowing the chosen contractor to work beyond hours outlined in the noise by-law (7 a.m. to 7 p.m. Monday to Saturday) to terminate the danger at this address

### **BACKGROUND:**

See Key Facts

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### **COMMENT/OPTIONS:**

The emergency remedial work required to be carried out will include backfill and compaction of the site with approximately 10,000m<sup>3</sup> of backfill material. Staff are taking appropriate steps to hire a contractor. In order to address the danger in a prompt manner, staff are recommending that a noise exemption be issued to allow longer working hours. Although the noise may aggravate some local residents, staff believe the safety and liability concerns raised by the danger outweighs the short-term noise aggravation.

Staff have identified a truck haul route associated with the project, which is outlined below.

#### Phase One Route

- Haul route – QEW to Dorval Drive (south bound) to Rebecca Street (east bound) to Forsythe Street (north bound) to Queen Mary Drive (north bound) to Shepherd Road (west bound)
- Truck size limited to triaxle dump trucks – loads not exceeding 20 tons
- Truck storage is west bound on Shepherd Road with flagging support

#### Phase Two Route

- Haul route – QEW to Dorval Drive (south bound) to Wyecroft Road (east bound) to Kerr Street (south bound) to Shepherd Road (east bound) to closed section of road
- Truck size may be increased – to be confirmed
- Truck storage is south bound Kerr Street (between Wyecroft Road and Metrolinx crossing) and east bound on Shepherd Road with flagging support

### **Conclusion**

Staff recommend that construction be permitted between the hours of 7a.m. and 11p.m. seven days per week to address the danger identified at 58-62 Shepherd Road. The project is anticipated to take approximately 30 days from initiation.

### **CONSIDERATIONS:**

#### **(A) PUBLIC**

Once a contractor has been hired and a definitive start date confirmed, staff will provide detailed notice (including the noise exemption and reason for same) to the surrounding residents and businesses and those that may be impacted along the truck haul route.

#### **(B) FINANCIAL**

This work is being conducted under the authority of the *Building Code Act and Property Standards By-Law*, through an emergency property standards

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order. As a result, costs are subject to collection, like taxes, from the property owner.

The property is in receivership and staff are in communication with the receiver.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

Multiple town departments are involved in this matter including Planning, Building, Development Engineering, Engineering and Construction, Legal and Municipal Enforcement.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- provide outstanding service to our residents and businesses
- be accountable in everything we do

**(E) COMMUNITY SUSTAINABILITY**

Ensuring that residents and properties in Oakville are safe addresses the economic and environmental pillars of sustainability.

**APPENDICES:**

Appendix A – Noise exemption application

Prepared and Submitted by:

Jim Barry, Director  
Municipal Enforcement Services



THE CORPORATION OF THE TOWN OF OAKVILLE

1225 Trafalgar Road, Oakville ON, L6H 0H3

Telephone: 905-845-6601

APPENDIX A

**2019 Application for a Noise Exemption to the Town of  
Oakville Noise By-law 2008-098, as amended.**

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**Application must be submitted for review at least 30 Days prior to the event date.**  
**Application Fee: \$166.00 (non-refundable)**

**Event/Project Information:**

Event/Project Name (if applicable): Emergency Remediation of Shoring

Location: 58-62 Shepherd Road

Date: November 11, 2019-December 20, 2019

Start Time: 7a.m. End Time: 11p.m.

Alternate Event/Project Date \_\_\_\_\_

Alternate Start Time: \_\_\_\_\_ Alternate End Time: \_\_\_\_\_

Event/Project Supervisor (on site): Raj Vemulapalli, Municipal Standards Investigator

Telephone: 905-845-6601

Number of people expected to attend the event (where applicable): \_\_\_\_\_

**Property Owner Information:**

Last Name: Trevor First Name: Pringle

Address: 21 King Street West, Suite 1602 City/Town: Hamilton

Postal Code: L8P 4W7 Telephone: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Business or Corporation, if applicable: Msi Spergel Inc. in its capacity as  
Court-Appointed Receiver of 54 Shepherd Road Inc.

**Applicant:**

Last Name: Barry First Name: Jim

Business or Corporation, if applicable: Town of Oakville

Address: 1225 Trafalgar Road City/Town: Oakville

Postal Code: L6H 0H3 Telephone: 905-845-6601 x3093

Email: jim.barry@oakville.ca Fax: \_\_\_\_\_

**Reason for request (explanation of event):**

Construction

x

Community Event

Life Event

Other

Due to an emergency order issued to remediate shoring concerns at this property it is necessary to have the work completed as soon as possible eliminating public safety concerns impacting the municipal road and adjoining residential buildings. Based on this urgency, there may be periods when the project will require work to be completed outside of the prescribed work hours of 7a.m. to 7p.m. and Sundays.

**Detailed description of source of noise/sound:**

List of equipment that will be used (e.g. band/fireworks/amplifiers etc.)

- Back up beepers related to trucks backing up
- Heavy equipment operations

**Site Map:** Attach a detailed map, or draw in the space below where the event/project will be located. Must include the following:

- The direction and location where the sound amplifying devices are used.
- Include any surrounding street names.



**The following must be submitted with this application at least 30 days prior to the event or the application will not be accepted: The application will be reviewed and applicant will be notified of approval or denial prior to the event date.**

- A completed Noise Exemption application form
- Site Map - Detailed drawings/maps of the event/project
- Application Fee payable
  - a. In person at ServiceOakville located at town hall
  - b. By mail (cheque only, payable to **Town of Oakville**)

**A permit may be granted subject to the following terms:**

- a) The sound emitted from any equipment shall not exceed an equivalent sound (LEQ) of 85 DBA, when measured 20 metres from the source over a five (5) minute period;
- b) Where the sound level exceeds 85 DBA, the applicant shall comply with any request from the Designated Official or their designates with respect to the volume of sound from the equipment to ensure compliance with clause (a);
- c) No sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;
- d) The event or project shall be restricted to the approved location set out in the permit; and
- e) The permission granted is for the date(s) and times for the event or project as set out in the permit; and
- f) A permit issued to the applicant is not transferable.

**Breach by the applicant of any of the terms or conditions of the exemption shall render the exemption null and void.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Office Use Only:**

Fee: \_\_\_\_\_ Receipt No: \_\_\_\_\_ Amanda No: \_\_\_\_\_

Notice Reviewed: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Scanned: \_\_\_\_\_

File Created: \_\_\_\_\_

**Note:** Personal information on this form is collected under the authority of the Municipal Act, as amended. Questions regarding this collection should be directed to the Municipal Enforcement department, 1225 Trafalgar Road, Oakville, ON, L6H 0H3, email [service@oakville.ca](mailto:service@oakville.ca)