



Town of Newmarket
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Memorandum

Construction Vibration

November 2, 2020

During the electronic Committee of the Whole meeting held on October 26, 2020, Town Council requested additional information in relation to construction vibration for non-Planning Act developments.

Since this meeting, Town staff has conducted an internal review pertaining to:

- the number of complaints received in relation to vibration; and
- the possibility of a permitting framework for large construction projects that do not directly relate to Planning Act developments (e.g. new construction).

Complaints Received for Vibration

After further review of the total number of complaints received by the Town in relation to construction vibration. Town staff can confirm that a total of 36 formal complaints were filed between 2016-2020, and of these 36:

- 11 complaints directly relate to Town or Regional projects;
- 7 complaints were noise-related and not directly relate to construction vibration;
- 16 complaints directly related to Planning Act developments (e.g. new development projects); and
- 2 complaints were in relation to smaller construction projects, such as driveway repaving or minor residential construction projects.

Permit Process for non-Planning Act Developments

Town staff has conducted further review to determine what options are available to the Town to implement a permit process for construction vibration. City of Toronto is the only municipality researched that has implemented a Vibration Control application as part of their building permit process. However, no other municipalities researched have implemented a permit process for construction vibration that is unrelated to Planning Act developments (e.g. driveway repaving).

If Council elects to direct staff to implement a permit process, Town staff will need to:

- amend the Town's Noise By-law to introduce regulations pertaining to a permit process;
- amend the Town's Fees and Charges By-law to introduce an application fee;
- develop a permit application form and utilize staff resources for an approval or denial process;
- develop criteria for evaluating which projects meet the standards of the regulations established within the Town's Noise By-law; and,
- develop an overall framework for construction vibration of non-Planning Act developments.

Conclusion

The number of formal complaints received by the Town for construction vibration has equated to an average of 9 complaints per year since 2016. Only 2 out of 36 formal complaints within the last 4 years have been directly related to non-Planning Act developments, such as driveway repaving and minor residential construction projects.

For this rationale, Town staff are not recommending the introduction of a permitting process for non-Planning Act matters, largely due to the low number of complaints received versus the administration and staff resources required to establish such a process.

Town staff continue to recommend Option 3 within report # 2020-74, which will establish a formal complaint process for any residents negatively impacted by construction vibration for non-Planning Act matters.

For more information regarding this memorandum, email Flynn Scott, Manager of Regulatory Services at fscott@newmarket.ca