

Hillside-Quadra Neighbourhood Action Group
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August 1, 2013

To the Mayor and Council
City of Victoria
#1 Centennial Square
Victoria BC V8W 1P6

RE: City of Victoria Noise Bylaw

I am writing this letter on behalf of the Hillside-Quadra Neighbourhood Action Group (NAG) to express our concern over how the City of Victoria's noise bylaw is being enforced, specifically in the area of night-time noise level measurements.

The issue appears to be around the definition of "point of reception", which the bylaw describes as being either on the property line or in the location where the sound can be best heard. We have been informed that City staff interpret the bylaw to say that night-time measurements must be made from within a residence on an affected property, rather than from anywhere on the property as is the case with day-time measurements. This interpretation appears to be contrary to the plain language reading of the bylaw, to the public policy goals which the noise bylaw exists to further, and to the intent of the drafters of the bylaw.

The attached letter from Wakefield Acoustics explains the original intent of the bylaw wording and why the current interpretation is not consistent with that intent. The goal of the definition was to allow flexibility as to where noise measurements were recorded so that measurements could reflect the situation where noise was loudest on the receiving property. This was seen as an improvement over most noise bylaws. Instead, the interpretation which has been put in practice has weakened the bylaw and exposes City of Victoria residents to higher noise levels than residents in most other North America areas that have noise bylaws. In particular, a noise control regime which sets weaker limits at night than during the day seems contrary to common sense.

We ask that you direct City legal staff to clarify for Council their interpretation of the bylaw and, if the current wording does present a problem, that the bylaw language be amended as soon as possible so enforcement is not hampered needlessly.

Sincerely,

Keith Macgowan
Chair, Hillside-Quadra Neighbourhood Action Group