

RE: Z-8763; Notice of Application to Amend the Zoning By-Law  
Amplified Music and Dancing on Patios

Obviously, this public meeting is a formality. There is no real consultation here and councillors MUST endorse the removal of amplified entertainment from the zoning by-law to the noise by-law for last night's decision to be implemented.

The new noise by-law endorsed last night by committee will allow a permit for amplified entertainment on patios on a case by case basis on conditions decided by the by-law enforcement manager. Some patios will be afforded louder decibels, others lower depending where the patio is located. The problem with this system is that it depends solely on the discretion of one staff person and that decision cannot be challenged unless you file a court challenge. There is no accountability and it is discriminatory.

If you made the changes to the zoning by-law allowing amplified entertainment on patios rather than moving it into the noise by-law it would allow patio owners to appeal any decision by enforcement to remove their permit because of noise complaints and it removes any citizen challenge to question the necessity of amplified music on patios.

It is under handed because this city cannot write a proper and legal noise by-law. It has reverted to a single staff person making land use decisions without any accountability. It politicizes decision making, and as Phil Squire clearly stated that if he receives any complaints from residents regarding noise generated from a patio in his ward, he will be certain to have the permit revoked with no appeal process for that patio owner. That is equally true for residents that have filed numerous complaints against patios owners such as the Barking Frog only to have them fall on deaf ears, with no appeal process.

This is the only way city hall can manage, and cope, with this issue because they do not know how to balance an issue. And I would like to state again that a 70 decibel at the point of reception such as a person's window is too loud. It is equal to having a vacuuming cleaner running outside your window for several hours at a time. This would interfere with one's private space and ability to fall asleep as 25 decibels is considered appropriate for sleeping. That is the sort of challenge council is avoiding – a reasonable dialogue because this issue is political.

I am asking to be notified of the final decision on this issue.

Thank You

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