



**City of Kingston
Report to Council
Report Number 24-231**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Kyle Compeau, Director, Licensing & Enforcement Services
Date of Meeting: October 1, 2024
Subject: Request for Noise Exemption – Providence Manor Redevelopment Project

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

Sullivan Construction has submitted a request for a noise exemption permit related to the ongoing construction of Providence Manor Redevelopment Project. This six-story long-term care facility, located at 1200 Princess Street, is designed to provide accommodations for 320 residents.

The noise exemption request is specifically a contingency plan to address potential delays in concrete pouring and proper settlement. The concrete curing process is time-sensitive and can sometimes extend beyond the permitted times of construction related noise activity. While Sullivan Construction aims to complete all work within standard timeframes, this request ensures that if delays occur, the necessary work can be completed without compromising the integrity of the construction. There is no expectation that this exemption will be routinely required, nor will be needed for a daily or weekly basis. The exemption is being requested only to address unforeseen circumstances that may arise during the critical concrete pouring process, ensuring the project remains on schedule without compromising quality.

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Recommendation:

That Sullivan Construction, be granted an exemption from Schedule B of By-Law Number 2004-52, "A By-Law to Regulate Noise", beginning October 10, 2024, and expiring October 10, 2025, to permit amplified sound from Monday to Friday (excluding Holidays), 7:00 p.m. to 11:59 p.m. for construction work related to the Providence Manor Redevelopment Project located at 1200 Princess Street; and

That should the provisions related to amplified sound contained in Schedule B of By-Law Number 2004-52, "A By-Law to Regulate Noise" be amended prior to the October 10, 2025, expiration of the exemption granted to Sullivan Construction, the exemption will be voided at the time those amendments come into effect.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Section 3.3 of By-Law Number 2004-52, A By-Law to Regulate Noise (the “Noise By-Law”) states that any person may apply to the Licensing & Enforcement Division requesting an exemption from the prohibitions in Schedule A and B of the Noise By-Law; Section 3.4 provides that Council may approve the exemption request and impose any conditions it deems

Request Details

The City of Kingston has received a request for a noise exemption from Sullivan Construction for the Providence Manor Redevelopment Project located at 1200 Princess Street. The project involves the construction of a 6-story Long Term Care Facility that will accommodate 320 residents. The specific days and times for which the exemption is required are as follows:

Dates: October 10, 2024, to October 10, 2025.

Days and Hours: Monday-Friday (excluding Holidays), 7:00 PM-11:59 PM.

The request is being made as a contingency to allow work beyond the usual permitted hours in the event that concrete finishing or other specific elements are delayed and require completion outside of the normal operating permitted hours of 7 AM-7 PM. The project team assures that all reasonable steps will be taken to avoid working outside the permitted hours.

Rationale for the Request

The primary focus of this request is to ensure that the concrete pouring process can be completed properly without interruption. The nature of concrete work requires it to be handled promptly, as any delays in pouring or settlement can lead to structural issues and further project delays.

This exemption is intended solely for situations where delays occur, and it will only be used if it becomes necessary to ensure the proper settlement and finishing of the concrete to maintain the quality and safety of the construction.

Mitigation of Noise Impact

Sullivan Construction is committed to minimizing the impact of construction noise on the surrounding community. Concrete pouring can be a relatively quiet activity compared to other construction tasks. However, Sullivan Construction recognizes that it still has the potential to cause disruptions, especially if conducted after normal working hours. While the curing and settlement process may extend to late hours, they will ensure that the most noise-generating activities (such as moving machinery and pouring large volumes) are completed during the daytime or early evening hours, keeping noise levels minimal after 7:00 PM.

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Community Feedback

Staff received eight written submissions against the requested noise exemption for Providence Manor Redevelopment Project. The primary concern expressed by residents is that the extended hours may negatively impact their quality of life due to potential noise disturbances, especially in the evenings. A few submissions also suggested that the proposed extended times be reduced to lessen the potential disruption. These submissions are shown in Exhibit A.

Existing Policy/By-Law

Council may grant exemptions to By-Law Number 2004-52 “A By-Law to Regulate Noise”. The authority to approve noise exemptions is specifically granted to Council under Subsection 129(b) of the Municipal Act.

Notice Provisions

The Municipal Act no longer requires public notification, but notice is given in order to provide council with community feedback before deciding on this request.

An advertisement of this request was posted on the city website as shown for Exhibit B on August 26, 2024, until September 6, 2024. Eight written Submissions were submitted.

Financial Considerations

The applicant for noise exemption is required to pay a fee of \$347.80 to help cover the cost of processing the noise exemption request, as well as the cost of the newspaper ad.

Contacts:

Kyle Compeau, Director, Licensing & Enforcement Services 613-546-4291 extension 1343

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Public Feedback

Exhibit B Public Notice

From: [Drew Smith](#)
To: [Compeau, Kyle](#)
Subject: 1200 Princess Street
Date: September 4, 2024 4:14:32 PM

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Kyle,

This is to register my objection to the application for noise exemption for the above-noted property.

The noise from trucks, cement mixers, pouring cement and the back-up signals on all of the trucks will greatly impact my ability to sleep and hence my functioning during the day. At 1260 Princess, we are directly beside the property and hear every bit of noise. Considering that for most mornings in 2023, they began working at 6:30 a.m. and not 7:00, I suspect that they may cheat again either at the beginning or end of the day - or both!

Thank you for your consideration.
Drew Smith

From: [Anne Gillis](#)
To: [Compeau, Kyle](#)
Subject: Noise Exemption Request 1200 Princess St.
Date: August 30, 2024 6:39:49 AM

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Hello Mr. Compeau.

I am writing to express my concern and disapproval of a noise exemption for construction activity at 1200 Princess st.
If allowed, the noise before 7am and after 7pm for a full year is not reasonable or acceptable in this densely populated area.

Please do not allow the exemption.

Anne Gillis

From: [Joyce McALLISTER](#)
To: [Compeau, Kyle](#)
Subject: Noise Exemption
Date: August 29, 2024 12:34:38 PM

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To

Kyle Compeau, Manager of Enforcement Services

I Mrs. Joyce McAllister 122 Hillendale ave Kingston On.

Do not and will not approve this Noise Exemption I work in long term care and need and want piece and quiet and I need to sleep.

the noise is already bothersome and the added traffic in the area .

Thank you

Mrs Joyce Mcallister

613 583 0772

August 27, 202

The City of Kingston has received a request for a noise exemption from Sullivan Construction for the Providence Manor Redevelopment Project located at 1200 Princess St. The project involves the construction of a 6-story Long Term Care Facility that will accommodate 320 residents.

Requested Exemption Details:

- Dates: Oct. 10, 2024 - Oct. 10, 2025.
- Days and Hours: Monday-Friday (excluding Holidays), 7 a.m. - 11:59 p.m.

The request is being made as a contingency to allow work beyond the usual permitted hours in the event that concrete finishing or other specific elements are delayed and require completion outside of the normal operating permitted hours of 7 a.m. - 7 p.m. The project team assures that all reasonable steps will be taken to avoid working outside the permitted hours.

Residents are encouraged to provide feedback regarding this noise exemption request. Please direct your comments or concerns to Kyle Compeau, Manager of Enforcement Services, by Friday, Sept. 6, at 4 p.m. via email at KCompeau@CityofKingston.ca

From: [Serena Young](#)
To: [Compeau, Kyle](#)
Subject: Objection - 1200 Princess Street Noise Exemption
Date: September 6, 2024 3:27:36 PM
Attachments: [sleep-loss-learning-capacity-and-academic-performance1.pdf](#)
[property-standards-bylaw-2005-100.pdf](#)

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Hi Kyle,

I have a strong objection to the noise exemption at 1200 Princess Street. I am in my first semester at St. Lawrence for Medical Laboratory Sciences and it is imperative I acquire adequate sleep. Women need 9 hours of sleep on average, 10 on their periods. A noise free time limit of 7 hours is unacceptable. It is well documented that sleep deprivation is a significant hindrance to academics. Excessive noise will prevent sleep and jeopardize my entire future.

This situation will be exasperated by Kingston city heating bylaws. The heat in our building is on from September 15th to June 1st and in-unit temperatures have been known to exceed 34 degrees. The windows must be opened for human safety and sleeping capabilities: therefore, we will have no sound prevention methods available to us.

<https://www.deseret.com/2023/4/27/23697451/women-need-more-sleep-than-men/>

Sincerely,

Serena Young, BSch

From: [Robert Cotton](#)
To: [Compeau, Kyle](#)
Subject: Prov. Manor Project ex. Hrs
Date: September 3, 2024 8:58:47 AM

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Sir

Construction from 7 am to 7 pm is noisy enough. If they can't get the job done in the agreed contract time for construction why do we have to be inconvenienced so they can finish on time or earn bonus for finishing the work ahead of schedule.

To bad they don't live in the neighborhood to put up with the disruption. The city should say no However I don't the city will.

Thank you for your attention to this matter

R Cotton

From: [Terrie Easter Sheen](#)
To: [Compeau, Kyle](#)
Subject: Request for Noise Exemption Providence Care Redevelopment
Date: September 3, 2024 7:38:27 PM

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Dear Kyle Compeau,

As a long-term resident of Fairview Road, I vehemently oppose the request for the above noise exemption.

Moreover, I believe this to be a complete and utter insult to all of us who live here to even have to respond to such a ridiculous request.

Who in the world would agree to having such noise occur when our entire evenings and sleep would be disrupted for a year? Moreover, it could very well have a negative effect on our overall health.

No, no and no. None of you would!!!!

Thank you.

Terrie Easter Sheen
115 Fairview Road
613-531-2367

From: [Liana Finucan](#)
To: [Compeau, Kyle](#)
Subject: Requested construction noise exemption in Hillendale and beyond
Date: August 30, 2024 10:22:47 AM

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Good morning Mr. Compeau,

My understanding from a neighbour is that Sullivan has requested an exemption to the noise by-law for the next year or so to complete their work on time at 1200 Princess Street.

The details of the request were sent to me as follows:

Dates: Oct. 10, 2024 - Oct. 10, 2025.

Days and Hours: Monday-Friday(excluding Holidays), 7 a.m. - 11:59 p.m.

While I'm delighted that there will be an increase in residential space in Kingston for seniors requiring care—my understanding is that there is a great need, and I expect it's only increasing as the postwar generation ages—I think tolerating loud noise up to midnight is an unreasonable expectation of local residents.

Any of my neighbours working shift work or raising a small child would already be struggling to get adequate sleep as it is, but I work early in schools, and a midnight sleep time would put me at six hours or less of sleep a night. Sleep research tells us that puts me at risk for myriad health issues, and others at risk who share the road with me when I drive to work. This is not to mention the safety and well-being of the already at-risk population of children I work with, who need me to be at my best whenever possible. I work outside of this neighbourhood, but any school-aged children living locally also need their sleep, and should be getting as much as 10-12 hours per night for healthy brain and body development.

It's also not acceptable to ask workers to extend their work day, as I'm assuming it's possible might happen at this worksite as a result of the longer hours. Their health and safety is also at risk.

If there must be an exemption, let it be to 8 or 9pm at the absolute latest.

Thanking you in advance for your consideration,

Liana Finucan
Kingston resident

From: [Heather Bardell](#)
To: [Compeau, Kyle](#)
Subject: Requested exemption for providence Manor
Date: August 29, 2024 3:50:28 PM

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It seems to be too big of an ask to be asking for an exemption to the noise bylaws until midnight on a work night

People work. They need to get up early. Midnight is very late for Construction noises

Please deny

Heather Bardell
124 Hillendale Ave

Public Notification: Request for Noise Exemption

August 26, 2024

The City of Kingston has received a request for a noise exemption from Sullivan Construction for the Providence Manor Redevelopment Project located at 1200 Princess St. The project involves the construction of a 6-story Long Term Care Facility that will accommodate 320 residents.

Requested Exemption Details:

- Dates: Oct. 10, 2024 - Oct. 10, 2025.
- Days and Hours: Monday-Friday (excluding Holidays), 7 a.m. - 11:59 p.m.

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Contact Us

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