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**From:** Sherry Brake [REDACTED]  
**Sent:** Monday, March 18, 2024 9:32 PM  
**To:** ClerksDept <clerksdept@orangeville.ca>  
**Subject:** Noise Pollution - 15 Benjamin Cres.

Good evening,

In light of the review of the revised noise by-law, I have the attached complaint of Noise pollution; *any form of sound that disrupts a natural ecosystem or causes a person's property to become unusable or unpleasant.*

Myself and my neighbours would greatly appreciate that the Town consider extending the noise by-law to address the unnecessary use of engine brakes at the Riddell Rd & CR 109 intersection.

Sherry Brake  
15 Benjamin Cres.  
Orangeville ON L9W 5H1  
Phone: [REDACTED]  
Email: [REDACTED]

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## Corporate Services

### Noise Reporting Package

The Town recognizes that noise impacts our quality of life and that is why the Town regulates noises which disturb, or are likely to disturb inhabitants.

The first step in the noise reporting process is to complete and submit the Noise Report Witness Form and Noise Report Record Form. Once the completed documents have been received By-law staff will complete a review and notify you as to whether or not a Notice of Violation will be issued. The decision to issue a Notice of Violation is based on a review of the evidence and whether there is a reasonable prospect of conviction. Please provide photocopies of any documents you submit and retain the originals as you may be required to produce them as evidence in court.

If a Notice of Violation is issued you are required to monitor and document the noise on a second Noise Record document over a subsequent two week period.

If the situation is not satisfactorily resolved, and upon receipt of the second Noise Reporting Record Form, legal action will be initiated and the property owner and/or person responsible for the noise will be required to attend Court.

At a first court appearance, the individual(s) charged are given the opportunity to plead guilty, at which time the Court may impose a penalty. If the individuals plead not guilty the matter is adjourned and court date will be set for a trial. You will be notified and must appear in Court with your noise records on the set court date in order for a trial to proceed.

Please be advised that your name, address and phone number is confidential when the Town of Orangeville receives your complaint. However, if the matter proceeds to Court your name and that of any witnesses becomes part of the public record.

Please find enclosed the following documents:

- (i) Noise Reporting Witness Questionnaire **(which must be completed in full and returned)**
- (ii) Noise Reporting Record Form **(which must be completed in full and returned)**

**Please forward your completed Noise Reporting Witness Questionnaire and Noise Reporting Record to 87 Broadway, Orangeville, ON L9W 1K1 by mail, in person, or email to [bylaw@orangeville.ca](mailto:bylaw@orangeville.ca)**

In addition to this process, you may wish to seek independent legal advice as there may be various civil remedies available to you.

If you have any questions or require clarification on the noise reporting process, please contact our office at [bylaw@orangeville.ca](mailto:bylaw@orangeville.ca) or 519-941-0440.

## Noise Reporting Witness Form

Date: March 18, 2024	
Name: Sherry Brake	
Address: 15 Benjamin Cres	
City/Town: Orangeville	Postal code: L9W 5H1
[Redacted]	
Location of Noise (Address): Riddell Road at Montgomery	

**The following questions must be answered in order to assist in the Prosecution of a Noise By-law violation. Corroborating witnesses must also complete this questionnaire:**

a) Proximity of residence to where noise is emanating from?

**55 feet**

b) How long has the noise been a concern?

20 plus years and has increasingly gotten worse in the last 3 years.

c) What attempts, if any, have you taken to advise the person making the noise of your concerns and what was the result?

Those making the noise are transport trucks applying engine brakes in both directions on Riddell Road, the hill is not steep enough to necessitate the need to use engine brakes in either direction. There is a sign to attempt to prohibit this, however there is no by-law in place to prevent transport trucks from applying engine brakes. This is not something that is policed with a fine to prohibit the action. Further, the existing wood fence does nothing to block the noise and allow quiet enjoyment even inside my home with all windows closed.

d) Describe how the noise affects your quality of life and what changes have you made to mitigate the effects?

I have two bedrooms that back onto Riddell, the application of transport engine brakes wakes our children, prevents them from opening their windows and getting increasing worse. I work from home, in a room on the main floor at the front of the house, this noise often is heard by participants when I am on calls. Our back yard is rendered useless as the noise is very disturbing above and beyond the typical traffic noise. We have stopped utilizing our backyard, and continuously keep our windows closed to attempt to block out the noise.

If this was policed and fines were applied this would be a step in the right direction. Further, as traffic increases proper noise fences should be in place to promote quiet enjoyment on our properties.

e) How do you know where the noise is emanating from?  
It is extremely obvious. I welcome you to witness it, I encourage you to simply take a stroll through the park. It will not take long for a transport truck to apply the engine brake and disturb your quiet enjoyment as well.

**Should charges be laid for violations of the Town of Orangeville's Noise By-law, I am prepared to appear in Court as a witness and provide evidence as shown in the Noise Reporting Record Form.**

## Noise Reporting Record Form

Noise Location (Address):

**15 Benjamin Crescent,**

Please provide the specific times and dates that you are disturbed:

Date	Start Time	End Time	Describe Noise	How are you disturbed?
March 18	5:20am	5:21	Engine Brakes	Woken up out of sleep
March 18	6:47	6:48	Engine Brakes	Woken up out of sleep
March 18	8:22	8:23	Engine Brakes	Quiet enjoyment disturbed
March 18	9:11	9:12	Engine Brakes	Disturbing Working from Home
March 18	9:55	9:56	Engine Brakes	Disturbing Working from Home
March 18	10:32	10:33	Engine Brakes	Disturbing Working from Home
March 18	11:01	11:02	Engine Brakes	Disturbing Working from Home
March 18	11:47	11:48	Engine Brakes	Disturbing Working from Home
March 18	12:14	12:15	Engine Brakes	Disturbing Working from Home
March 18	3:29	3:30	Engine Brakes	Disturbing Working from Home
March 18	4:45	4:46	Engine Brakes	Quiet enjoyment disturbed
March 18	7:10	7:11	Engine Brakes	Quiet enjoyment disturbed
March 18	7:52	7:53	Engine Brakes	Quiet enjoyment disturbed
March 18	9:20	9:21	Engine Brakes	Quiet enjoyment disturbed

Note: Noise for a minimum of a two week period is to be documented on this form. You will be required to record the noise on this form for a further two week period after a Notice of Violation has been issued by the Town. Please have all other witnesses use this form for compiling a record of the noise.

Name (please print): <b>Sherry Brake</b>	Signature: <b>Sherry Brake</b>
Date: <b>March 18, 2024.</b>	Your address: <b>15 Benjamin Cres.</b>

Personal information on this form is collected under the authority of the Municipal Act, SO 2001, c. 25 and is collected for the purpose of enforcing the Town's Noise By-law. Questions about the collection of personal information should be directed to the Town Clerk, 87 Broadway, Orangeville, 519-941-0440, [clerksdept@orangeville.ca](mailto:clerksdept@orangeville.ca)