



Report to: General Committee

Meeting Date: June 22, 2015

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**SUBJECT:** Jesus the King Melkite Catholic Church - Noise Exemption Request  
**PREPARED BY:** Chris Alexander, A/Manager By-law and Regulatory Services

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**RECOMMENDATION:**

1. That the report entitled “Jesus the King Melkite Catholic Church-Noise Exemption Request” be received; and,
2. That Council grant a noise exemption from Section 3.2 of the City of Markham’s Noise By-law 2003-137 to Jesus the King Melkite Catholic Church to allow for amplified sound until 11:00 p.m. on Friday July 31, 2015 and Saturday August 1, 2015; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

To obtain Council approval for an exemption to Section 3.2 of the City’s Noise By-law 2003-137 to allow Jesus the King Melkite Catholic Church to have amplified sound (as part of its annual Festival) until 11:00 p.m. on Friday, July 31, 2015 and Saturday, August 1, 2015.

**BACKGROUND:**

Markham’s Noise By-law prohibits amplified sound that is audible off the source property after 5 p.m. The By-law delegates the authority to the Manager of By-law and Regulatory Services to grant exemptions to the By-law for events such as festivals, private functions and construction. In accordance with established practice, when the City receives an objection to the granting of a noise exemption, and staff is unable to resolve the objection, the matter is referred to Council for resolution.

Jesus the King Melkite Catholic Church is located at 1 Lyndhurst Drive in Thornhill (**See Attachment “A”**). The Church has held an annual Festival over the August Civic Holiday weekend for the past eight years (Friday night through Sunday night). The Festival includes music, dancing, food and children activities (including small rides). The Festival is a mainstay of the Church’s annual fund-raising and attracts approximately 200-300 attendees over the course of the weekend.

The Church has applied for and received noise exemptions from the City in the past. Most recently, in 2014, the Church was granted an exemption to allow amplified sound to 11 p.m. for Friday, August 1, Saturday, August 2, and Sunday, August 3, 2014. Over the past eight years, the City has received a small number of formal complaints related to the Festival (one in 2010, one in 2013 and one in 2014).

The Church has once again applied for a noise exemption for their 2015 Festival to allow amplified music to 11 p.m. on Friday, July 31, Saturday, August 1, and Sunday, August 2 (**See Attachment “B”**). The City has recently received a petition from 38 residents in the vicinity of the Church expressing concerns about various aspects of the festival. These include:

- The number of festival attendees is outgrowing the venue and an alternative site should be selected to host this event;
- The amplified music until 11 p.m. and the noise from generators being used for the children’s rides are disruptive to area residents and diminishes their ability to enjoy their properties over the holiday weekend;
- The festival creates parking congestion and is a safety concern;
- Festival vendors parking large vehicles on the church property near the residential properties; and
- The festival duration is too long and should be reduced to one day.

#### **OPTIONS/ DISCUSSION:**

In accordance with the City’s Noise By-law, amplified sound is not permitted to trespass off the source property between the hours of 5 p.m. and 7 a.m. The Church has applied for a noise exemption to allow for amplified sound until 11 p.m. The City’s role in the noise exemption request is to determine if and for how long a noise exemption should be granted for the festival.

Legislative Services staff has met three times over the past few months with the Ward 1 Councillor, a small number of area residents as well as representatives of the Church in an effort to resolve concerns regarding the impact of the Festival on the surrounding neighbourhood. Unfortunately, no amicable resolution has been attained. The residents would ultimately like to see the Festival moved to an alternative location or reduced to a single day. The Church is adamant that they require the Festival to be three days for fellowship and for fund-raising purposes. The Church has, however, agreed to make a number of changes to the Festival in order to mitigate its impact on area residents. These changes include: 1) relocating the children’s rides and generators away from the residential fence lines; 2) providing a dedicated phone number to deal with residential complaints throughout the Festival in real time; and 3) re-locating the stage and tents.

Staff has reviewed the position of the Church as well as the objections raised by area residents in relation to this exemption request. Staff has suggested to the Church that they consider either relocating the Festival in 2016 to a more suitable location (such as the Markham Fairgrounds) or reducing the duration of the Festival to one day (the Festival is one of the longest festivals within the City that is not held at a dedicated venue or the Civic Centre). Taking into account the Church’s position and the concerns of area residents, staff is recommending that a noise exemption be granted to 11 p.m. on only two of the three nights requested by the Church (Friday and Saturday nights). The Festival can still operate on Sunday but the amplified noise will have to end by 5 p.m.

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**FINANCIAL CONSIDERATIONS AND TEMPLATE:**

There is no financial impact with the approval of this report.

**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

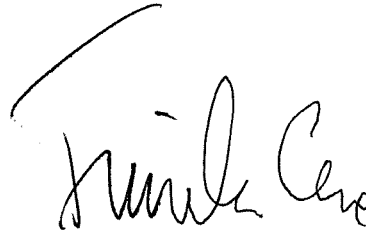
**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable

**RECOMMENDED BY:**

X

Kimberley Kitteringham  
City Clerk

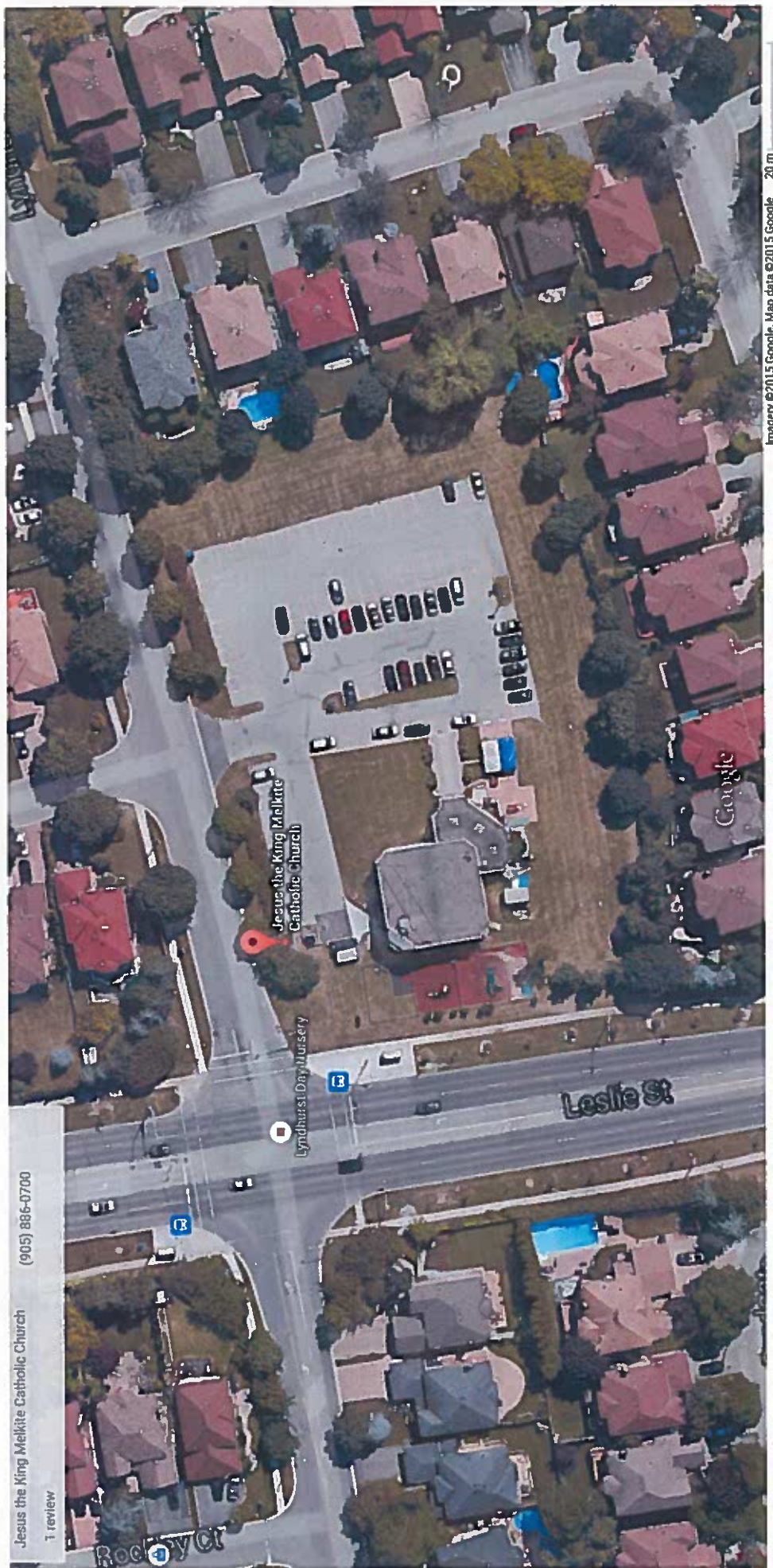


Trinela Cane  
Commissioner,  
Corporate Services

**ATTACHMENTS:**

Attachment "A" – Aerial Photo of Church Property

Attachment "B" - Noise Exemption Request from Jesus the King Melkite Catholic Church



Imagery ©2015 Google, Map data ©2015 Google 20 m

July 31-Aug 2

McWhinnie, Jill

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**From:** [REDACTED]  
**Sent:** April 04, 2015 11:43 PM  
**To:** McWhinnie, Jill  
**Cc:** Wiles, Bill  
**Subject:** Fw: Noise exemption form Jesus the king church - festival 2015 - July 31, Aug 1 and 2.  
**Attachments:** Church parking layout.pdf; Noise\_Application\_2015.pdf

Dear Jill

As per my previous discussion with Bill, pl see attached the application for 'Noise permit" for Jul 31, Aug 1 and Aug 2, 2015 for the processing.

Thanks in advance for your supports  
Eli  
[REDACTED]

[REDACTED]  
[REDACTED]

Type of sound \_\_\_\_\_

If fireworks are to be discharged , a permit is required from Markham Fire Services.

If overnight parking is required for guests, a parking exemption and parking directions will be required.  
Contact the Parking Administration Office at 905 477 7000 X 2050.

If a tent or marquee is to be placed for this event, a building permit may be required. Contact the Building Department 905 475 4870.

Notices of the exemption on a form provided by the Town of Markham may be required to be distributed to adjoining properties by the applicant as a condition of the exemption.

**PLEASE NOTE THAT IF CONDITION(S) ARE ATTACHED TO EXEMPTION , NON COMPLIANCE WITH CONDITION(S) WILL VOID EXEMPTION.**

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#### **SECTION B: (Special Event)**

Name of Organization: Jesus the king church \_\_\_\_\_

Contact Person: Eli Gideon and Fr. Ibrahim El-Haddad.

Address of organization: \_\_1 Lyndhurst drive, Thornhill, L6T 6T5\_\_

Telephone #: \_\_\_\_\_ Fax: 905 673 3040

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

#### **DESCRIPTION OF EVENT**

Name of Event: \_\_\_\_Fund raising – yearly summer festival\_\_\_\_

Date(s): \_the long weekend of July 31, Aug 1 and 2. 2015.

Time(s): \_\_Friday and Saturday from 1:00 pm to 11:00 pm and Sunday from 2 pm to 11:00 pm;

Reason for Exemption request: \_\_to be compliant and avoid neighbours complains during the festival \_\_

Type of sound: \_\_\_\_ Speakers; DJ will be playing music. Also, we have a talented show for our youths.

Does event include request for discharge fireworks? \_NO\_\_\_\_\_

Is liquor being served? \_\_\_\_NO, but we might consider apply for a permit.

Have Special Duty constables been arranged? \_\_\_No - \_No need to\_\_\_\_\_

Approximate number of people attending: \_\_\_\_\_200 to 250 peoples\_\_\_\_\_

Indicate any planned noise mitigation measures:

1. We usually mount the stage in the middle of the parking lots of the church.
2. Speakers are far from the neighbours and they are facing the church (North – west). Please see attached – map for the parking lot.
3. We usually in general, we keeps the volume of the speakers low.
4. For the least 5 years, we have been running successfully this fund raising festival and many of the city officials and political parties attend our festival.
5. We invite all neighbours to attend our festival so the festival is open for the whole community and neighbourhood.
6. For Sunday, we start at 4:00 pm with speeches. Invited officials usually would like to say few words and this is for how we open the festival on Sunday.
7. Then, next we do a magic show for 1 hrs,
8. Then, we give the chance for our youth to perform any talent show
9. Then, music with DJ or one man show.

Has Community Event Application been filed with Town Communications and Community Relations Department? \_\_\_\_\_NO, it is a very small event\_\_\_\_\_ If so, attach copy.

**PLEASE BE ADVISED THAT PUBLIC NOTICE OF THE EXEMPTION REQUEST MAY BE REQUIRED TO BE GIVEN BY MEANS OF A NEWSPAPER ADVERTISEMENT AS CONDITION OF EXEMPTION. NON- COPMPLIANCE WITH THIS OR ANY OTHER IMPOSED CONDITION MAY VOID EXEMPTION.**

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**SECTION C : (Public Works Construction)**

Name of applicant: \_\_\_\_\_NIA\_\_\_\_\_

Address of applicant: \_\_\_\_\_

Contact Person & Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail: \_\_\_\_\_

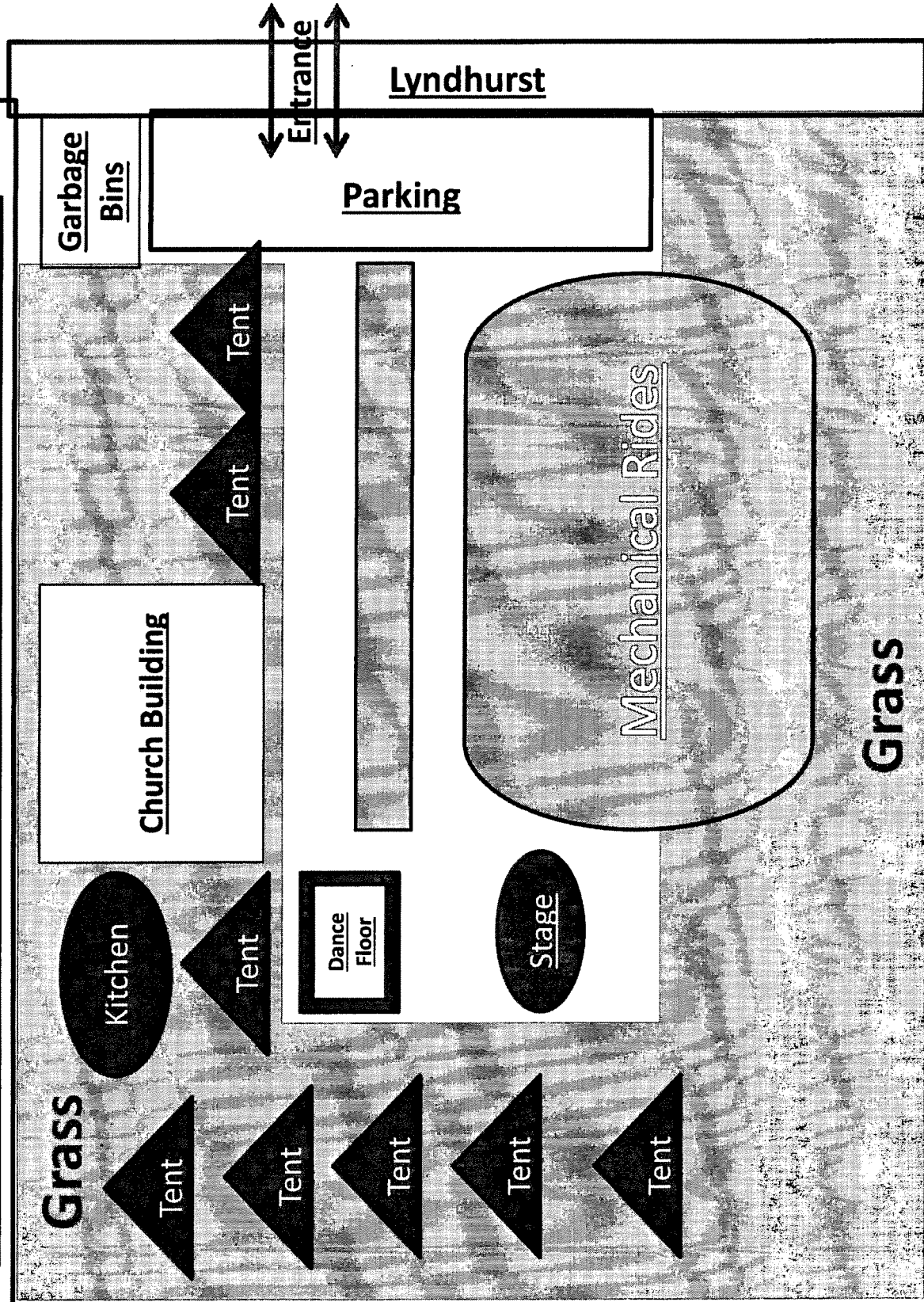
Signature: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Address of Contractor: \_\_\_\_\_



South ----- Leslie ----- North



Fence - South Side

Fence -- East Side