

# Municipality of Lakeshore – Report to Council

## Legal and Legislative Services

### Legislative Services



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Legislative Services  
**Date:** January 9, 2024  
**Subject:** Regulating Light Nuisance

---

### Recommendation

Direct Administration to proceed with Option #1 to bring forward an amendment to the Property Standards By-law to regulate light nuisance, and direct the Clerk to read By-law 10-2024 during the Consideration of By-laws, all as presented at the January 30, 2024 Council meeting.

### Background

At the May 2, 2023 meeting, Council passed the following resolution relating to light nuisance:

Resolution #127-05-2023

Whereas members of the community have been complaining about the lack of privacy related to scattered or excessive lighting on properties, including residential properties;

And recent lighting technology improvements related to the use of L.E.D.'s have contributed to lighting being much brighter and obtrusive;

And whereas security light fixtures create a condition where there is no control over when the lights are on or off;

And whereas Lakeshore current by-laws do not address this problem;

Now be it resolved that the issue of scattered or excessive lighting on properties be referred to administration to:

- Investigate regulatory options; and
- Assess what, if anything is being done in other communities; and
- What standards could be applied to address this issue.

There are several municipalities in Ontario that regulate light nuisance, either through an independent by-law or part of an existing property standards or nuisance by-law. Crafting such a by-law can be a delicate process, as it is important to distinguish between normal activities (such as safety lighting) that may be an annoyance, versus a true nuisance that can be corrected.

## **Comments**

Administration is seeking direction from Council regarding the way in which light nuisance can be regulated, which will also affect the options to appeal orders.

### **Option 1 – amendment to the Property Standards By-law**

The Property Standards By-law (By-law 23-2018) was adopted pursuant to the *Ontario Building Code Act* and sets out minimum maintenance standards for the interior and exterior of buildings. Should a complaint be received, and an order issued, the property owner could appeal to the Hearing Committee (acting as the Property Standards Committee) within 14 days of the order being served.

The Property Standards By-law could be amended to prohibit illuminated fixtures that impair the use and enjoyment of an adjacent property. For instance, lights that are positioned to cause excessive illumination of a neighbouring property or that use bulbs of an unacceptable intensity would be captured. Complaints would only be accepted from neighbouring property owners who are negatively impacted by the light. The neighbour will be required to provide evidence if there is an appeal to the Hearing Committee or a trial in the Provincial Offences Court.

Note that the Property Standards By-law is intended to be updated, however a specific amendment can be made in the interest of time.

### **Option 2 – include in new Noise By-law**

An alternative to including light nuisance in a Property Standards By-law is to include this in the upcoming Noise By-law (anticipated to be presented at the February 13, 2024 Council meeting).

The Noise By-law is in effect the regulation of nuisance, whereby neighbours can make complaints relating to noise that is causing harm to the enjoyment of their own property. Light nuisance would be similar, and the enforcement of any violations would be the same.

The Noise By-law will allow for temporary exemption permits, which could also be extended to lighting. However, only the denial of a permit can be appealed to the Hearing Committee. Noise or nuisance violation orders are considered Provincial Offences and the determination of guilt is determined by the Provincial Offences court.

## Recommendation

While light nuisance could fit well in either type of by-law, Administration is recommending including this regulation in the Property Standards By-law. This would allow for a hearing at the local level, with a decision made by the Hearing Committee, rather than proceeding directly with a court hearing.

## Financial Impacts

Should Council proceed with Option 1, By-law 10-2024 can be adopted during the "Consideration of By-laws". Any orders written under this by-law could be appealed to the Hearing Committee; there is a \$100 application fee, however this is not cost-neutral as the cost to hold a hearing is \$625.

Should Council proceed with Option 2, Administration will include light nuisance in the Noise By-law. There would be no additional administrative costs; orders will be appealed to the Provincial Offences court with associated legal costs.

## Report Approval Details

Document Title:	Regulating Light Nuisance.docx
Attachments:	
Final Approval Date:	Jan 22, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Brianna Coughlin

Submitted by Susan Hirota

Approved by Justin Rousseau and Truper McBride