



**City of Kingston
Report to Council
Report Number 21-199**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Lisa Capener-Hunt, Director, Building & Enforcement
Date of Meeting: August 10, 2021
Subject: Request for Temporary Noise Exemption – Queen’s University
Orientation

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

Queen’s University has applied for a temporary exemption to By-Law Number 2004-52, A By-Law to Regulate Noise, to allow for the use of amplified sound during student orientation events from 9:00 a.m. to 9:00 p.m. on September 11, 12, 18 & 19, 2021. A draft schedule of events is attached as Exhibit C. The playing of amplified sound in Residential Areas as defined by the Noise By-Law is prohibited at all times.

An advertisement for this exemption request was placed in the Kingston Whig-Standard on July 13, 2021 (Exhibit B) and on the City of Kingston website. The notices are published in order to give the public an opportunity to comment on the proposed request for exemption. Five items of correspondence were received and have been included as Exhibit D.

Recommendation:

That Queen’s University be granted an exemption from Schedule B Activity 4 of By-Law Number 2004-52, “A By-Law to Regulate Noise”, to permit the playing of amplified sound for orientation week events from 9:00 a.m. to 9:00 p.m. on September 11, 12, 18 & 19 on the

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Queen's University Main Campus, bordered by Union, Barrie, Stuart, and Albert Streets, and the Queen's University West Campus.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	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 Schedules A and B of the by-law; Section 3.4 provides that Council may approve the exemption request and impose any conditions it deems appropriate.

An exemption is sought to Schedule B Activity 4 of the Noise By-Law, which prohibits the amplification of sound in Residential Areas of the City at all times. The location of the proposed events, the Queen's University Main Campus which is bordered by Union, Barrie, Stuart, and Albert Streets, and the Queen's West Campus, are located in a Residential Area as defined by Schedule D of the Noise By-Law.

The applicant requires a noise exemption of activities that are planned as part of student orientation for the 2021-2022 academic year. Approximately forty small events are planned to be held over the two weekends (September 11-12 & 18-19), with a limited number of the events requiring the use of amplified sound for voice and music. A draft schedule of events is attached to this report as Exhibit C. It should be noted that events are still in the process of being confirmed at the time of writing this report and may be subject to change. Due to the limited number of events being held, all orientation activities will be taking place on Queen's University property as indicated above, with no plans to use City of Kingston parks.

Queen's University has sought and received temporary noise exemptions for orientation week activities since 2017; an exemption was not sought in 2020 due to the COVID-19 pandemic. In that time, one complaint was received (2018) with regards to noise related to an event being held in a City park. The applicant has committed to providing staff with contacts for all events, should a complaint be received from the public regarding noise.

The applicant has indicated that the events will comply with all public health regulations that may be in place at the time of the events. The granting of the temporary noise exemption does not supersede any regulations that may be in place at the time with regards to social events/gatherings.

Members of the public were provided an opportunity to provide comment on the noise exemption request. Advertisements in the Kingston Whig-Standard (Exhibit B) and a public notice on the City's website informed the public of the request. Five items of correspondence were received, attached to this report as Exhibit D. All correspondence items were in opposition to the granting of the noise exemption. Concerns expressed in the correspondence included the potential for orientation week events to lead to off-campus, student-organized social gatherings in the University District, and the related nuisances to the community that these gatherings may cause. Public health concerns surrounding larger social gatherings, both on and off-campus, were also expressed in the correspondence. Both staff and the applicant provided clarifying information regarding the nature of the events that would take place under the noise exemption, which are also included in Exhibit D.

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Staff are recommending that the exemption request as detailed above be granted. The location of the events is exclusively on Queen's University property and the monitoring efforts of the applicant will ensure that the use of amplified sound will cause minimal or no disturbance to neighbouring properties. The applicant will also be following all public health directives regarding social gatherings that may be in place at the time of the events.

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 of noise exemption requests, but notice is given in order to provide Council with community feedback before deciding on these requests. An advertisement of this request for exemption was placed in the Kingston Whig-Standard on July 13, 2021 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their concerns in writing or by email to the Licensing & Enforcement Division by 4:30 p.m. on July 23, 2021. A copy of the advertisement is attached this report as Exhibit B.

Accessibility Considerations:

None

Financial Considerations:

The applicant for a noise exemption is required to pay a fee of \$318.25 to help cover the cost of processing the noise exemption request. The applicant is also required to pay the cost of public notice published in the Kingston Whig-Standard.

Contacts:

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

Derek Ochej, Licensing & Enforcement Coordinator, 613-546-4291 extension 1385

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

Exhibit A Correspondence from Applicant

Exhibit B Public Notification of Application for Noise Exemption

Exhibit C Draft Event Schedule

Exhibit D Public Comments



TO: Kyle Compeau, Manager, Licensing & Enforcement, City of Kingston

FROM: Queen's University

DATE: July 6, 2021

SUBJECT: Queen's University Orientation 2021 – Noise Bylaw exemption request

Queen's University is currently in the process of planning for the resumption of in-person activity in September. This planning is being done in close consultation with KFL&A Public Health and in accordance with the evolving COVID-19 restrictions and guidelines that are part of Ontario's Roadmap to Reopen. As part of this planning, Queen's is working closely with the Alma Mater Society and other student groups to ensure that the new incoming class of students are introduced to the university and the Kingston community in a safe and welcoming manner. This includes planning for the safe and gradual re-introduction of limited in-person, student-led orientation events.

Following guidance from KFL&A Public Health, and in adherence with provincial regulations and university protocols, these activities will be limited in size and will focus on low-impact activities, such as campus tours and small group icebreakers. The aim of these events is to ensure that incoming students can orient themselves to campus and the community, be prepared for their academics, and meet their peers safely.

Fall Orientation activities are expected to occur primarily on weekend days starting on September 5th and during limited evening hours ending at 9 pm. Each student group will be limited to a maximum of two events in the month, for a total of approximately 40 small group events spread out over the course of September. Because of the reduced number of orientation events this year, Queen's will be able to accommodate orientation activities on its campus and has no plans to use City of Kingston parks.

A limited number of these on-campus events will require the use of amplified voice and music. Therefore, as in previous years, Queen's is requesting a temporary exemption to the City of Kingston's Noise Control Bylaw to permit the use of amplified voice and music between the hours of 9 am and 9 pm on September 11, 12, 18 & 19, in the following areas:

1. The area of Queen's Main Campus bounded by Union, Barrie, Stuart, and Albert streets
2. Queen's West Campus

Queen's will continue to follow Ontario's COVID-19 guidelines and will continue to work closely with KFL&A Public Health to monitor the local COVID situation. Plans for the limited and gradual return of in-person orientation events will be adjusted as needed based on the situation in September.

We are appreciative of the ongoing partnership with the City of Kingston and our community partners, and express our thanks to City Council for the consideration of this request, in support of ensure the best possible welcome for Queen's students to our community. If you have any questions, please do not hesitate to contact:

- Craig Leroux, Associate Director of Government and Institutional Relations, craig.leroux@queensu.ca
- Meg Ferriman, Director of Student Life, meg.ferriman@queensu.ca
- Ryan Sieg, Vice-President University Affairs, Alma Mater Society, vpua@ams.queensu.ca.

Request for Temporary Noise Exemption – Queen’s University Orientation 2021

Requested Noise By-law exemption would allow amplified sound at Queen’s University Main Campus (area bounded by Union, Barrie, Stuart and Albert Streets) and Queen’s West Campus between the hours of 9:00 a.m. and 9:00 p.m. on Sep. 11, 12, 18 & 19 for student orientation activities.

This matter will be considered during the regular Council meeting that commences at 7:00 p.m. on Tuesday August 10, 2021.

For details, go to cityofkingston.ca/news or email Derek Ochej, dochej@cityofkingston.ca.

Deadline to submit comment to this exemption request is 4:30 p.m. July 23, 2021.

Orientation Week 2021
On Campus Noise Exemption Requests

#	Orientation Group	Park/Space Requested	Event	Event Description	Time	Request(s) to City
Saturday September 11, 2021						
1	AMS (Eng)	Agnes Benidickson Field & Miller Hall parking lot	EngCutz	Year dance & Hair cuts	9:00 – 12:00	Yes
2	AMS (Nursing)	Open Field 2	Coverall Painting	Rotations with Coverall painting and mini-games	9:00 – 15:00	Yes
3	AMS (Arts & Science)	Summerhill	Traditions Part 1	Rotations with mini activities	9:00 - 21:00	Yes
4	AMS (ConEd)	Open Field 1	Whites Farms	Rotations with Mini activities	10:30 – 21:00	Yes
5	AMS (Kin)	Tindall Field	KIN 101	Team building with year dance and games	13:00 - 16:00	Yes
Sunday September 12, 2021						
6	AMS (Arts & Science)	Summerhill	Traditions Part 2	Rotations with mini activities	9:00 - 15:00	Yes
7	AMS (Eng)	West campus grass fields and Parking Lot	ThunderLands	Rotation with games	9:00 - 21:00	Yes
8	AMS (ConEd)	Agnes Benidickson Field	Coverall Painting	Rotations with Coverall painting and mini-games	9:00 – 21:00	Yes
9	AMS (Kin & Nursing)	Summerhill/Nixon	Well-Being Event	Rotation with activity stations	14:00 - 20:00	Yes
10	AMS (Nursing & Kin)	Summerhill/Nixon	Coverall Painting	Coverall Painting for Kin with interfaculty bonding	16:00 - 20:00	Yes
Saturday September 18, 2021						
11	AMS (NEWTS)	Agnes Benidickson Field	Coverall	Rotations with Coverall painting and mini-games	11:00 – 15:30	Yes
12	AMS (Commerce)	Summerhill	Coverall Painting	Rotations with Coverall painting and mini-games	11:00 - 16:00	Yes

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13	AMS (Arts & Science)	West Campus Grass, West Campus Parking Lot	Coveralls	Rotations with Coverall painting and mini-games	12:00 - 19:00	Yes
14	AMS (HealthSci)	Nixon Field	Tamming & HECercise	Ceremony & mini-games in rotation	13:00 - 18:00	Yes
15	AMS (CompSci)	Nixon Field	Tamming Ceremony	Speeches then mini-games	14:00 - 21:00	Yes
16	AMS (NEWTS)	Agnes Benidickson Field	T.O.W.N	Rotation of games and talent show	18:00 – 21:00	Yes
Sunday September 19, 2021						
17	AMS (HealthSci)	Summerhill	Coverall Painting	Rotations with Coverall painting and mini-games	10:00 - 16:00	Yes
18	AMS (NEWTS)	Agnes Benidickson Field	Tamming	Ceremony with speeches	11:00 - 14:00	Yes
19	AMS (Arts & Science)	West Campus Grass, West Campus Parking Lot	Coveralls	Rotations with Coverall painting and mini-games	12:00 - 19:00	Yes
20	AMS (Commerce)	Tindall Field	COMMpetition	Rotations with games and team bonding activities	13:00 - 15:00	Yes
21	AMS (CompSci)	Summerhill	Coverall Painting	Rotations with Coverall painting and mini-games	14:00 - 17:00	Yes
22	AMS (AST Nursing)	TBD	Campus Tour	Walk around campus	15:00 - 17:00	

From: Donald Forsdyke [REDACTED]
Sent: July 22, 2021 10:45 AM
To: Craig Leroux <craig.leroux@queensu.ca>; Ochej, Derek <dochej@cityofkingston.ca>
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>; Patrick Deane <principal@queensu.ca>; [REDACTED]; [REDACTED] >
Subject: RE: Request for "Temporary Noise Exemption" - students do not read the small print

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Craig,

Thank you for your response (July 21). Despite, as in the past, the best intentions, “the full context of this application” is unlikely to be taken in by the average student. They do not read the small print. Without an upfront, broad, definition, students will read “noise exemption” as providing carte blanche to themselves as well as to the University. Their day activities will be a tuning-up for those of the night that, in pandemic times, promise even more dire outcomes than earlier, with great strain on already far overextended emergency services.

It is time for Queen’s and the City to stop behaving like King Canute who in earlier times pleaded the impossibility of turning back an eternal force, the tide.

Sincerely,
Donald Forsdyke (One of the “custodians” of Queen’s College at 203-207 William Street).

From: Craig Leroux <craig.leroux@queensu.ca>
Sent: Wednesday, July 21, 2021 12:30 PM
To: Ochej, Derek <dochej@cityofkingston.ca>; Donald Forsdyke [REDACTED]
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>; Patrick Deane <principal@queensu.ca>
Subject: RE: Request for "Temporary Noise Exemption" - definition of "Noise" too broad

Hello Dr. Forsdyke,

Thank you for your email regarding Queen’s application to the City of Kingston for a noise bylaw exemption for orientation activities in September.

I realize that, due to space constraints, the public notice that was published by the City of Kingston in The Whig-Standard was unable to provide the full context of this application. I am writing to offer additional details and to assure you that this application is completely unrelated to the kinds of previous examples of disruptive and unsanctioned behaviour that you mention.

In fact, this application aims at enabling university-sanctioned orientation activities that provide an important way to engage students in-person, in order to help instill community values and encourage safe and respectful behaviour. Queen's orientation program for new students is an essential part of the university's efforts to introduce new students to university life as well as the Kingston community. Orientation aims to prepare students for success academically, introduce them to their peers in a safe manner, and promote safe and respectful behaviours both on campus and in the Kingston community.

As you may be aware, Queen's is currently in the process of planning for the resumption of in-person learning on campus in September. Planning is being done in close consultation with KFL&A Public Health and in accordance with the evolving COVID-19 restrictions and guidelines that are part of Ontario's Roadmap to Reopen. As part of this planning, the university is working with the Alma Mater Society to plan an orientation program that is effective and safe in the context of the COVID-19 pandemic.

In 2020, the COVID-19 pandemic meant that all orientation programming had to be delivered virtually. This year, a hybrid approach is planned that will see orientation delivered through both virtual and a limited number of small, in-person sessions. Planning for this is being done in alignment with all COVID-19 safety guidelines and Ontario's Roadmap to Reopen.

To accommodate the on-campus events that require amplified sound, Queen's is requesting a temporary exemption to the City of Kingston's Noise Control Bylaw to permit the use of amplified voice and music between the hours of 9 am and 9 pm on September 11, 12, 18 & 19 on both Main and West Campus. Given the COVID-19 pandemic, there are some key differences in orientation plans for this year, including:

- In-person orientation activities will be limited in the number of participants.
- The total number of events over the course of September will be limited to approximately 40, and approximately 22 of these events are expected to use amplified sound. (In 2019, 38 events used amplified sound.)
- Events will focus on low-impact activities, such as campus tours and small group icebreakers.
- Events with amplified sound will primarily occur on university fields – on main campus this includes Nixon, Tindall, and Agnes Benidickson fields, as well as the Summerhill lawn and Miller Parking Lot.
- Orientation activities will occur primarily on weekend days, starting on September 5, and during limited evening hours ending at 9 pm.

- Because of the reduced number of orientation events this year, Queen's will be able to accommodate virtually all of its orientation activities on its campus, rather than using City parks
- As in previous years, volume levels will be monitored to ensure they are not any louder than required for participants in the immediate area to hear.

Noting the concerns you expressed about past instances of disruptive behaviour during unsanctioned gatherings, I wanted to stress that Queen's sanctioned orientation programs are one of the key ways that we introduce students to Queen's community values, including respect and responsibility.

Shutting down these activities would run counter to the efforts that the university, the Alma Mater Society, and our community partners are making to promote and encourage safe and respectful behaviour, and to better integrate students into the university and Kingston community in a way that helps to develop a sense of inclusion and responsibility. In addition, with fewer events planned, smaller attendance at each event, and with events spread out over September, this year's activities represent significantly less intensity than in a normal year. To help illustrate this, I have attached a draft schedule of events requiring a noise bylaw exemption.

Once again, thank you very much for reaching out about this application. If you have any questions, please do not hesitate to contact me and I would be pleased to provide further information.

Best regards,
Craig

Craig Leroux, BA, MA
Associate Director
Government and Institutional Relations
Queen's University

From: Ochej, Derek <dochej@cityofkingston.ca>
Sent: Monday, July 19, 2021 9:30 AM
To: Donald Forsdyke [REDACTED]
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>; Patrick Deane <principal@queensu.ca>; Craig Leroux <craig.leroux@queensu.ca>
Subject: RE: Request for "Temporary Noise Exemption" - definition of "Noise" too broad

Hello Donald,

Thank you for the email. I wanted to advise you that your correspondence will be included as part of the report to Council on this matter, scheduled for the August 10,

2021 meeting. All personal identifying information, such as your email address, will be redacted.

In addition to the recipients of your original email, I have copied Craig Leroux, the Associate Director, Government and Institutional Relations at Queen's, on this email, as he is the Queen's staff lead for the noise exemption request.

I wish to provide you some additional details regarding the events that are the subject of the noise exemption request. Queen's University has advised City staff that the events planned require the use of amplified sound for music and/or voices at a volume that will allow the event to be heard within its boundaries. I have been advised that staff will be monitoring sound levels during events to ensure that they are not above the necessary levels. Events are also limited to the Queen's campus area, bordered by Union, Barrie, Stuart and Albert Streets.

A draft schedule of events will be provided to the City by Queen's, and this schedule will be included in the report to Council.

If you require any further information please do not hesitate to be in touch.



Derek Ochej (he/him/his)

Licensing & Enforcement Coordinator
Building & Enforcement

City of Kingston
1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 1385
dochej@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

From: Donald Forsdyke [REDACTED]
Sent: July 17, 2021 11:56 AM
To: Patrick Deane <principal@queensu.ca>
Cc: Ochej, Derek <dochej@cityofkingston.ca>; Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>
Subject: Request for "Temporary Noise Exemption" - definition of "Noise" too broad

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Dear Principal Deane,

We live in what in the 1840s was Queen's College at 203 William Street. This is close to the eastern edge of the proposed area (Barrie Street). The noise bylaw exemption request refers to "amplified sound," which we believe refers to *formal announcements and music* through the *University's speakers*, as befits the occasion. However, this is not clearly specified in the request to City Hall for temporary exemption as posted recently in the Whig-Standard.

As you will know from repeated emails, the residents in this region (William, Clergy, Earl) – including academics – have long been sorely tried by student noise and behaviour that threatens the spread of "Aberdeenism" beyond the bounded area. Although many are "retired," the continued access to research literature through the internet that Queen's *so wonderfully facilitates*, has made it easier to continue our academic activities. My own work, which includes in-depth study of SARS-CoV-2, has not been helped by the need for both daytime and middle-of-night calls to police and other authorities.

COVID-19 is far from over. Queen's must not encourage behaviour likely to give foothold to new variants and to impede the work of those studying the problem. Please will you provide a *narrow* definition of noise to all relevant groups, which include current and visiting past students.

Sincerely,
Donald R. Forsdyke, Emeritus Professor,
■ William Street, Kingston, K7L2E2

From: Patricia Olson [REDACTED]
Sent: July 22, 2021 10:19 AM
To: Craig Leroux <craig.leroux@queensu.ca>
Cc: Ochej, Derek <dochej@cityofkingston.ca>
Subject: Re: continuation of email sent inadvertently at 10:49 a.m.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Craig,

Our objection stands.

It is disappointing to see you trot out the same old tired cliches that Queen's has used over the years. Our experience is very different from what you describe. FROSH WEEK over the decades is more like an introduction to binge drinking and misogynistic humiliation of young women who are coerced into wearing baggy coveralls with tasteless comments across their backsides. Excessive drinking has taxed the Emergency Department of K.G.H. in previous years. That should be unthinkable at this time. It is naive beyond belief that you expect students to quietly retire to their accommodations after a large amplified gathering. You must be aware of Queen's reputation for out of control street parties that often attract national and international attention. Unfortunately, past behaviour predicts the future and this is no different. It is time to break the cycle.

Our objection stands.

Roger Olson

Patricia Olson

On Jul 21, 2021, at 12:28 PM, Craig Leroux <craig.leroux@queensu.ca> wrote:

Hello Mr. and Mrs. Olson,

Thank you for your email regarding Queen's application to the City of Kingston for a noise bylaw exemption for orientation activities in September.

I realize that, due to space constraints, the public notice that was published by the City of Kingston in The Whig-Standard was unable to provide the full context of this application. I am writing to offer additional details and to assure you that this application is completely unrelated to the kinds of previous examples of disruptive and unsanctioned behaviour that you mention.

In fact, this application aims at enabling university-sanctioned orientation activities that provide an important way to engage students in-person, in order to help instill

community values and encourage safe and respectful behaviour. Queen's orientation program for new students is an essential part of the university's efforts to introduce new students to university life as well as the Kingston community. Orientation aims to prepare students for success academically, introduce them to their peers in a safe manner, and promote safe and respectful behaviours both on campus and in the Kingston community.

As you may be aware, Queen's is currently in the process of planning for the resumption of in-person learning on campus in September. Planning is being done in close consultation with KFL&A Public Health and in accordance with the evolving COVID-19 restrictions and guidelines that are part of Ontario's Roadmap to Reopen. As part of this planning, the university is working with the Alma Mater Society to plan an orientation program that is effective and safe in the context of the COVID-19 pandemic.

In 2020, the COVID-19 pandemic meant that all orientation programming had to be delivered virtually. This year, a hybrid approach is planned that will see orientation delivered through both virtual and a limited number of small, in-person sessions. Planning for this is being done in alignment with all COVID-19 safety guidelines and Ontario's Roadmap to Reopen.

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- Events with amplified sound will primarily occur on university fields – on main campus this includes Nixon, Tindall, and Agnes Benidickson fields, as well as the Summerhill lawn and Miller Parking Lot.
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- Because of the reduced number of orientation events this year, Queen's will be able to accommodate virtually all of its orientation activities on its campus, rather than using City parks
- As in previous years, volume levels will be monitored to ensure they are not any louder than required for participants in the immediate area to hear.

Noting the concerns you expressed about past instances of disruptive behaviour during unsanctioned gatherings, I wanted to stress that Queen's sanctioned orientation

programs are one of the key ways that we introduce students to Queen's community values, including respect and responsibility.

Shutting down these activities would run counter to the efforts that the university, the Alma Mater Society, and our community partners are making to promote and encourage safe and respectful behaviour, and to better integrate students into the university and Kingston community in a way that helps to develop a sense of inclusion and responsibility. In addition, with fewer events planned, smaller attendance at each event, and with events spread out over September, this year's activities represent significantly less intensity than in a normal year. To help illustrate this, I have attached a draft schedule of events requiring a noise bylaw exemption.

Once again, thank you very much for reaching out about this application. If you have any questions, please do not hesitate to contact me and I would be pleased to provide further information.

Best regards,
Craig

Craig Leroux, BA, MA
Associate Director
Government and Institutional Relations
Queen's University
[REDACTED]

-----Original Message-----

From: Ochej, Derek <dochej@cityofkingston.ca>
Sent: Tuesday, July 20, 2021 11:00 AM
To: 'Patricia Olson' [REDACTED]
Cc: Craig Leroux <craig.leroux@queensu.ca>
Subject: RE: continuation of email sent inadvertently at 10:49 a.m.

Hello Roger & Patricia,

Thank you for your email. I wanted to advise you that your correspondence will be included as part of the report to Council on this matter, scheduled for the August 10, 2021 meeting. All personal identifying contact information, such as your email address, will be redacted.

I have copied Craig Leroux, the Associate Director, Government and Institutional Relations at Queen's, on this email, as he is the Queen's staff lead for the noise exemption request. He may wish to add additional details to the information I provide below.

I want to provide some clarity regarding the noise exemption request. The request is for Queen's organized student orientation activities on the weekends of September 11-12

and 18-19. All events will take place on Queen's campus properties, and will follow public health regulations regarding social distancing, etc. The noise exemption is between 9 a.m. and 9 p.m. on the dates listed above, and is for the use of amplified music and voices for these events. Queen's has advised the City that sound levels will be monitored during all events to ensure that they are only at the necessary level to be heard by event participants.

The noise exemption request does not apply to any off-campus, social events organized by individual students or groups of students.

I hope that this information has helped clarify the nature of the request that will be before Council on August 10, 2021. If you have any further questions please do not hesitate to reach out.

Thanks,

Derek Ochej (he/him/his)
Licensing & Enforcement Coordinator
Building & Enforcement

City of Kingston
1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 1385
dochej@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

-----Original Message-----

From: Patricia Olson [REDACTED]
Sent: July 20, 2021 10:57 AM
To: Ochej, Derek <dochej@cityofkingston.ca>
Subject: Re: continuation of email sent inadvertently at 10:49 a.m.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Ochej,
We are writing to you to express our concern about the above Queen's University Application.

We have lived in Sydenham Ward for over 40 years and our property is one block away from Barrie St. which has been included as one of the streets for the noise exemption. We will be affected by this request and have been and continue to be affected by the unlawful behaviour of some the Queen's University students who live in rented properties in our area.

Our objections to granting this request for temporary exemption of the noise bylaw are as follows:

We are still very much in a pandemic situation and with the new variants, to hold a large gathering of students in one place without social distancing is irresponsible.

Some Queen's students who live in our neighbourhood temporarily are often not good neighbours. There have been several incidents in the past and it continues now with them causing disturbances late in the evenings and early mornings. They are disrespectful and have a sense of entitlement.

Queen's University fosters this entitlement with their continued orientation week with the emphasis on group get togethers, heavy drinking and drug use. Queen's never suspends or expels any student which continues to reinforce this type of negative and unlawful behaviour. It has as well discontinued the service of having Queen's Security come to quell disturbances in the neighbourhood.

The City Police and Bylaw Enforcement Officers are complicit in not pressing charges against Queen's Students. A different law for different people who commit unlawful acts.

In conclusion, we would ask that this Queen's request for exemption under the noise by-law be denied.

Please feel free to contact us.

Roger Olson
Lawyer(R)

Patricia Olson,
Former Senior Lawyer,
Queen's Legal Aid,
Faculty of Law
Queen's University (R)

From: Johnny Yap [REDACTED]
Sent: July 21, 2021 11:18 PM
To: Craig Leroux <craig.leroux@queensu.ca>
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>; Daniel Woolf <principal@queensu.ca>; Ochej, Derek <dochej@cityofkingston.ca>
Subject: Re: Comment on Request for "Temporary Noise Exemption"

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p.S. I just wanted to reinforce what I tried to express in my email by quoting Marshall McLuhan that "the medium is the message". That is, the medium of a noise bylaw exemption is the message that loud noise is permissible and excusable at the expense of long-time residents.

Johnny

On Jul 21, 2021, at 11:02 PM, Johnny Yap [REDACTED] > wrote:

Hello Craig:

Thank you for your detailed and extensive information around the plans for student orientation this year. While I applaud the university for aspiring to "promote safe and respectful behaviours both on campus and in the Kingston community" as part of orientation, the behavioural manifestation of this aspiration has not been very evident in spite of years of messaging around this theme. I do not consider the following as being "safe and respectful":

1. Loud, rowdy, and unruly chanting, singing, and yelling into the early hours of the morning;
2. Loud music being played past the noise exemption time;
3. Large gatherings in front of student houses (and of course, on Aberdeen Street);
4. Fire crackers being ignited into the night;
5. Bottles broken in our parking lot;
6. Bottles, cans, and red cups strewn on our property;
7. Bottles, cans, and red cups remaining along William Street and on the front lawn of student houses that do not get cleaned up for days;
8. Urinating on our property;
9. Unauthorized parking in our parking lot;
10. Furniture left on our property during moving time; and
11. Being told that if we do not like it here, we can move. (How audacious of the students to express this!)

I would like to respectfully disagree with you that “this application is completely unrelated to the kinds of previous examples of disruptive and unsanctioned behaviour” that I have mentioned and have listed above. In fact, I see them as completely related because the way orientation is executed sets the tone for the kind of environment that is condoned, whether during sanctioned orientation activities or otherwise. That is, if the exemption were to be granted and loud noise is permitted, this message carries over to the unsanctioned events. I wish I can be more optimistic that the students can shut off their loud, partying mood at 9:00 p.m. but alas, under the influence of alcohol and peers, it is a very tall order. With the noise exemption, Queen’s, with the support of City Council, is orienting the students to the idea that loud noise is permissible and excusable at the expense of long-time residents.

Given that this year’s orientation is planned for smaller groups, sound amplification is needed even less compared to previous years.

The plan to have orientation events “spread out over September” in order to reduce the “intensity” of orientation strikes even more dread than holding orientation over one weekend. I would rather endure one weekend of intense disruption than two weekends of less intense disruption which I doubt will make any difference to the students because it is orientation after all and orientation comes with loud partying. Mind you, I would rather not have to endure any disruption at all.

Contrary to what you alluded to, my intent in advocating for a rejection of the application for a noise bylaw exemption is not to shut down orientation but to introduce contingencies such that the university and the students can execute orientation in a different way while still delivering the same message of safety, respect, responsibility, and inclusion. The denial of the application will provide Queen’s and its students the opportunity to practise and demonstrate these four values through behaviour change and when successful, they would have earned the privilege to have a noise bylaw exemption or even better, it would no longer be necessary. I believe it is time for the students themselves to create a cultural shift by confronting their peers when they witness behaviours contrary to these four values against the Kingston community. It is also time for City Council to take a radical approach by standing behind the town part of town-gown relations as they pertain to orientation and I hope, to Homecoming as well. I cannot imagine that anyone within Queen’s administration or those on City Council will find the unruly behaviours of students acceptable if they were to be living in this neighbourhood for the amount of time we have been residents here.

Thank you for your attention and consideration of my perspectives.

Sincerely,
Johnny

On Jul 21, 2021, at 12:26 PM, Craig Leroux <craig.leroux@queensu.ca> wrote:

Hello Dr. Yap,

Thank you for your email regarding Queen's application to the City of Kingston for a noise bylaw exemption for orientation activities in September.

I realize that, due to space constraints, the public notice that was published by the City of Kingston in The Whig-Standard was unable to provide the full context of this application. I am writing to offer additional details and to assure you that this application is completely unrelated to the kinds of previous examples of disruptive and unsanctioned behaviour that you mention.

In fact, this application aims at enabling university-sanctioned orientation activities that provide an important way to engage students in-person, in order to help instill community values and encourage safe and respectful behaviour. Queen's orientation program for new students is an essential part of the university's efforts to introduce new students to university life as well as the Kingston community. Orientation aims to prepare students for success academically, introduce them to their peers in a safe manner, and promote safe and respectful behaviours both on campus and in the Kingston community.

As you may be aware, Queen's is currently in the process of planning for the resumption of in-person learning on campus in September. Planning is being done in close consultation with KFL&A Public Health and in accordance with the evolving COVID-19 restrictions and guidelines that are part of Ontario's Roadmap to Reopen. As part of this planning, the university is working with the Alma Mater Society to plan an orientation program that is effective and safe in the context of the COVID-19 pandemic.

In 2020, the COVID-19 pandemic meant that all orientation programming had to be delivered virtually. This year, a hybrid approach is planned that will see orientation delivered through both virtual and a limited number of small, in-person sessions. Planning for this is being done in alignment with all COVID-19 safety guidelines and Ontario's Roadmap to Reopen.

To accommodate the on-campus events that require amplified sound, Queen's is requesting a temporary exemption to the City of Kingston's Noise Control Bylaw to permit the use of amplified voice and music between the hours of 9 am and 9 pm on September 11, 12, 18 & 19 on both Main and West Campus. Given the COVID-19 pandemic, there are some key differences in orientation plans for this year, including:

- In-person orientation activities will be limited in the number of participants.
- The total number of events over the course of September will be limited to approximately 40, and approximately 22 of these events are expected to use amplified sound. (In 2019, 38 events used amplified sound.)
- Events will focus on low-impact activities, such as campus tours and small group icebreakers.

- Events with amplified sound will primarily occur on university fields – on main campus this includes Nixon, Tindall, and Agnes Benidickson fields, as well as the Summerhill lawn and Miller Parking Lot.
- Orientation activities will occur primarily on weekend days, starting on September 5, and during limited evening hours ending at 9 pm.
- Because of the reduced number of orientation events this year, Queen's will be able to accommodate virtually all of its orientation activities on its campus, rather than using City parks
- As in previous years, volume levels will be monitored to ensure they are not any louder than required for participants in the immediate area to hear.

Noting the concerns you expressed about past instances of disruptive behaviour during unsanctioned gatherings, I wanted to stress that Queen's sanctioned orientation programs are one of the key ways that we introduce students to Queen's community values, including respect and responsibility.

Shutting down these activities would run counter to the efforts that the university, the Alma Mater Society, and our community partners are making to promote and encourage safe and respectful behaviour, and to better integrate students into the university and Kingston community in a way that helps to develop a sense of inclusion and responsibility. In addition, with fewer events planned, smaller attendance at each event, and with events spread out over September, this year's activities represent significantly less intensity than in a normal year. To help illustrate this, I have attached a draft schedule of events requiring a noise bylaw exemption.

Once again, thank you very much for reaching out about this application. If you have any questions, please do not hesitate to contact me and I would be pleased to provide further information.

Best regards,
Craig

Craig Leroux, BA, MA
Associate Director
Government and Institutional Relations
Queen's University
[REDACTED]

-----Original Message-----

From: Ochej, Derek <dochej@cityofkingston.ca>

Sent: Wednesday, July 21, 2021 8:44 AM

To: 'Johnny Yap' [REDACTED]

Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud, Peter <pstroud@cityofkingston.ca>; Patrick Deane <principal@queensu.ca>; Craig Leroux <craig.leroux@queensu.ca>

Subject: RE: Comment on Request for "Temporary Noise Exemption"

Hello Johnny,

Thank you for the email. I wanted to advise you that your correspondence will be included as part of the report to Council on this matter, scheduled for the August 10, 2021 meeting. All personal identifying contact information, such as your email address, will be redacted.

Cheers,

Derek Ochej (he/him/his)
Licensing & Enforcement Coordinator
Building & Enforcement

City of Kingston
1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 extension 1385
dochej@cityofkingston.ca

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

-----Original Message-----

From: Johnny Yap [REDACTED]
Sent: July 19, 2021 11:25 PM
To: Ochej,Derek <dochej@cityofkingston.ca>
Cc: Mayor of Kingston <mayor@cityofkingston.ca>; Stroud,Peter <pstroud@cityofkingston.ca>; Patrick Deane <principal@queensu.ca>; craig.leroux@queensu.ca
Subject: Comment on Request for "Temporary Noise Exemption"

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Dear Mr. Ochej:

I am writing in response to the City's request for comment with regard to the application of Queen's University for a temporary exemption to the Noise Control By-Law on September 11, 12, 18, and 19, 2021. I live in an historical condominium building on the corner of Barrie Street and William Street [REDACTED] Barrie Street). You will note that this building is within the area that will be affected by the requested exemption. The majority of the owners who live here are retirees and have been residents for many, many years, certainly much longer than the visiting students who do not seem to take pride in the neighbourhood or be conscientious and respectful of those of us who have

lived here longer than them. Over the years, we have seen the privilege of past temporary noise exemptions abused through the continued intrusion of noise in the neighbourhood throughout the night that had warranted numerous calls to the police. The recent large gathering on Aberdeen Street, in spite of the pandemic restrictions, is an example of the sense of entitlement and total disregard for Kingston that some Queen's students possess. The repeated unruly and disruptive behaviour of students over the years leave me distrustful that they will behave responsibly in the future. We know that the best predictor of future behaviour is past behaviour, unless of course there are effective interventions. There is also some distrust that the university will exert the full weight of its authority to sanction the students and have them bear the full consequences of their actions.

Granting a temporary exemption sends the message that the City condones loud noise and is rewarding the university and its students for egregious behaviours. It is certainly ill-advised knowing that the students have had difficulty handling the privilege accorded to them. In addition, given that Queen's seems unable to tackle the problem of loud and unruly behaviours within the university district for many years now, by granting the exemption yet again to accommodate behaviours that are disruptive to the rest of the community is akin to the insanity of doing the same thing over and over again and expecting a different result. We have tolerated the disruptions to our neighbourhood for way too long and it is time to attempt something different. Perhaps, by rejecting the application, Queen's will be given the incentive to be more creative in its programming. In addition, in the same way that Queen's cancelled Homecoming for a short time until there was a demonstrable change in student behaviour, perhaps, the City can apply the same principle and grant an exemption to Queen's only if and when there are demonstrable changes.

Thank you for your consideration. I truly hope that City Council will deny Queen's request for a temporary noise exemption.

Sincerely,
Johnny Yap, Ph.D. ('87), C.Psych. (Ret.)

From: Tara Sharkey [REDACTED]
Sent: July 23, 2021 8:54 AM
To: Ochej, Derek <dochej@cityofkingston.ca>
Cc: Stroud, Peter <pstroud@cityofkingston.ca>; Donald Mitchell
[REDACTED]
Subject: Queen's Request for Temporary Exemption for Noise Control

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Hello Derek,

I am writing to express my concerns with the Queen's University request for a temporary noise exemption for 4 days in September from 9am to 9pm. I think that it would be prudent for the City Council to not approve Queen's noise exemption because it heightens the large-scale party atmosphere of the return to school at a time when we are still in a pandemic.

There are a few factors that should be considered:

- Youth 18-29 have carried a disproportionate number of cases in our health area.
- The return to school last year and various times during the school year there were outbreaks of COVID-19 or increased city caseloads with returning students.
- Queen's is not making vaccination mandatory for the 2021-2022 school year.
- The Delta variant is being discussed currently with the possibility of needing higher vaccination rates to protect from its spread.

I believe this is not the fall to be exacerbating possible large scale outbreaks in Kingston. The music alongside orientation activities will make it seem business as usual when in actuality it is not. Other possibilities could be to create a smaller window of time for the music, or to simply not play it so loud.

And while Kingston has a high rate of vaccination, there is a whole cohort of children under 12 that will not be vaccinated and deserve as much consideration as possible to prevent outbreaks in the most obvious places.

Thank you for your consideration.

Best,
Tara Sharkey
[REDACTED] Hill St.

From: Linda Kenney [REDACTED]
Sent: July 23, 2021 9:21 AM
To: Ochej, Derek <dochej@cityofkingston.ca>
Subject: Fwd: Proposed noise bylaw exemption for Queen's Students

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Corrected email address for Derek

----- Forwarded message -----

From: Linda Kenney [REDACTED] >
Date: Thu, Jul 22, 2021 at 8:09 PM
Subject: Proposed noise bylaw exemption for Queen's Students
To: <doche@cityofkingston.ca>

This attitude of softening the response to students creating frosh orientation noise sends new students the message that they do not need to consider the impact of their disruptive behaviour on the permanent residents who live near campus. Those who live near the campus must be respected and allowed to live side by side with students who respect the right of permanent residents to enjoy peace in their neighbourhood! Council should block the adoption of this bylaw!

Linda Kenney Arts '65 BNSc '65 [REDACTED] [REDACTED] Barrie Street, Kingston, On K7L 3K5