

Date: 2021-02-10

Subject: Excessive Lighting

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Report Number: Legislative Services-2021-271

Recommendations:

That the report titled **Excessive Lighting** to the Committee of Council meeting of March 31, 2021, be received.

Overview:

- Council directed staff to report on the enforcement of excessive exterior lighting on residential properties
- This report includes details of the enforcement process and benchmarking with similar municipalities
- Actual levels of brightness and light intrusion are not formally measured to determine a violation
- Determining excessive lighting is subjective and gathers varying opinions
- Improperly directed lighting is regulated and enforced within the Property Standards By-law using a consistent approach

Background:

At the Committee of Council meeting on September 9, 2020, staff were asked to report-back to Committee on extensive exterior lighting.

The City of Brampton's Property Standards By-law 104-96 as amended does regulate outdoor lighting. Section 20 of the By-law states, "Outdoor lighting shall be of a low level, low intensity nature; directed in a manner which will minimize glare and the undue intrusion of light on abutting properties, dwellings, and streets. While the by-law section is subjective, past investigations have shown that there is no "one size fits all" application of the by-law due to variable building types, including residential two story detached, bungalows, semi-detached, townhomes, as well as commercial, industrial, and institutional properties. There are also varying lot sizes and setbacks, as well as accessory structures, which may affect the exterior lighting characteristics. There are also various types of lighting and light intensity, which an officer considers when investigating a lighting complaint. People's individual tolerances and opinions of what should be acceptable are not consistent, which resulted in 31 residential involved lighting complaints in 2020.

Current Situation:

Upon receiving a complaint, a Property Standards officer will attend the subject property to investigate. Based on the subjective nature of the applicable by-law section, an officer will use a two-point threshold to ascertain if the property is in violation. The first question is for the officer to determine if the lights and their intensity are designed and intended for residential use. For example, did a residential homebuilder or contractor install them as part of a residential upgrade, or by a homeowner as a "do it yourself" kit purchased from a hardware store who installed the lights themselves? Secondly, the officer will determine if the lights in question are being directed onto their own property. To some degree, all lights cause some spillage and illuminate an adjacent property in a residential neighbourhood, particularly omnidirectional coach lights, which are commonly installed near doorways and garage doors. Because of the various types of residential based lighting, most complaints from the public are easily addressed with minor modifications. For example, security floodlights activated by motion sensors tend to be extremely bright; however, the most common complaint for floodlights is that they are aimed too high and directed over fence lines and into adjacent yards. A simple request by Enforcement staff rectifies the problem and satisfies the complainant.

In review of other municipal by-laws pertaining to lighting, the City of Mississauga has drafted the most extensive by-law. Their Nuisance Lighting By-law 0260-2012 provides

regulations and prohibitions of various types of lighting, which deem violations as a public nuisance. For greater clarity, the by-law lists temporary and general exemptions to the by-law; however, there is no definitive measurement of the quantity of light, intensity of light, or type of light, which may trespass on the adjacent properties. Essentially, the interpretation of both quantity and type is subjective and determined by the officer, similar to the process in Brampton.

- **City of Mississauga**

Nuisance Lighting By-Law section 4(4.1) (c) states:

No direct lighting or indirect lighting shall be used so that an unusual quantity or type of light creates a glare or light trespass upon the land of others so as to be or to cause a Nuisance to the public generally or to others residing or carrying on a business or trade in the vicinity.

- **City of Vaughan**

Property Standards By-law 231-2011 specifically prohibits lighting fixtures from directing light directly onto abutting properties.

Section 5.7 of The Property Standards By-Law 231-2011 states:

Exterior lighting fixtures shall be directed in a manner as to prevent the light source from shining directly onto abutting properties

- **Town of Caledon**

Section 14 of the Town of Caledon Minimum Maintenance By-Law (Property Standards By-Law) states: *Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a neighbouring dwelling unit or increasing the light intensity on any adjacent roads so as to create an unsafe condition.*

- **City of Toronto**

Toronto Municipal Code Chapter 629 (Property Standards) Section 17 states: *(A property that) because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:*

A barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit.

As the benchmarking identifies, and similar to Brampton's by-law, each of the four municipalities' by-laws specifically prohibits direct light intrusion onto adjacent or abutting properties, and in two cases, directly into a dwelling unit. The purpose of these by-laws is to somewhat regulate the direction of light, but does not take into consideration specifically excessive lighting or environmental impact.

Investigations into previous requests for service to the Enforcement Division have revealed several examples of why property owners have determined a need for additional exterior illumination. While many consider the installation of soffit lighting to be a simple vanity project, the idea of creating safety and security around a house is a common example of why property owners want the additional lighting. *Crime Prevention Through Environmental Design (CPTED)*, is promoted by various police services and other agencies around the world, including Peel Regional Police. Lighting is a part of one of the four CPTED principals, namely “natural surveillance,” which shows that lighting is a factor in deterring crime. Additionally, property owners will install additional lighting to provide safe passage for tenants, to and from second units, which often have side yard or rear yard access points, at or below grade. To date, the City has just under 7000 legal registered second units and the number continues to increase daily.

Corporate Implications:

Financial Implications:

There are no financial implications with this report.

Other Implications:

Nil

Term of Council Priorities:

This report supports the 2018-2022 Council Priority of a **Well Run City**, by ensuring the residents of Brampton have an opportunity to have potentially excessive lighting concerns reviewed, and a consistent approach of enforcement.

Conclusion:

Requests for investigations into residential lighting complaints are very limited over the course of any given year. By-laws found in neighbouring jurisdictions do not provide any substantial protections for their residents than those provided in the City of Brampton. All require a subjective review by a City staff member in assessing the potential violation, and none use a specific, calculable measure of light intrusion or level of brightness. Enforcement staff are very cognizant of resident's concerns about excessive lighting and have to weigh the rights of a property owner who chooses to utilize lighting for their own reasons versus the impact the lighting has on the neighbours. Enforcement Officers are not experts in exterior illumination and apply the

two-point threshold to ensure consistency and fairness to all residents when applying the law.

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Attachments:

Appendix 1 – photograph of residential soffit lights directed downwards

Appendix 2 – photograph of side-yard soffit lights directed downwards

Appendix 3 - photograph of security light being directed horizontally across the street