

**Date:** 2021-06-03

**Subject:** Recommendation Report - Noise Walls in Rosedale Village Ward 9

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**Report Number:** Public Works & Engineering-2021-697

**Recommendations:**

1. THAT the report titled "Recommendation Report – Noise Walls in Rosedale Village – Ward 9", to the committee of Council Meeting of June 9, 2021, be received;
2. THAT the Rosedale Noise Report (Report # "Public Works & Engineering-2020-252") included on the December 9, 2020 Council agenda and deferred to the future meeting pursuant to Resolution C468-2020 be superseded in its entirety and replaced by this report as this report includes updated information after the deferral;
3. THAT the Rosedale Village Inc. be advised that the owners of the properties adjacent to the private noise wall along the north side of Sandalwood Parkway between Dixie Road to Via Rosedale are responsible for the maintenance of the noise wall and should continue to maintain it as per the Condominium Development Agreement;
4. THAT the Rosedale Village Inc. be advised that at the end of service life of the private noise wall, affected property owners have an option to petition to the City to subsidize the replacement cost of the noise wall through Local Improvement process. Subject to successful petition, the City can subsidize 75% of the replacement cost of the noise wall;

**Overview:**

- **The Rosedale Noise Report (Report # “Public Works & Engineering-2020-252”) was included on the December 9, 2020 Council agenda and deferred to the future meeting pursuant to Resolution C468-2020.**
- **After the deferral, the Site Plan Agreement (SP17-114.000) dated July 11, 2019 has been amended by “Amending Site Plan Agreement” dated December 21, 2020. The amendment included a change to maintenance responsibility of noise wall adjacent to units 316 and 317 from property owners to the City of Brampton. As a result, content of the Report # “Public Works & Engineering-2020-252” needs updating.**
- **This report supersedes the Report # “Public Works & Engineering-2020-252” in its entirety and includes necessary updates.**
- **Noise walls were constructed around Villages of Rosedale under the Condominium Development Agreement (21CDM 93-517) dated December 20, 1995, Site Plan Agreement (SP17-114.000) dated July 11, 2019 and “Amending Site Plan Agreement” dated December 21, 2020.**
- **Noise walls constructed under the Condominium Development Agreement are located on private properties. As per the Agreement, adjacent property owners are responsible to maintain/replace the noise walls when necessary. These noise walls are currently in fair condition with minor repairs required at some locations. The noise walls are located on the north side of Sandalwood Parkway between Dixie Road and Via Rosedale and along west side of Dixie Road north of Sandalwood Parkway.**
- **Noise walls facing public roads under the Site Plan Agreement and “Amending Site Plan Agreement” are located on City property. The City will be responsible for the maintenance of these noise walls.**
- **Property owners should continue to maintain/replace the private noise walls. At the end of service life of the noise wall, they may petition to the City for subsidy through Local Improvement process. In the meantime, if the City decides to assume responsibility for all private noise walls adjacent to City roads, a citywide priority list will prepared and implemented.**

**Background:**

A Report on Rosedale Noise Walls (Report # “Public Works & Engineering-2020-252”) was included on the December 9, 2020 Council agenda and deferred to the future

meeting pursuant to Resolution C468-2020. A copy of the Report # “Public Works & Engineering-2020-252” is included as Attachment 2.

After the deferral, the Site Plan Agreement (SP17-114.000) dated July 11, 2019 has been amended by “Amending Site Plan Agreement” dated December 21, 2020. The amendment included change to maintenance responsibility of noise wall adjacent to units 316 and 317 from property owners to the City of Brampton. As a result, content of the Report # “Public Works & Engineering-2020-252” need updating. This report supersedes the Report # “Public Works & Engineering-2020-252” in its entirety and includes necessary updates.

Noise walls abutting public roads were constructed around Villages of Rosedale under the Condominium Development Agreement (21CDM 93-517 dated December 20, 1995, Site Plan Agreement (SP17-114.000) dated July 11, 2019; and “Amending Site Plan Agreement” dated December 21, 2020.

Noise walls facing public roads under the Site Plan Agreement and “Amending Site Plan Agreement” are located on City property and the City will be responsible to maintain these noise walls.

Noise walls constructed under the Condominium Development Agreement include primarily wooden noise walls with small segments of masonry walls and entry features located within private properties. Based on the Condominium Agreement, property owners adjacent to the noise walls are responsible for their maintenance or replacement. These noise walls are constructed on a berm with an approximate height of 2 metres.

A map of noise walls around Rosedale Village abutting public roads is included as Attachment 1 and the table below summarizes the location, length and maintenance responsibilities of these noise walls.

Noise Wall Location	Road Jurisdiction	Approx. Length (m)	Maintenance Responsibility
<b>Constructed under the Condominium Development Agreement (1995)</b>			
Wooden noise wall on the north side of Sandalwood Parkway between Dixie Road and Via Rosedale	City of Brampton	488	Property owners
Masonry noise wall and entry features on the north side of Sandalwood Parkway between Dixie Road and Via Rosedale	City of Brampton	26	Property owners
Wooden noise wall on the west side of Dixie Road north of Sandalwood Parkway	Region of Peel	72	Property owners

<b>Constructed under the Site Plan Agreement (2019) and “Amending Site Plan Agreement” (2020)</b>			
Concrete noise wall on the east side of Highway 410 north of Sandalwood Parkway	Ministry of Transportation	1083	City of Brampton
Concrete noise wall on the north side of Sandalwood Parkway west of Via Rosedale	City of Brampton	235	City of Brampton

While the City will maintain the noise walls that have been or will be constructed on City lands, property owners will be responsible to maintain/replace the noise walls constructed within private properties as per the respective development agreements. The purpose of these noise walls is to mitigate traffic noise on the outdoor living areas including backyards/side yards.

### **Current Situation:**

On September 23, 2020, Council directed staff to report back on a potential noise wall in relation to the Villages of Rosedale. The resolution reads as follows:

#### **CW204-2020**

1. That the staff report re: Review of Tax Fairness for the Villages of Rosedale Residents to the Committee of Council Meeting of September 23, 2020, be received; and,
2. That staff be requested to provide a subsequent report specific to a potential noise wall in relation to the Villages of Rosedale.

Subsequently, on September 30, 2021 there was a delegation from the Villages of Rosedale where it stated that the noise wall was petitioned in November 2018. Noise wall petitions are administered by staff upon request, however, staff have no record of this request.

On September 28, 2020, staff inspected the noise walls around Rosedale Village. The noise walls on the north side of Sandalwood Parkway between Via Rosedale and Dixie Road are in fair condition with minor repairs needed at certain locations. These noise walls were constructed under the Condominium Development Agreement and replacement is not necessary at this time. The estimated cost of replacement of this noise wall at current market price is approximately \$1,000,000.

Capital Works updated citywide inventory of private noise walls adjacent to City roads and a report to Council is planned for June 2021. The report will include cost implications should the City assume responsibility to replace and relocate private noise walls onto City right-of-way. Subject to Council decision, a replacement priority list will be developed considering the condition of private noise walls citywide. Otherwise, property owners will continue to maintain and replace them at the end of their service life.

Alternatively, at the end of service life of the noise walls, affected homeowners can petition to the City to replace them through Local Improvement process where the City covers 75% of the replacement cost with 25% covered by the affected homeowners subject to successful petition. Given that the noise walls between Dixie Road and Via Rosedale are in fair condition with only minor repairs needed, petition process cannot be initiated at this time.

### **Corporate Implications:**

#### Financial Implications:

There are no financial implications to the City as a result of recommendations in this report.

### **Term of Council Priorities:**

This report achieves the Term of Council Priority “Brampton is a well-run City” by responsibly prioritizing and utilizing resources to keep City infrastructures in a state of good repair. .

### **Conclusion:**

This report recommends that, consistent with the Condominium Development Agreement, homeowners of Rosedale Village continue to repair and maintain the private noise walls on their own and replace them as necessary. At the end of service life of the noise walls, affected homeowners may petition to the City to replace them through Local Improvement process in which case the City can subsidize 75% of the cost of replacement. In the meantime, if the City decides to assume responsibility of private noise walls adjacent to City roads, a citywide priority list will be developed and implemented.

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**Attachments:**

Attachment 1 – Map of Rosedale Village Noise Walls

Attachment 2 – Rosedale Village Noise Report (Report # “Public Works & Engineering - 2020-252”)