

**Date:** 2020-10-06

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

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**Report Number:** Public Works & Engineering-2020-252

**Recommendations:**

1. THAT the report titled Recommendation Report – Noise Walls in Rosedale Village – Ward 9, to the Council Meeting of October 28, 2020, be received; and,
2. 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.
3. 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:**

- **Noise walls were constructed around Villages of Rosedale under the Condominium Development Agreement (21CDM 93-517) dated December 20, 1995 and Site Plan Agreement (SP17-114.000) July 11, 2019.**
- **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.**
- **The proposed noise walls facing public roads under the Site Plan Agreement are located on City property with exception of lots 316 and 317 which will be constructed on private property.**
- **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 be prepared and implemented.**

**Background:**

Noise walls abutting public roads were constructed around Villages of Rosedale under the Condominium Development Agreement (21CDM 93-517 dated December 20, 1995 and Site Plan Agreement (SP17-114.000) July 11, 2019. Noise walls proposed as part of the Site Plan Agreement are under construction and will primarily be on City property with exception of units 316 and 317, which will be constructed on private properties.

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 meters.

A map of noise walls around Rosedale Village abutting public roads is provided in Appendix A 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)</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 except units 316 and 317 (proposed)	City of Brampton	220	City of Brampton
Concrete noise wall on the north side of Sandalwood Parkway west of Via Rosedale units 316 and 317 (proposed)	City of Brampton	15	Property owners

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, 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 wall on the north side of Sandalwood Parkway between Via Rosedale and Dixie Road is in fair condition with minor repairs needed at certain locations. These noise walls were constructed under the Condominium Development Agreement dated December 20, 1995 and full 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 is currently updating citywide inventory of private noise walls adjacent to City roads and will report to Council in the first quarter of 2021. The report will include any cost implications to the City, if the City decides to take on the responsibility of these private noise walls. If Council decides to assume responsibility of the private noise walls, similar to the Region of Peel and the City of Mississauga, 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 with a new one 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 wall between Dixie Road and Via Rosedale is 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 Strategic Plan priorities of Smart Growth and Strong Communities by supporting sustainable growth and to build a City with vibrant and connected communities for people to live, work and play.

#### Living the Mosaic – 2040 Vision:

This report supports the following 2040 Visions:

- Sustainability and the Environment, as environmentally sensitive areas are major environmental features, which contribute to sustainability.

**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 wall, 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:****Appendix A – Rosedale Village Noise Walls**