Agenda - Standing Policy Committee on Protection and Community Services - October 7, 2003

REPORTS

Item No. 2 Appeal - Noise Control By-law - 179 Bannatyne Avenue File ER-1.2

Fillmore Riley, Barrister and Solicitors, on behalf of 79222 Manitoba Ltd., appealed the Order issued by the Public Health Inspector, Community Services Department dated September 9, 2003, regarding provisions of the Noise Control By-law No. 2480/79 for the premises located at 179 Bannatyne Avenue.

The Order stated:

Take such steps as may be necessary to reduce the sound level coming from the air-conditioning unit for Gilroy Restaurant Lounge and Market, 179 Bannatyne Avenue, ensuring that the sound level, at the point of reception to suite 218-167 Bannatyne Avenue and other suites, does not exceed a sound level of 55dBA between the hours of 7:00 a.m. and 9:00 p.m. and 50dBA between the hours of 9:00 p.m. and 7:00 a.m. in accordance with the City of Winnipeg Noise By-law 2840/79 - (Compliance Date: October 17, 2003).

Further Fillmore Riley, Barristers and Solicitors, on behalf of 79222 Manitoba Ltd., have requested that the appeal hearing be adjourned to allow them time to receive particulars regarding the issuing of the Noise Control Order and the dBA readings taken and the locations the readings were taken from, in addition, they require time to obtain their own independent evaluation of the air conditioning unit located behind Gilroy's Restaurant, Lounge and Market.