

MODEL MUNICIPAL BY-LAW

Noise from Outdoor Pickleball Courts

A drop-in drafting instrument for Ontario municipalities

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It is offered as a starting point for drafting, not as legal advice. Councils should obtain the advice of their own solicitor and a qualified acoustical practitioner before enactment.

Statement of interest. *The author has no commercial interest in any equipment, barrier, assessment, monitoring product or service referred to in this document, holds no such interest as at the date of publication, and receives no payment from any person in connection with its preparation or distribution. It is published as a contribution to public policy.*

Three drafting safeguards follow from that and should be preserved in any adaptation. No provision names a manufacturer, brand or model. Every equipment requirement is expressed by reference to published thresholds and an open register, with an equivalency route for products that are not listed (Schedule "C", clause C.4). And no compliance determination under this by-law may be made by a party that supplied the equipment or mitigation being assessed (section 10.2).

Before this goes on an agenda. *This by-law cannot be enacted as published, and the gaps in it are deliberate rather than accidental.*

Schedule "A" is blank and must be completed by an acoustical practitioner licensed in Ontario before first reading; a published comparator from another municipality follows it, for reference only. Sections 4.2, 5.2, 5.4, 6.1(e), 6.2, 9.2(b) and 11.1(b) are inoperative until it is filled. The governing sound metric and its measurement protocol, the bracketed value in section 3.3(a), and the absorption values in section 6.1(f) likewise require professional determination.

Every statutory citation in this document requires confirmation against the current consolidated text by the adopting municipality's solicitor. Appendix 4 records, claim by claim, what was inspected

directly, what was corroborated indirectly, and what remains open. Where this document has no clean number and no settled answer, it says so rather than supplying one.

Part 0 — Introduction and drafting guidance

This Part forms no part of the by-law. References elsewhere in this document to "Part 0" are references to this introductory material.

How to use this document

This document contains two kinds of text.

The numbered clauses are proposed enacting language, written to be lifted directly into a municipal by-law with square-bracketed fields completed and the numbering renumbered to suit local convention.

The shaded passages are drafting notes. They explain why a clause is worded as it is, where the underlying numbers come from, and what typically goes wrong. They are commentary only and should be deleted before enactment. The two appendices at the end are guidance and form no part of the by-law.

A by-law is one of four instruments, and it is the slowest

Noise from pickleball is regulated in Ontario through four separate levers, which councils frequently confuse with one another:

- (a) Conditions of use attached to permits, leases, licences and club agreements. These require no council vote, take effect on the next permit cycle, and are enforceable as a contractual term. This is the fastest route to a measurable reduction in complaints.
- (b) Facility design standards adopted as staff policy, governing every new and reconstructed court.
- (c) Zoning and site plan control, governing where courts may be located.
- (d) A noise by-law, being this instrument. It is the slowest to enact and the most political, but it is the only one that

binds private and municipal operators alike and the only one that carries a penalty.

Drafting note. *A council that adopts this by-law and does nothing else will have taken the slowest of the four available steps. The strong recommendation is to move Parts IV, VII and VIII into permit and agreement conditions immediately, and to run the by-law process in parallel.*

Statutory authority

For municipalities other than Toronto, the enabling authority is the Municipal Act, 2001, S.O. 2001, c. 25, principally section 129 (noise), section 128 (public nuisance), sections 8, 9 and 10 (broad powers and their liberal interpretation), section 425 (offences), section 429 (penalties) and, where an administrative penalty system is in place, section 434.1. Powers respecting hours of use in parks may sit in a parks by-law rather than a noise by-law; where they do, Part IV should be enacted as a parallel amendment to that by-law rather than here.

Toronto is a separate statutory route and the two must not be conflated. The City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A, confers broad authority principally through sections 6 to 8, and the applicable subject-matter power must be identified within those provisions rather than assumed from the breadth of the grant. Offences and fines run through sections 366 and 370 rather than the Municipal Act numbering, and delegation of decisions to an official engages sections 20 to 22.

Drafting note. *An earlier version of this document cited sections 128*

and 129 of the City of Toronto Act as the noise and nuisance powers, by analogy to the Municipal Act numbering. Those section numbers do not carry that subject matter in the Toronto statute, and the citation is corrected here.

It is recorded rather than quietly repaired because it illustrates the risk this document runs generally: a citation that looks right because the number is familiar from another Act. Every statutory reference here should be confirmed against the current consolidated text before it is relied upon. Appendix 4 records the status of each.

A note on form, for Toronto

Drafting note. *For most municipalities this can be enacted as a standalone by-law. For Toronto it should not be. Noise is already codified in Chapter 591 of the Toronto Municipal Code, replaced in its entirety by By-law 878-2019 and in force since October 2019, and park use in Chapter 608. A freestanding pickleball by-law sitting beside them would create two instruments capable of contradicting each other on the same facts.*

It should also be said plainly, because earlier drafts of the accompanying material got this wrong: Toronto's existing noise regime is not merely subjective. Chapter 591 defines A-weighted and C-weighted sound levels and points of reception, and adopts provincial stationary-source methodology for certain sources. The case for this framework is not that Toronto lacks objective limits. It is that Toronto has no limit and no method addressed to impulsive recreational sound, so a pickleball complaint falls back on the general prohibition against sound likely to disturb — which is the kind of provision that failed in the prosecution described below.

The right Toronto form is a set of proposed amendments: the definitions, the standards in Part III, the hours in Part IV and the enforcement provisions folded into Chapter 591; Part IV's park-hours element and Part VIII's permit conditions into Chapter 608 and the permitting framework; and Parts V, VI and X carried as a facility design standard adopted by Parks and Recreation as staff policy. This document is drafted as a complete instrument so that its content is visible in one place. Translating it into that structure is a solicitor's task and should be expected.

An open direction, in Toronto

Drafting note. *On 9 October 2025 Toronto City Council adopted Member Motion MM33.26, moved by Deputy Mayor Ausma Malik and seconded by Councillor Paula Fletcher, by a vote of nineteen to one, waiving the usual referral to committee. It requests the General Manager, Parks and Recreation to review other jurisdictions and to include best practices and directions for noise mitigation, including setback distances, noise barriers and court surfacing options, related in terms to temporary and seasonal pickleball facilities, through the Parks and Recreation Facilities Plan Implementation Strategy. Contemporaneous reporting records that the mover named British Columbia and the City of Ottawa as the jurisdictions to examine, and that the motion followed a letter signed by twenty households near the courts at Trinity Bellwoods Park.*

The scope of that direction should be read carefully. It is expressed in terms of temporary and seasonal facilities, while the problem — and this document — extends to permanent municipal courts, club-operated courts and private courts alike. The open direction therefore covers a part of the field rather than the whole of it, which is an

argument for a broader framework rather than against one.

As at the date of this version no report back on that direction has appeared on a committee agenda. The direction is therefore open, and this document is offered as an input to it rather than as a proposal arriving from outside any process.

Note also the division named in the motion. Urban Forestry was transferred to the Environment, Climate and Forestry Division with effect from 1 January 2025, and the division responsible is now Parks and Recreation. The former name, Parks, Forestry and Recreation, still appears in some City web addresses and older documents.

Keep the technical method inside the by-law

Drafting note. *There is a strong temptation to adopt an external technical standard by reference, and to write that it applies "as amended from time to time." An earlier version of this document said flatly that doing so was unlawful. That was too categorical, and it is corrected here. Ontario municipal legislation is understood to contemplate the adoption of codes and standards including future amendments, in defined circumstances. The specific provisions relied upon in an earlier draft — said to be section 447.8 of the Municipal Act, 2001 and section 458 of the City of Toronto Act, 2006 — have not been confirmed against the current consolidated text, and are recorded as an open item in Appendix 4. A solicitor should identify the applicable provision and determine whether a particular external document falls within it.*

The choice made in this model is therefore a governance choice rather than a legal necessity — and it remains the right one for a list maintained by a private body outside Canada. Clause C.5 requires an

affirmative act before a later version has effect, which keeps the municipality in control of what its own by-law means, gives affected operators notice, and prevents a Council discovering that its equipment rule changed because a foreign organisation revised a webpage.

That is why the measurement method, the equipment test and the barrier specifications in this model sit in schedules to the by-law rather than in an incorporated outside document. The schedules are part of the by-law; they are amended by council, on the biennial review in section 13.6, on the advice of staff and an acoustical practitioner. A separate published standard may inform those schedules, but it should never govern them.

The Niagara-on-the-Lake problem

On 15 June 2022, in provincial offences court at Welland, Justice of the Peace M. Shelley convicted both the Town of Niagara-on-the-Lake and the Niagara-on-the-Lake Pickleball Club Inc. of breaching the Town's own noise by-law: *Scafesi v Town of Niagara-on-the-Lake and Niagara-on-the-Lake Pickleball Club Inc.*, Information Nos. 21-0507 and 21-0508, oral reasons, unreported. The proceeding was not brought by the Town. It was a private prosecution laid under the Provincial Offences Act by a single resident whose home adjoined the park. The disposition — a \$1,000 fine against each and a two-year probation order applying to play at Centennial Sports Park — are recorded consistently in contemporaneous reporting. The Town closed the courts in April 2022 when the charges were laid; the probation order ran from 15 June 2022 and the courts reopened in June 2024. These dates are recorded in contemporaneous reporting by CBC News, Thorold News, NiagaraNow, the Niagara-on-the-Lake Local and the Niagara Falls Review, and in a Toronto Star column by a practising solicitor.

Drafting note. *Three features of that case should shape how a council reads this document.*

First, the exposure runs to the municipality itself. A municipality that operates a court in breach of its own noise standard is prosecutable under that standard, and a single resident may lay a private information without waiting for municipal enforcement. That the complainant was one household, not a group, is the reason section 9.2 of this model does not rest on a multiple-complaint trigger alone.

Second, and most importantly, the by-law that produced the conviction was a subjective one, prohibiting sound likely to disturb the quiet, peace, rest, enjoyment or comfort of the inhabitants of the town. In her reasons the justice of the peace observed that it had been open to the Town to enact a standard that was, in her words, "objective and quantifiable". That observation is the argument for this entire document. A numeric limit does not create liability; it replaces an open-ended one with a threshold that can be designed to, measured against and complied with. The mitigation the Town had installed — a windscreen and reduced hours — was found inadequate, which is also why Part VI of this model specifies barriers rather than gesturing at them.

Third, the Town's eventual response was to amend its noise by-law to exempt recreational activity on town-owned property. The amendment identified is By-law 4588B-21, passed 20 June 2022, adding item 7 to Schedule A and covering approved sports and recreation on Town-owned property subject to specified hours and a power to restrict them further — five days after the convictions were registered, and unable to take effect until the probation order expired. Reporting from April 2024 also describes council approving an exempting amendment "earlier this year", so there may be more than one instrument in the sequence. The amendment history should be confirmed against the Town's by-law record before it is relied

upon. That removes the liability by removing the standard. It leaves residents with no municipal remedy, and it pushes the dispute into private nuisance litigation, where the municipality remains exposed and controls nothing.

This model takes the opposite approach. It applies the same standard to municipal and private courts alike (section 2.3) and manages liability through the transition and remediation pathway in Part IX rather than through exemption.

What this by-law does not displace

Drafting note. *This is a noise instrument. It does not alter, satisfy or substitute for a municipality's other obligations, and section 2.6 says so expressly. Three deserve naming because they are engaged by the physical works this by-law contemplates.*

Accessibility. Barriers, gates, routes and signage remain subject to the Accessibility for Ontarians with Disabilities Act, 2005 and the municipality's own accessibility design standards. Sections 6.1(g) and Schedule "D" carry the specific hooks.

Ground disturbance. Earth berms and barrier foundations involve soil disturbance in parkland, which engages archaeological screening and, where applicable, the municipality's Indigenous engagement processes. In Toronto those obligations run through the Indigenous Affairs Office and the commitments in the City's 2022-2032 Reconciliation Action Plan, adopted unanimously by Council. Section 6.4 requires that those processes be completed before ground is broken; it does not attempt to define them, because they are not this document's to define.

Condominium land. Where a court sits on the common elements of a condominium corporation, the Condominium Act, 1998 and the corporation's declaration, by-laws and rules operate alongside this by-law. Section 2.5 addresses the interface.

By-law No. [] - [YEAR]

*A by-law of [THE CORPORATION OF THE MUNICIPALITY OF _____]
to regulate noise from outdoor pickleball courts.*

WHEREAS section 129 of the Municipal Act, 2001 authorises a local municipality to prohibit and regulate noise, and to prohibit and regulate noise that is likely to disturb the inhabitants of the municipality;

AND WHEREAS the sound produced by the impact of a pickleball paddle upon a pickleball is impulsive in character, concentrated in the frequency range to which human hearing is most sensitive, and repeated at a rate and over a duration that distinguishes it from other recreational sound;

AND WHEREAS the Council of [MUNICIPALITY] wishes to support the continued growth of pickleball while protecting the reasonable enjoyment of nearby residential property, and considers that the purpose of regulation is to keep courts open rather than to close them;

AND WHEREAS Council considers it desirable that the standard applied to courts operated by the municipality be the same standard applied to courts operated by others;

NOW THEREFORE the Council of [MUNICIPALITY] enacts as follows:

Part I — Definitions

1.1 In this by-law:

“acoustic assessment” means a study prepared by a qualified acoustical practitioner in accordance with Schedule "B";

“active play” means play in progress on a court, with the number of playing surfaces in simultaneous use recorded;

“ambient sound level” means the sound level at a point of reception measured in accordance with Schedule "B" while no play is occurring at the court, expressed as an A-weighted equivalent continuous sound level;

“barrier” means a constructed screen, fence-mounted panel system, wall or earth berm installed for the purpose of interrupting the transmission of sound;

“conforming equipment” means a paddle, ball, paddle cover or barrier product that is conforming under section 7.3 and Schedule "C", including equipment recognised under clause C.4 and equipment within the grace period in section 7.7;

“court” means an outdoor playing surface marked, striped, designated, permitted or used for pickleball, whether or not it is also marked for another sport, and includes a temporary or seasonal installation;

“court lines” means the outermost painted or applied boundary lines of a court;

“dBA” means the sound level in decibels measured using the A-weighting network of a sound level meter;

“designated quiet-play court” means a court listed in Schedule "E";

“existing court” means a court that was in lawful operation on the day this by-law came into force;

“LAeq” means the A-weighted equivalent continuous sound level over a stated period;

“LAFmax” means the maximum A-weighted sound level measured using fast time weighting for a single paddle impact;

“monitoring system” means fixed or semi-permanent instrumentation installed to record sound levels at or near a court or a point of reception over an extended period;

“new court” means a court constructed, installed, converted from another use, or expanded in the number of playing surfaces, after the day this by-law came into force;

“noise-sensitive property” means a property containing a dwelling, school, place of worship, hospital or long-term care home;

“officer” means a municipal law enforcement officer appointed by [MUNICIPALITY], and includes a police officer;

“operator” means the person who owns, controls, permits, programmes or holds a permit, lease or licence in respect of a court, and includes [MUNICIPALITY] where it operates a court;

“point of reception” means the point at which compliance with Part III is measured, being a point on a noise-sensitive property located in accordance with Schedule "B";

“qualified acoustical practitioner” means a professional engineer licensed in Ontario with demonstrated experience in environmental noise assessment, or a person holding an equivalent recognised acoustical credential acceptable to the [DIRECTOR];

“reconstructed court” means an existing court in respect of which the playing surface is removed and replaced, or the perimeter fencing is replaced, at a cost exceeding [FIFTY] per cent of the replacement value of the facility;

“representative play” means active play at the number of playing surfaces and level of use ordinarily occurring at the court, and not a condition arranged for the purpose of a measurement;

“residual sound level” means the sound level at a point of reception attributable to all sources other than the court;

“setback” means the shortest horizontal distance measured from the nearest court lines to the nearest lot line of the nearest noise-sensitive property.

Drafting note. *Two reference points do two different jobs, and conflating them is the most common technical error in this field.*

Setback is a planning distance, measured court lines to lot line. It is used for screening, siting and the tiers in Part V. The court lines are chosen as the origin because the fence line moves with every reconstruction and varies between facilities, while the court lines do not; the lot line is chosen as the destination because it is fixed, mapped, and the reference point used in the Canadian setback work this schedule will be derived from. A setback schedule expressed to a lot line and then applied to a window means something different, and by an amount that matters.

The point of reception is a measurement location, fixed under Schedule "B", used to determine compliance under Part III. It may sit well inside the lot line, and for an upper-storey complaint it may sit above it.

A council should expect its acoustical practitioner to confirm which reference point each figure in Schedule "A" was derived to, and to say so on the face of the schedule.

Part II — Application

- 2.1 This by-law applies to all courts within [MUNICIPALITY], whether located on public or private land.
- 2.2 This by-law applies to operators, to permit holders, and to persons playing pickleball on a court.
- 2.3 For greater certainty, this by-law applies to a court owned, operated, programmed or permitted by [MUNICIPALITY], and no provision of this or any other by-law shall be construed as exempting [MUNICIPALITY] from the standard established in Part III.
- 2.4 Where a provision of this by-law conflicts with a provision of [THE GENERAL NOISE BY-LAW], the provision that is more restrictive of sound prevails.
- 2.5 Where a court is situated on land governed by a condominium corporation, this by-law applies to sound received at a point of reception outside the boundaries of that land, and the operator for the purposes of this by-law is the corporation. Nothing in this by-law limits the operation of the Condominium Act, 1998 or of the declaration, by-laws or rules of the corporation as between the corporation and its owners.
- 2.6 Nothing in this by-law relieves any person of an obligation arising under any other statute, regulation, by-law, policy or agreement, including obligations respecting accessibility, archaeological assessment, engagement with Indigenous communities, building and structural approvals, and the protection of trees and natural heritage.

Drafting note. *Section 2.5 addresses a case that generates a*

surprising share of complaints and that a purely municipal instrument handles badly. A dispute between a condominium corporation and its own unit owners over a court on the common elements is governed by the Condominium Act and the declaration, not by a noise by-law. What the municipality regulates is what crosses the property line. Drawing that boundary in the by-law prevents staff being drawn into internal condominium disputes they have no jurisdiction to resolve.

Part III — Sound level standards

Community limit

- 3.1 No operator shall cause or permit, and no person shall make, sound from a court that exceeds 50 dBA LAeq over one hour at any point of reception.
- 3.2 Compliance with section 3.1 shall be determined in accordance with Schedule "B".

Impulse criterion for new and reconstructed courts

- 3.3 A new or reconstructed court shall be designed, sited and mitigated so that the sound of an individual paddle impact does not exceed, at any point of reception:
 - (a) where the ambient sound level is 47 dBA or lower, [50] dBA LAFmax; or
 - (b) where the ambient sound level exceeds 47 dBA, the ambient sound level plus 3 dBA.
- 3.4 Section 3.3 is a design and approval criterion. It applies to an application, approval, acoustic assessment and commissioning report under Parts V and X, and it does not create an offence in respect of an existing court.
- 3.5 Sections 3.1 and 3.3 apply in addition to, and not in substitution for, any general prohibition against sound likely to disturb the inhabitants of [MUNICIPALITY].

Drafting note. *These are two different tests and a council must understand that before it debates the numbers, because both are*

commonly written as "50 dBA" and they are not remotely the same requirement.

Section 3.1 is an energy average. Its derivation runs as follows: Health Canada's 2017 guidance on evaluating noise in environmental assessment recommends keeping continuous outdoor levels below 55 dBA to preserve ordinary speech comprehension, and discusses an adjustment of 5 dB where noise is regularly impulsive, which paddle impact plainly is. Fifty-five less five is fifty, and it is the criterion the City of Ottawa adopted on the advice of its acoustical consultants — so adopting the same number means an Ontario consultant works to one figure across municipalities.

State that derivation honestly when the question comes. Health Canada has not set a pickleball limit, and this number is not one. It is an engineering and policy derivation from a general speech-comprehension benchmark plus an impulsive adjustment, which is a respectable foundation and a different thing from a regulatory limit adopted for this sport. The averaging interval, the assumed duty cycle, the number of surfaces in simultaneous use and the treatment of uncertainty all still require a professional decision before this section is enforced.

Section 3.3 measures single impacts rather than averages, and applies a signal-to-noise logic drawn from work published through the Acoustical Society of America and applied in field studies in the United States. It is the better description of what residents actually complain about, because impulsive sound is judged by its peaks and an hourly average understates it.

It is also far more demanding. A conventional paddle strike measures roughly 68 to 70 dBA fast-maximum at 30 metres. Meeting 50 dBA LAFmax therefore requires close to 20 dB of attenuation, which is a large distance, substantial barriers, or both. Applied retroactively to an existing municipal inventory it would close most of it, which is why section 3.4 confines it to new and reconstructed courts, where siting

decisions are still open and the cost of getting it right is a fraction of the cost of fixing it later.

The bracketed value in 3.3(a) should be confirmed by local measurement before enactment. A council adopting this model without a local pilot should either commission one or enact Part III with section 3.3 held in abeyance until it has data of its own.

Part IV — Hours of play

- 4.1 No person shall play pickleball on a court except between the hours of 09:00 and 20:00 on any day.
- 4.2 Despite section 4.1, where a court has a setback of less than the distance specified in Column 2 of Schedule "A", no person shall play pickleball on that court except between the hours of 10:00 and 19:00 on any day, and except between 11:00 and 19:00 on a Sunday or a statutory holiday.
- 4.3 An operator shall post the applicable hours of play at each entrance to the court in accordance with Schedule "D".
- 4.4 No person shall use an amplified sound device, public address system or air horn at a court except under an authorisation granted under Part XI.
- 4.5 This Part applies only to a court that is:
- (a) owned, operated, programmed or permitted by [MUNICIPALITY];
 - (b) operated as, or as part of, a commercial or membership facility; or
 - (c) comprised of two or more playing surfaces.
- 4.6 For greater certainty, this Part does not apply to a single court on residential premises used for casual, non-commercial play, and [THE GENERAL NOISE BY-LAW] continues to apply to such play.

Drafting note. *Hours are the cheapest and most immediately effective control available, and the first thing residents ask for. The two-tier structure ties the tighter hours to the distance that actually*

produces complaints rather than applying them uniformly, which is what makes them defensible to the clubs.

Councils should resist setting hours by sunrise and sunset.

Complaints cluster in the early morning and the dinner hour, both of which drift by several hours across an Ontario season. Fixed clock times are enforceable; astronomical times are not.

Sections 4.5 and 4.6 exist because the definition of court is deliberately broad — it has to be, or a facility escapes Part III by calling itself something else — and a broad definition combined with fixed hours would make an offence of a family playing on a driveway net at half past eight on a July evening, while the neighbour's backyard tennis court remained untouched by this instrument. That is the clause an opposing delegation reads aloud, and it is not a clause the by-law needs. Casual residential play stays where it has always been, under the general noise by-law, which continues to apply to it in full.

Section 3.1 is deliberately not carved out in the same way, and a council should be ready to say why. The community limit is a one-hour energy average measured at a neighbouring property. Casual play on a driveway net will almost never approach it, and where it genuinely does — sustained play, several hours, a few metres from a bedroom window — there is no principled reason the standard should not apply. Confining the hours rule while leaving the sound standard universal is the narrower and more defensible position.

Part V — Siting and screening of new courts

- 5.1 Before a new or reconstructed court is approved, the applicant shall complete the screening in section 5.2 and satisfy the requirements applicable to the resulting tier.
- 5.2 A proposed court is screened into a tier as follows:

Tier	Screening trigger	Requirement
Tier 1	Setback exceeds the greatest distance in Column 1 of Schedule "A" and no condition in section 5.3 is present.	Documented desktop screening; equipment plan; hours; complaint contact under section 8.3.
Tier 2	Setback is less than the greatest distance in Column 1 of Schedule "A" but not less than the Column 1 distance for the proposed number of playing surfaces and ground type, or the proposal converts an existing court to multiple pickleball surfaces.	Site-specific acoustic screening or modelling by a qualified acoustical practitioner; mitigation designed where either criterion in Part III is predicted to be exceeded; commissioning report under section 10.1.
Tier 3	Setback is less than the Column 1 distance in Schedule "A" for the proposed surfaces and ground type; or six or more playing surfaces; or a condition in section 5.3 is present; or the site has a substantiated complaint history.	Full acoustic assessment under Schedule "B"; designed mitigation; designation under Part VII where applicable; commissioning report; post-opening verification within one full season.

- 5.3 The following conditions raise a proposal by one tier: an elevated court surface relative to the nearest points of reception; a reflective enclosure or hard intervening ground; a point of reception with clear line of sight from an upper storey; or proposed tournament use.
- 5.4 No person shall construct, install or operate a new court, and [MUNICIPALITY] shall not approve a new court, where the setback is less than the distance in Column 1 of Schedule "A", unless an acoustic assessment demonstrates to the satisfaction of the [DIRECTOR] that the court as designed and mitigated will satisfy Part III, and the mitigation relied upon is constructed before the court opens for play.
- 5.5 In siting a new court, an operator shall, so far as is practicable:
- (a) select a location in which the intervening ground between the court and the nearest points of reception is acoustically soft, such as grass, loose soil or planted ground, rather than acoustically hard, such as pavement;
 - (b) take advantage of existing terrain, berms, buildings and dense mixed foliage that interrupt the line of sight between the court and the nearest points of reception; and
 - (c) avoid locations overlooked by the upper storeys of nearby dwellings, where a barrier at court level cannot interrupt the sound path.
- 5.6 A reconstructed court shall be treated as a new court for the purposes of this Part.

Drafting note. *The tier table does the triage and Schedule "A" supplies the numbers; neither works without the other. A tiering system with distances asserted and unexplained is no better than a*

setback table with no method behind it.

Section 5.5(b) is worth keeping even though it reads as guidance. Dense mixed woodland of meaningful depth provides real attenuation, on the order of several decibels for a belt tens of metres wide. A single row of ornamental trees or a hedge provides effectively none, and councils are regularly told otherwise by applicants. Saying so in the by-law forecloses the argument.

Part VI — Barriers

- 6.1 Where a barrier is required as a condition of approval under section 5.4, or is installed to achieve compliance with Part III, it shall:
- (a) have a minimum surface density of 5 kilograms per square metre;
 - (b) extend not less than 3 metres above the court surface;
 - (c) be substantially free of gaps, holes and openings, other than gates and openings required for access;
 - (d) be located not more than 3 metres from the court lines, where practicable;
 - (e) enclose not fewer than three sides of the court, and all four sides where points of reception are located on two or more sides of the court within the applicable distance in Column 1 of Schedule "A";
 - (f) be faced with sound absorptive material on any side where reflected sound would otherwise be directed toward a point of reception, including where a court is overlooked by the upper storeys of a dwelling, having a rated absorption performance of not less than [] determined in accordance with [TEST STANDARD], and retaining that performance when wet, when frozen and after [] years of outdoor exposure; and
 - (g) not obstruct an accessible route, an accessible entrance or gate, or a sightline required for personal safety, and shall comply with the Accessibility for Ontarians with Disabilities Act, 2005 and [MUNICIPALITY]'s accessibility design standards.

- 6.2 Where a barrier encloses three sides of a court, the open side shall face away from any noise-sensitive property located closer than the distance in Column 1 of Schedule "A".
- 6.3 No barrier shall be installed on or attached to existing fencing except in accordance with a review by a professional engineer licensed in Ontario addressing wind loading, snow and ice accumulation, freeze-thaw cycling, and the adequacy of the supporting structure and its foundations.
- 6.4 Where the installation of a barrier, earth berm or barrier foundation requires the disturbance of soil, the operator shall complete every applicable archaeological screening or assessment and every applicable engagement process of [MUNICIPALITY] before ground is broken.
- 6.5 An operator shall inspect each barrier at least annually and after any severe weather event, shall maintain it in the condition required by section 6.1, and shall keep a record of each inspection.

Drafting note. *The technical specifications in section 6.1 follow the recommendations of the City of Ottawa’s 2024 pickleball noise planning guidelines. A 3 metre reflective barrier of that density can be expected to yield in the order of 5 dBA at a ground-level receptor within roughly 100 metres, which is substantial.*

Subsection 6.1(f) is the clause most often omitted and most often regretted. A reflective barrier does not absorb sound; it redirects it. Enclosing three sides of a court with reflective panels can measurably worsen conditions for the households facing the fourth side, and for anyone above the height of the barrier. More than one municipality has spent six figures on barriers and generated a new set of complainants.

The bracketed fields in 6.1(f) are for the acoustical practitioner and are deliberately left empty. “Sound absorptive material” on its own is an adjective, not a specification: it cannot be tendered, inspected or enforced, and a supplier will meet it with anything. But the obvious building-interiors metric is not automatically the right one for an outdoor barrier exposed to rain, ice and ultraviolet light, and inserting a number borrowed from an interiors context would be the same error in the opposite direction. The engineer should name the test standard, the minimum rating, the frequency range over which it applies, and the weathering condition, and the resulting clause should be enforceable as written.

Section 6.3 exists because a fence-mounted panel turns a chain link fence into a sail, and in an Ontario winter into a sail carrying ice. Wind loading alone is not the whole review. The cost of the review is trivial against the cost of a failure, and a failed barrier is a liability event rather than a noise event.

Section 6.4 is a savings provision, not a process. It requires that obligations the municipality already has be discharged before the works proceed; it does not attempt to define them, because they are defined elsewhere and by others.

One caution for the solicitor. This Part imposes construction specifications on a structure, which is not purely an exercise of the noise power. The route by which a municipality may impose them — noise by-law, site plan control, building permit, or a facility design standard adopted as policy — has been affected by provincial amendments to the building and planning framework in 2025 and 2026, and broad municipal powers cannot simply be assumed to carry it. Whether Part VI is enacted as by-law provisions or adopted as a design standard applied through approvals should be settled before first reading, not after.

Part VII — Designated quiet-play courts and equipment

- 7.1 Council may designate a court as a designated quiet-play court by adding it to Schedule "E", and shall designate a court where:
- (a) conforming equipment was relied upon in an acoustic assessment accepted under section 5.4; or
 - (b) conforming equipment is required by an order or remediation plan under Part IX.
- 7.2 No person shall play pickleball on a designated quiet-play court except with conforming equipment.
- 7.3 Equipment is conforming for the purposes of this by-law if it appears on a register identified in Schedule "C" or satisfies clause C.4. Nothing in this by-law requires the use of a particular manufacturer, brand or model.
- 7.4 The operator of a designated quiet-play court shall post notice of the requirement in accordance with Schedule "D", shall publish the address of a webpage listing conforming equipment, shall update that notice and webpage within [THIRTY] days of a change under clause C.5 or of the removal of equipment from the recognised list, and shall, for a period of not less than [TWELVE] months following designation, make conforming paddles available for loan at no charge during programmed hours.
- 7.5 An operator shall not be found to have contravened section 7.2 in respect of the conduct of a player where the operator has posted the required notice, made equipment available under section 7.4, and taken reasonable steps to inform players of the requirement.
- 7.6 Section 7.2 does not apply to a court that is not a designated quiet-play court.

- 7.7 Where equipment ceases to be conforming because it has been removed from a register identified in Schedule "C", or because a later version of that register is recognised under clause C.5, that equipment remains conforming for the purposes of section 7.2 for a period of [TWELVE] months from the date of the notice given under clause C.5, or, where equipment is removed from the recognised list without a recognition under that clause, from the date the [DIRECTOR] gives notice of the removal to the operator.

Drafting note. *Designation is the answer to the hardest practical problem in this field, which is how to require particular equipment at an unstaffed public court that anyone may walk onto. The answer is not a better enforcement mechanism. It is a narrower scope. The municipality designates the courts where distance actually creates a problem, publishes the list, signs them, lends paddles at them, and writes the requirement into the permits for them. Every other court in the inventory carries no equipment rule at all.*

That has three effects. It concentrates enforcement effort where it matters; it lets a club see, before it decides whether to oppose the by-law, exactly which of its courts are affected; and it removes the objection that the municipality is policing recreational equipment across an entire city.

Two rules govern the drafting of any equipment clause, both learned from jurisdictions that got it wrong. Legislate to a standard, never to a product: a municipality in Massachusetts mandated a single named paddle and was met with a petition of some six hundred signatures on the fair objection that a public body had handed one company a local monopoly. And be honest about the size of the effect: quieter equipment has been measured at roughly 5 dBA against average levels, which is genuinely significant — 5 dBA is the conventional threshold at which community noise mitigation is considered to have

worked — but it is not a substitute for setback or barriers. Equipment is the cheapest lever, the only one that can be applied to a court that already exists, and one quarter of the answer.

A council should also be told plainly what section 7.2 is for. Nobody is going to prosecute a player over a paddle at an unstaffed public court, and an officer cannot reasonably be expected to identify a paddle model on sight. The value of 7.2 is that it makes conforming equipment a condition of every permit and club agreement under section 8.1, and a ground for suspending a permit under section 8.2. It is drafted as a prohibition because a permit condition needs something to refer to, not because charges are contemplated.

Section 7.4 is the clause most likely to be struck by a parks director, because a free loaner programme is an asset, a hygiene question, a theft risk and a small procurement in a single line. It is worth keeping where a court is genuinely unstaffed, because it removes the objection that the municipality is requiring residents on fixed incomes to buy new equipment. Where it will not work, two substitutes carry most of the benefit: a requirement that conforming paddles be stocked for sale or rent at a staffed facility serving the court, or a time-limited subsidy toward the purchase of conforming equipment by permit holders. Offer the alternative in the report rather than letting the objection land on deletion.

Part VIII — Permits, leases and agreements

- 8.1 [MUNICIPALITY] shall include in every permit, lease, licence, programming agreement and club agreement in respect of a court a condition requiring compliance with Parts III, IV, VI and VII of this by-law.
- 8.2 A permit, lease, licence or agreement referred to in section 8.1 may be suspended, refused or terminated by the [DIRECTOR] where the holder has contravened a condition imposed under that section, subject to written notice and an opportunity to respond.
- 8.3 An operator shall designate a contact person for noise complaints, shall post that contact information in accordance with Schedule "D", and shall maintain a complaint log recording each complaint received, the response and the date of the response.
- 8.4 A holder of a permit, lease, licence or agreement referred to in section 8.1 shall maintain commercial general liability insurance in an amount of not less than [TWO MILLION] dollars per occurrence, naming [MUNICIPALITY] as an additional insured in respect of the operation of the court and the maintenance of any barrier, and shall provide a certificate of insurance on request. This section does not apply to a court on residential premises used for casual, non-commercial play.

Drafting note. *This Part is the operative one. Conditions of use are imposed administratively, take effect on the next permit cycle, do not require a prosecution to enforce, and reach organised club play, which is where the volume of court hours actually sits. A council serious about reducing complaints before next season should*

implement Part VIII first and let the by-law follow.

Section 8.4 is where questions about liability for barrier failure are answered. A by-law does not allocate liability; insurance, contract and the law of negligence do. Most municipalities already impose this condition on club agreements, and the clause simply makes it uniform and ties it expressly to the barrier.

It is confined to permit, lease and licence holders for the same reason the hours rule in Part IV is confined. The definitions of court and operator are deliberately broad, and an insurance requirement expressed against every operator would require a household with a court in its garden to insure the municipality for two million dollars. That is not the intention and would not survive a delegation.

Part IX — Existing courts, complaints and remediation

- 9.1 An existing court is deemed to comply with section 3.1 until the earliest of:
- (a) the expiry of the period allowed by section 9.3 for the submission of a remediation plan in respect of that court;
 - (b) the date on which a remediation plan in respect of that court is refused, or an approved plan is abandoned or its completion date passes without compliance; and
 - (c) [DATE], being [SIXTY] months after this by-law comes into force.
- 9.2 The [DIRECTOR] may require the operator of an existing court to obtain an acoustic assessment of that court at the operator's expense where, within any twelve-month period:
- (a) complaints are received from occupants of two or more separate noise-sensitive properties in respect of that court;
 - (b) a complaint is received from an occupant of a noise-sensitive property whose setback from that court is less than the distance in Column 1 of Schedule "A"; or
 - (c) the [DIRECTOR] has other reasonable grounds to believe the court does not comply with section 3.1.
- 9.3 Where an acoustic assessment discloses that an existing court does not comply with section 3.1, the operator shall submit a remediation plan to the [DIRECTOR] within [SIXTY] days.
- 9.4 A remediation plan shall identify the measures to be taken, which may include any combination of adjusted hours of play, designation under Part VII, barriers, reduction in the number of playing surfaces in simultaneous use, relocation, or closure, and

shall specify a date for completion not later than [EIGHTEEN] months from the date of approval.

- 9.5 In selecting measures the operator shall have regard to the order of mitigation set out in Appendix 1, and a remediation plan shall record why any measure earlier in that order was not adopted.
- 9.6 An existing court operating in accordance with an approved remediation plan is deemed to comply with section 3.1 for the duration of the plan. This section does not excuse a contravention of any other provision of this by-law.

Drafting note. *Section 9.1 is new and it repairs a hole. Without it, every existing court that exceeds section 3.1 is in breach from the day the by-law comes into force, and section 12.6 makes each day a separate offence — including at courts nobody has complained about and no assessment has yet examined. On the municipality's own inventory that is a standing invitation to a private prosecution of the kind brought at Niagara-on-the-Lake. Deeming existing courts compliant until the process has actually reached them keeps the standard universal, keeps the municipality inside it, and exempts nobody.*

The sunset in 9.1(c) matters as much as the deeming. Without a long stop, an unexamined court is deemed compliant forever and the transition becomes a permanent exemption by another name. Sixty months is a suggestion; the right figure is however long the municipality needs to work through its own inventory, and a council that sets it should also fund the assessments.

One limit on section 9.1 should be understood before a council relies on it. The deeming operates against section 3.1 of this by-law only. Section 3.5 preserves any general prohibition against sound likely to disturb, and this instrument does not amend the municipality's

general noise by-law. An existing court is therefore no less exposed to a private prosecution under that general provision than it was the day before this by-law came into force. What the transition prevents is the municipality creating a fresh and more precise offence against its own inventory overnight; it is not immunity, and a council told otherwise has been oversold.

Section 9.6 is what lets a council enact this by-law without prosecuting itself thereafter. It converts a compliance failure into a scheduled programme of work rather than an offence, which is fairer to the clubs and considerably easier to explain at the podium.

Section 9.2 was originally drafted with a two-household trigger alone, on the reasoning that a single-household trigger invites a private feud to consume staff time. That reasoning does not survive the facts of the Niagara-on-the-Lake case, where the complainant was one household and the conviction was sound. A court that backs onto a single dwelling can breach the standard just as completely as one that backs onto twelve, and the household with no neighbours to join it is the one least able to obtain a municipal remedy and most likely to reach for a private prosecution.

Clause (b) therefore admits a single complainant where the setback is short enough that non-compliance is plausible on the face of it, and clause (c) preserves the [DIRECTOR]'s ordinary discretion. The two-household route in clause (a) remains, for the case where distance alone would not have raised a question.

Part X — Commissioning, monitoring, records and privacy

- 10.1 A new or reconstructed court screened into Tier 2 or Tier 3 shall not open for play until the operator has filed with the [DIRECTOR] a commissioning report, signed by a qualified acoustical practitioner, confirming that the mitigation relied upon has been constructed as designed and that the court as built satisfies Part III.
- 10.2 A commissioning report, acoustic assessment or compliance measurement required under this by-law shall not be prepared by a person who supplied, manufactured, installed or sold the equipment or mitigation being assessed, or by a person related to that supplier.
- 10.3 Where a monitoring system is installed under this by-law or as a condition of approval:
- (a) the system shall record sound level metrics only, and shall not retain audio recordings except short segments retained solely for the validation of individual impact events;
 - (b) any segment retained under clause (a) shall be deleted within [THIRTY] days of the completion of the validation for which it was retained;
 - (c) the operator shall post notice of the presence and purpose of the system in accordance with Schedule "D"; and
 - (d) records created by the system in the custody or control of [MUNICIPALITY] are subject to the Municipal Freedom of Information and Protection of Privacy Act.
- 10.4 An operator shall retain acoustic assessments, commissioning reports, equipment records, barrier inspection records, complaint logs and records of corrective action for not less than

two years, or for such longer period as [MUNICIPALITY]'s records retention by-law requires.

Drafting note. *Section 10.3 is the provision most likely to be omitted and most likely to cause trouble. Continuous acoustic monitoring at a residential property line captures speech as well as paddle impacts. Retaining that audio turns a noise programme into a surveillance programme, creates records subject to freedom of information, and raises questions no municipality wants to answer about the interception of private communications. Recording level metrics only avoids all of it, and level metrics are what compliance actually turns on.*

Section 10.2 is the safeguard that makes the equipment provisions credible in procurement. The party that sold the barrier does not get to certify that the barrier worked.

Part XI — Exemptions

- 11.1 Parts IV and VII do not apply to a tournament or sanctioned event authorised in writing by the [DIRECTOR], provided that:
- (a) no court is the subject of more than [SIX] authorised event days in any calendar year;
 - (b) written notice is delivered to the occupants of every noise-sensitive property within the distance in Column 1 of Schedule "A" not less than [FOURTEEN] days in advance; and
 - (c) the event does not extend beyond [20:00] hours.
- 11.2 This by-law does not apply to maintenance, construction or emergency work carried out on or in respect of a court.
- 11.3 For greater certainty, no exemption under this Part operates in favour of [MUNICIPALITY] in respect of the ordinary operation of a court.
- 11.4 An authorisation under section 11.1 does not exempt a court from section 3.1.

Drafting note. *Section 11.4 states expressly what section 11.1 already implies, because it is better said by this document than by an opponent at a delegation. A tournament relieved of the hours and equipment requirements will very often exceed the community limit, and the exemption does not cure that.*

The choice is deliberate. A limited number of notified event days a year is a reasonable accommodation of organised play; suspending the sound standard itself is not, because the standard is what the neighbouring household relies on. A council that wishes to go further

should do so openly, by authorising a stated number of days on which section 3.1 does not apply, rather than by silence.

Part XII — Enforcement, offences and penalties

- 12.1 An officer may, subject to and in accordance with sections 435 to 437 of the Municipal Act, 2001, enter upon land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law. Nothing in this section authorises entry into a room or place actually used as a dwelling without the consent of the occupier or a warrant.
- 12.2 An officer may make a sound level measurement at a point of reception in accordance with Schedule "B", and a certificate of an officer as to a measurement so taken is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it.
- 12.3 An officer may issue an order requiring an operator to comply with this by-law, specifying the contravention and the time within which compliance is required, and may require an acoustic assessment, the use of conforming equipment, reduced hours or playing surfaces, the repair or installation of mitigation, the production of records, or the suspension of the non-compliant use.
- 12.4 An order under section 12.3 shall be in writing, shall state the contravention, the required action and the time for compliance, and shall state that the person to whom it is directed may request a review under section 12.5.
- 12.5 A person who is the subject of an order under section 12.3, or of a decision refusing an acoustic assessment, refusing or revoking approval of a remediation plan, refusing to recognise equipment as conforming, or otherwise adversely affecting that person under this by-law, may within [FIFTEEN] days of service or notification request in writing a review by a screening officer appointed for that purpose who was not involved in the decision under review, who may confirm, vary, extend the time for compliance under, or rescind the order or decision. The person

shall be given an opportunity to make written submissions, and the decision on review shall be given in writing with reasons.

- 12.6 Every person who contravenes this by-law or an order made under it, and every director or officer of a corporation who knowingly concurs in such a contravention, is guilty of an offence and on conviction is liable to a fine as provided under the Municipal Act, 2001 and the Provincial Offences Act.
- 12.7 A contravention that continues for more than one day constitutes a separate offence for each day on which it continues.
- 12.8 Set fines for offences under this by-law are as approved by the Chief Justice of the Ontario Court of Justice on the application of [MUNICIPALITY].

Drafting note. *Set fines are sought from the Chief Justice; they are not enacted by council, and a by-law cannot direct that they escalate. Where Council wishes penalties to increase for repeated contraventions, the route is the special-fines power in section 429 of the Municipal Act, 2001, exercised in the by-law itself.*

An order under 12.3 can reduce hours, cut the number of playing surfaces in use, require capital works or suspend a use outright. Earlier drafts attached no review to any of it, while giving a permit holder notice and an opportunity to respond under section 8.2. That asymmetry is the kind of thing a court corrects at the municipality's expense.

Section 12.5 deliberately reaches beyond orders. A refused assessment, a rejected remediation plan and a refusal to recognise equipment as conforming are all decisions that can cost an operator money or close a facility, and each was previously unreviewable. Administrative fairness is the cheapest provision in this by-law to

write and the most expensive to omit.

Where the municipality has an administrative penalty system under section 434.1 of the Municipal Act, 2001, this Part should be redrafted to use it. Administrative penalties are materially faster, are heard by a screening officer rather than a court, and avoid the practical reality that provincial offences prosecutions for noise are rarely pursued to conviction. The prosecution route is nonetheless worth retaining for repeat commercial operators.

Part XIII — General

- 13.1 Each provision of this by-law is severable, and if any provision is held invalid the remainder continues in force.
- 13.2 The schedules attached to this by-law form part of it. The appendices do not.
- 13.3 Where another applicable requirement is more protective, that requirement governs.
- 13.4 This by-law comes into force on [DATE], save that Part V applies to any new court in respect of which an approval is granted on or after the date of first reading, and save that section 3.1 applies to an existing court only as provided in section 9.1.
- 13.5 Sections 4.2, 5.2, 5.4, 6.1(e), 6.2, 9.2(b) and 11.1(b) do not come into force until Schedule "A" has been completed and the completed Schedule has been adopted by Council.
- 13.6 The [DIRECTOR] shall review Schedules "A", "B", "C" and "E" not less than once every two years, and shall report to Council on the operation of this by-law not later than [TWENTY-FOUR] months after the day it comes into force.

Drafting note. *Section 13.4 closes the window between first reading and enactment, during which applicants have an obvious incentive to file. Section 13.6 is not housekeeping: a scheduled review is what keeps the equipment registers and the acoustic evidence current without reopening the whole by-law, and it gives residents a forum other than a delegation.*

Schedule "A" — Minimum setback distances

Minimum setback, measured from the nearest court lines to the nearest lot line of the nearest noise-sensitive property, for the purposes of sections 4.2, 5.2, 5.4, 6.1(e), 6.2, 9.2(b), 11.1(b), B.8 and B.10.

Column 1 states the distance required with no mitigation, and governs every reference in this by-law to a distance in this Schedule unless another column is expressly named. Column 2 states the distance below which the reduced hours in section 4.2 apply. It is a policy threshold rather than a second compliance limit, and the practitioner completing this Schedule should state the basis on which it was derived. Two approaches are ordinarily available: the distance at which the criterion in section 3.1 is predicted to be exceeded during the more sensitive early and late periods, when ambient sound is lower, or a stated proportion of the Column 1 distance. Whichever is used, it should be recorded on the face of the Schedule so that two practitioners do not derive it two different ways. Columns 3 and 4 state the distances required where a barrier meeting section 6.1 is constructed to the stated height.

To be completed for local conditions by a qualified acoustical practitioner. The provisions listed in section 13.5 do not come into force until this Schedule has been completed and adopted by Council.

No. of courts	Ground	Column 1 no mitigation	Column 2 reduced hours	Column 3 3 m barrier	Column 4 4 m barrier
1	Hard	[] m	[] m	[] m	[] m
1	Soft	[] m	[] m	[] m	[] m
2	Hard	[] m	[] m	[] m	[] m

No. of courts	Ground	Column 1 no mitigation	Column 2 reduced hours	Column 3 3 m barrier	Column 4 4 m barrier
2	Soft	[] m	[] m	[] m	[] m
4	Hard	[] m	[] m	[] m	[] m
4	Soft	[] m	[] m	[] m	[] m
6	Hard	[] m	[] m	[] m	[] m
6	Soft	[] m	[] m	[] m	[] m
8	Hard	[] m	[] m	[] m	[] m
8	Soft	[] m	[] m	[] m	[] m
12	Hard	[] m	[] m	[] m	[] m
12	Soft	[] m	[] m	[] m	[] m
14	Hard	[] m	[] m	[] m	[] m
14	Soft	[] m	[] m	[] m	[] m

A court of more than fourteen playing surfaces, and any court where a point of reception has line of sight over the top of a proposed barrier, requires site-specific modelling and may not rely on this Schedule.

Drafting note. *Ground type is now an explicit input rather than an*

assumption. Acoustically soft ground — grass, loose soil, planted ground — attenuates materially more than pavement, and on larger installations the difference between the two runs to tens of metres. A three-column schedule that hid that variable would have produced a table that was too permissive on hard ground or absurdly restrictive on soft.

Court count alone is still not the whole story. Arrangement, orientation and how many surfaces are actually in simultaneous use all affect the result, and the practitioner completing this schedule should state the configuration each row assumes.

The practitioner should also confirm, on the face of the schedule, which sound metric under Part III each distance was derived to, and record measurement uncertainty and the limits of use.

Schedule "A" — Appendix: published comparator

Not part of the by-law. Reproduced for reference only, so that a council can see what one Ontario municipality has already adopted before commissioning its own derivation. These figures are the City of Ottawa's, not this document's, and they are not proposed as enactable values here.

Playing surfaces	Hard ground (m)	Soft ground (m)
1	45	35
2	65	50
4	90	75
6	105	85
8	120	90
12	160	115
14	175	120

Source: City of Ottawa, Outdoor Tennis and Pickleball Strategy (2025). No-mitigation screening distances, measured from the perimeter of the court lines to the nearest residential property line, based on a 50 dBA design target, and expressly described by the City as reflecting current technology and subject to review.

Drafting note. *Read the reference points before reading the numbers. Ottawa measures to the nearest residential property line. If a municipality applies these distances to a measurement point inside a lot, or to an upper-storey window, they no longer mean what Ottawa derived them to mean.*

The consultant report underlying the Ottawa strategy also contains barrier-mitigated distances. Those tables are not reproduced here. The report is copyright, was prepared for a single client, and disclaims third-party application; borrowing its mitigated figures into another municipality's by-law would be both a copyright problem and a professional one. A council that wants those numbers should obtain the report and put it in front of its own practitioner.

The purpose of this appendix is to stop the operative schedule from being a blank page in front of a committee. It gives a council a real, adopted, Canadian order of magnitude to react to, while keeping the line clear between what someone else has published and what this municipality would be enacting.

Schedule "B" — Measurement and assessment protocol

- B.1 A measurement taken to determine compliance with Part III shall be made with a sound level meter meeting IEC 61672-1 Class 1. A Class 2 meter may be used for screening only, and a screening measurement is not evidence of a contravention.
- B.1.1 The meter, microphone and acoustic calibrator shall each hold a current laboratory calibration traceable to a national standard, performed within the preceding [TWENTY-FOUR] months, and the certificates shall be available on request.
- B.1.2 The meter shall be field checked with the acoustic calibrator immediately before and immediately after the measurement, and the result is invalid where the drift exceeds 0.5 dB.
- B.1.3 The measurement record shall state the make, model and serial number of the meter, microphone and calibrator, the date of the last laboratory calibration, the field check readings, and the name of the person taking the measurement.
- B.2 The point of reception shall be located in accordance with the conventions of the Ontario Ministry of the Environment, Conservation and Parks environmental noise guideline NPC-300, and the microphone shall be positioned:
- (a) at a height of between 1.2 and 1.5 metres above local grade at the property line or outdoor living area, or at the plane of the affected window where the complaint originates at an upper storey;
 - (b) not less than 3 metres from any reflective surface other than the ground, where practicable; and
 - (c) fitted with a windscreen.
- B.3 The measured quantities are the A-weighted equivalent continuous sound level over one hour of representative active

play, and the maximum A-weighted level with fast time weighting for valid individual paddle impacts.

- B.3.1 A measurement over a period shorter than one hour is screening evidence only. It shall not be extrapolated to a one-hour value, and it is not evidence of a contravention of section 3.1, but it may be relied upon to require an acoustic assessment under section 9.2.
- B.3.2 The maximum A-weighted fast level is recorded as diagnostic evidence and for the purposes of section 3.3. It does not itself establish a contravention of section 3.1.
- B.4 One-third-octave-band levels shall be recorded and reported over at least the range 315 Hz to 2,000 Hz.
- B.5 No measurement shall be taken during precipitation, when the ground is snow covered, or when the wind speed at the microphone exceeds 5 metres per second.
- B.6 The residual sound level shall be measured at the same location with no play occurring, over a representative period, excluding unusual extraneous events. Where the residual sound level is within 10 dB of the measured level, the result shall be corrected in accordance with ISO 1996-2 and the correction disclosed. The residual sound level so measured is the ambient sound level for the purposes of section 3.3.
- B.7 Extraneous events, including aircraft, sirens, lawn equipment and passing vehicles, shall be excluded from the analysis and recorded in the measurement log.
- B.8 Where a point of reception has line of sight to the court over the top of an existing or proposed barrier, or is located above the first storey, compliance shall be determined by site-specific modelling by a qualified acoustical practitioner and not by reference to Schedule "A".

- B.9 Where measurement at a point of reception requires access to private property and access is refused or cannot be obtained, the measurement may be taken at the nearest accessible location on the lot line or public property, and the assessment shall state the substitution made, the reason for it, and its effect on the result.
- B.10 An acoustic assessment shall in addition identify all points of reception within the greatest distance in Column 1 of Schedule "A", state the assumed ground type, describe the calculation method, inputs and modelling software, state the measurement uncertainty, specify each mitigation measure relied upon, and record the number of playing surfaces, equipment models and ball type in use during measurement.

Drafting note. *NPC-300 is used here for its measurement conventions, not for its limits, and the reason is narrower than earlier drafts of this document suggested. The guideline does not prohibit a municipality from setting a numerical limit on park noise. What it does is allocate scope: noise from the gathering of people at places such as parks is not treated as a stationary source under Parts B and C, and is normally addressed through municipal noise by-laws instead. That is an allocation to the municipality, not a bar on municipal action — read properly, it is an argument for this by-law rather than an obstacle to it. Its terminology and objective methods remain available as technical references where a qualified practitioner explains their use.*

How a point of reception is located, and how weather and extraneous events are handled, are what every Ontario acoustician already works to, and aligning with them costs nothing and buys credibility with the consultant who reviews the report.

Section B.4 supports diagnosis without creating a legal threshold. The

intrusive character of the sound sits in the band the human ear is most sensitive to, and quieter equipment works partly by shifting energy downward out of it. Recording the band data lets a municipality compare equipment and barrier options on evidence. This model deliberately does not set a frequency pass-fail rule, because no validated Canadian threshold exists and inventing one would be indefensible on appeal.

Section B.3 records both metrics because they answer different questions, and sections B.3.1 and B.3.2 now say what each is legally worth. The hourly average is the enforceable number under section 3.1; the fast maximum is what residents are actually describing when they complain, and what section 3.3 turns on for new courts. An earlier draft allowed a fifteen-minute measurement to be “reported as such” while the offence remained a one-hour average, which left an officer holding a number that did not match the charge. Short measurements are now screening only, with no extrapolation rule, because any extrapolation rule would need an established duty cycle that nobody has yet published for this sport.

Schedule "C" — Conforming equipment

Equipment is conforming for the purposes of Part VII if it appears on the recognised list identified in clause C.1, as that list stands in the version recognised under clause C.5, or if it is recognised under clause C.4.

The recognised list

- C.1 The recognised list is the Quiet Category equipment list published by USA Pickleball, in the version dated [DATE] and held on file by the [DIRECTOR].
- C.2 Council may by by-law substitute for the list in clause C.1 a register of quiet pickleball equipment published by Pickleball Canada, by a national governing body recognised by the International Federation of Pickleball, or by any body that publishes both a complete test method and the acoustic thresholds applied under it.

Testing and laboratories

- C.3 Where a test report is required or accepted under this Schedule, it shall be issued by a laboratory holding accreditation to ISO/IEC 17025 by the Standards Council of Canada or an equivalent national accreditation body, and the accreditation scope shall be produced and shall include the acoustic method used.

Equivalency

- C.4 Equipment not appearing on the recognised list is conforming if the [DIRECTOR] has recognised it in writing on the basis of a test report meeting clause C.3 that demonstrates performance equal to or better than the thresholds of an approved method.

C.4.1 Clause C.4 has no effect until Council has approved a method for the purposes of that clause. Council shall not approve a method unless it is publicly available in full, specifies the impact fixture and control of strike energy, the reference ball and paddle conditioning, sample count and retest rules, microphone geometry and acoustic environment, frequency and time weighting, the pass or fail statistic and threshold, and measurement uncertainty and reproducibility limits, and a qualified acoustical practitioner retained by [MUNICIPALITY] has confirmed in writing that it is suitable for municipal use.

Changes to the list

- C.5 A later version of the recognised list has no effect under this by-law until the [DIRECTOR] has recognised it in writing, being satisfied that the publishing body and the basis of listing are unchanged, and has given not less than [THIRTY] days' notice of the change to every operator of a designated quiet-play court.
- C.6 Section 7.7 applies to equipment that ceases to be conforming as a result of a recognition under clause C.5 or of removal from the recognised list.

Drafting note. *This Schedule was substantially rewritten, for three reasons that a council should understand before adopting it.*

First, the thresholds are not public. USA Pickleball established its Quiet Category following a fifteen-month programme characterising the sport's acoustic signature, and its own announcements state that test fixture requirements and procedures are provided to manufacturers during development. Provided to manufacturers is not published. Figures widely repeated in secondary coverage — a level

below 80 dBA and a frequency below 600 Hz — describe the performance reported for the first certified product rather than a published category threshold, and other figures appear in other materials. This document previously stated those numbers as the published thresholds. That was wrong, and the correction matters: no Canadian laboratory can test to a method it cannot read.

Second, that is why the equivalency route is suspended rather than merely drafted. An earlier version allowed a product to qualify on a report tested “by the method published by that register”. Because no such method is published, the clause could never operate, which would have left an American private list as the only working route and turned an intended performance standard into a closed list. Clause C.4.1 states exactly what a method must contain and hands the approval decision to Council on professional advice, so the valve opens the moment a real method exists — and not before, and not at the discretion of a consultant.

Third, an external list that changes when its publisher decides is a rolling incorporation by reference. Part 0 of this document warns councils against binding themselves to future versions of documents they do not control; an earlier draft then did exactly that in this Schedule. Clause C.5 fixes it by requiring an affirmative act, a check that the publishing body has not changed, and notice to the people affected — and section 7.7 gives a player whose paddle has been delisted a year to replace it rather than making them an offender overnight.

A note on accreditation, because the three things are routinely confused. A product list is not a certification programme, and a certification programme is not laboratory accreditation. The Standards Council of Canada accredits testing and calibration laboratories to ISO/IEC 17025 within a defined scope; it does not accredit sporting-goods lists. A logo is not a scope, which is why clause C.3 requires the scope itself to be produced.

Schedule "D" — Signage

A sign required by this by-law shall be posted at each pedestrian entrance to the court, shall be not less than 400 mm by 500 mm, shall be legible from a distance of 3 metres, shall meet the applicable requirements of the Accessibility for Ontarians with Disabilities Act, 2005 and [MUNICIPALITY]'s accessibility design standards for character height, contrast and mounting height, and shall state:

- D.1 the hours of play applicable to that court;
- D.2 where the court is a designated quiet-play court, that only conforming equipment may be used, together with the address of a webpage listing conforming equipment and details of the loaner programme under section 7.4;
- D.3 a request that players moderate raised voices, and that amplified sound is prohibited;
- D.4 the name and telephone number or email address of the contact person designated under section 8.3;
- D.5 where a monitoring system is in operation, notice of its presence, its purpose and the authority under which it operates; and
- D.6 the municipal service number for noise complaints.

Drafting note. *Clause D.3 is not decorative. Paddle impact is the dominant source, but players' voices are the second source, and voices carry information, which is a well established aggravator of annoyance. Signage naming a contact person reliably reduces the number of complaints that arrive as service requests, because a resident who can telephone the club first frequently does.*

Schedule "E" — Designated quiet-play courts

Courts designated under section 7.1, at which only conforming equipment may be used.

Facility and address	Playing surfaces	Date designated	Basis of designation
[]	[]	[]	[s. 5.4 / s. 9.4 / Council]
[]	[]	[]	[s. 5.4 / s. 9.4 / Council]
[]	[]	[]	[s. 5.4 / s. 9.4 / Council]

Drafting note. *This schedule is the scope of the equipment requirement and it should be short. A municipality that designates its entire inventory has misunderstood the mechanism and will not be able to enforce it. Designate the courts where distance creates the problem, and leave the rest alone.*

Appendix 1 — Order of mitigation

Guidance. This appendix forms no part of the by-law. It is referenced by section 9.5 and is intended to structure the selection of measures so that the durable and enforceable options are considered before the fragile ones.

1. Avoid the conflict. Site selection, setback, orientation, grade, and the use of existing buildings and landforms. Nothing else in this list is as effective, and nothing else is free after the fact.
2. Control the source. Conforming paddles and balls. Roughly 5 dBA, applicable to courts that already exist, cheapest of all the physical measures.
3. Interrupt the path. Barriers, absorptive court-facing surfaces, berms and dense mixed planting that breaks the line of sight. Capital cost, structural review, ongoing maintenance.
4. Control operations. Hours, number of surfaces in simultaneous use, booking and permit conditions, signage, staff and club oversight.
5. Verify at the receptor. A product claim is not proof of compliance. Chain-link fencing, a single row of trees and an unenforced sign are not mitigation.

Drafting note. *The order matters more than the list. Measures near the top are structural, survive changes in management and require no continuing enforcement effort. Measures near the bottom depend on somebody continuing to do something, which is why an approval that rests entirely on operational controls tends to fail in its second season.*

Appendix 2 — Companion procurement criteria

Guidance. This appendix forms no part of the by-law. It is offered for use in tenders, requests for proposal and purchase specifications, so that a municipality buys outcomes rather than adjectives.

Package	Minimum evidence required	Acceptance test
Conforming equipment	Current listing on a Schedule "C" register or an accredited equivalency report under C.4; model identification visible on the product; warranty; replacement cycle; Canadian availability and lead time.	Inventory inspection and field comparison under Schedule "B".
Barrier or panel system	Third-party insertion loss or field performance data; surface density; structural, wind, snow and ice load information; freeze-thaw and UV durability; fire rating; maintenance plan; installation drawings; warranty.	Post-installation measurement at the point of reception under representative full-court play. Laboratory data alone is insufficient.
Acoustic assessment services	Named qualified personnel and credentials; environmental noise experience; method; modelling software; stated uncertainty; declaration of interest under section 10.2; sample report.	Municipal technical review and a successful commissioning measurement under section 10.1.

Package	Minimum evidence required	Acceptance test
Monitoring and reporting	Instrument class; calibration regime; data retention and deletion schedule; event identification method; privacy controls consistent with section 10.3; reporting format and service levels.	Side-by-side validation against a Class 1 reference instrument and acceptance of the reporting format.

Drafting note. *Two points a purchasing department will thank you for. Acceptance should always be measured at the receptor after installation, because a barrier that performs in a laboratory and fails on a windy site has still failed. And the declaration of interest should be required in the bid, not discovered later: the party that supplies the mitigation cannot be the party that certifies it worked.*

This appendix deliberately contains no prices. Cost ranges for barriers, assessments, monitoring and loaner equipment vary widely by site and change yearly, and a staff report needs real quotations rather than a model document's guesses. They belong in the covering report, sourced locally.

Appendix 3 — Guidance for recreation master plans and new communities

Guidance. This appendix forms no part of the by-law and creates no offence. It is addressed to planners and recreation staff rather than to enforcement officers, and it is the instrument referred to in Part 0 as a facility design standard adopted as staff policy.

The premise is arithmetic. Noise control is close to free at the plan stage — orientation, distance, grading and a reserved barrier envelope are lines on a drawing — and expensive after occupancy, where the same outcomes cost acoustic fencing, restricted hours, litigation and sometimes closure. Every municipality building housing at scale is also writing a recreation plan, and pickleball appears in almost all of them because it is among the cheapest amenities per resident. The municipalities about to make this mistake outnumber the ones already living with it.

At the secondary plan or master plan stage

1. Screen for acoustic conflict when park blocks are located, not when courts are designed. The question at this stage is whether a court block of the contemplated size can meet Part III on this parcel at all, and it is answered with a distance and a ground type.
2. Locate court blocks where ambient sound is already elevated — beside arterials, rail corridors, highway buffers, active recreation hubs — rather than in the quiet interior of a residential block. Co-location with existing noise is the cheapest mitigation available and the only one that costs nothing to maintain.
3. Reserve the setback in the plan. A distance held on a drawing survives; a distance assumed by a designer does not survive the first parcel adjustment.

4. Reserve acoustically soft ground between the court block and the nearest residential parcels, and do not later pave it for parking or a path network. Ground type is worth tens of metres of setback on a larger installation.

At facility design

5. Draw the barrier envelope even where a barrier is not being built. Retrofitting a barrier is straightforward where the room, the foundations and the fence line were planned for it, and disproportionately expensive where they were not.
6. Orient and grade before pouring. Court orientation, the position of the open side of a three-sided barrier, and the fall of the land between the court and the nearest dwellings are free at this stage and unbuyable afterwards.
7. Avoid locations overlooked from the upper storeys of nearby dwellings. A barrier at court level cannot interrupt a sound path that passes over it, and no amount of later expenditure will fix a court that is looked down upon.
8. Decide quiet-play designation at design rather than after complaints. Designating at the outset sets expectations before a user community forms around a different expectation, which is a materially easier conversation than withdrawing a freedom already enjoyed.

Conversions

9. Treat the conversion of a tennis court to multiple pickleball surfaces as new construction for acoustic purposes, because acoustically it is. One tennis court carries two to four players striking a soft ball intermittently. The same rectangle repainted carries up to four pickleball courts and up to sixteen players striking a hard ball against a hard face several times a second, beside houses that were planned around the tennis court. The

noise did not grow gradually; it multiplied in place, and in most municipalities nobody re-ran the acoustic arithmetic when the lines were repainted. Conversions are consequently the highest-risk category in the inventory and the most common source of complaint.

Why equipment rules belong at the facility rather than the player

10. One player using quiet equipment changes almost nothing while fifteen others do not. Voluntary adoption fails for a structural reason rather than a moral one: the individual bears the whole cost of switching and receives a fraction of the benefit, which is why the only equipment programmes that have worked are those where the facility required them of everyone at once. That is the reasoning behind designation under Part VII, and it is the answer to the objection that education would be sufficient.

Drafting note. *This appendix is not enforceable and is not meant to be. Its value is that it reaches the person who can still avoid the problem — the planner drawing a secondary plan eighteen months before any court application exists — rather than the officer who arrives after the complaint. A municipality that adopts nothing else from this document but paragraphs 1 to 4 will avoid more noise conflict than one that adopts the whole by-law and applies it to sites already chosen.*

Appendix 4 — Evidence status

Guidance. This appendix forms no part of the by-law. It records where each material proposition comes from and how far it has been checked, so that a reviewer can see the difference between a source that exists, a provision that has been inspected, and a clause that is legally supported. Those are three different findings and this document does not blur them.

All sources were accessed or searched on 1 September 2026.

Label	Meaning
INSPECTED	The official text or primary document was read directly. For an amending instrument this establishes the amendment, not that no later change exists.
CORROBORATED	Identified through official indexes, published guidance, or secondary reporting of a primary document. The current consolidated wording still requires checking.
OPEN	A legal application, a current-text detail, or a technical value remains unresolved. It is not presented here as settled and must not be relied upon as if it were.

Proposition	Where it appears	Status
Municipal Act, 2001 noise, nuisance, broad, offence and penalty powers	Part 0; Parts XI-XII	CORROBORATED — section numbers to be confirmed against the current consolidation.
City of Toronto Act, 2006 route: broad powers in ss. 6-8; offences and fines at ss. 366 and 370; delegation at ss. 20-22	Part 0	OPEN — the applicable subject-matter power must be identified by the City Solicitor. Earlier citation of ss. 128-129 was incorrect and is withdrawn.
Chapter 591, Noise, replaced in its entirety by By-law 878-2019, in force October 2019, containing A- and C-weighted definitions and points of reception	Part 0	CORROBORATED — confirmed through the City's published Code and the 2019 review materials.
Statutory authority to adopt external codes and standards including future amendments	Part 0; Schedule "C"	OPEN — the provisions cited in an earlier draft (Municipal Act s. 447.8; City of Toronto Act s. 458) could not be confirmed against the current consolidated text and are not asserted here. The solicitor should identify the applicable provision and determine whether a privately maintained equipment list falls within it.

Proposition	Where it appears	Status
Scafesi v Town of Niagara-on-the-Lake and NOTL Pickleball Club Inc., Informations 21-0507 and 21-0508, oral reasons 15 June 2022, unreported	Part 0	CORROBORATED — from contemporaneous reporting of the ruling. The court record has not been obtained and no measurement figure from the proceeding is relied upon here.
Disposition: \$1,000 fine against each defendant, two-year probation, courts closed June 2022 to June 2024	Part 0	CORROBORATED — from the Town's own subsequent reports rather than from the reasons.
50 dBA one-hour community limit derived from a 55 dBA speech-comprehension benchmark less a 5 dB impulsive adjustment	Section 3.1 and note	CORROBORATED as a derivation. OPEN as a limit: Health Canada has set no pickleball limit and the averaging interval, duty cycle and uncertainty remain professional decisions.
Impulse criterion using a fast-maximum limit with an allowance above ambient	Section 3.3	OPEN — the bracketed value is not derived for Ontario conditions and requires local measurement.

Proposition	Where it appears	Status
Barrier surface density, height, placement and enclosure specifications	Section 6.1	CORROBORATED — from the published City of Ottawa guidance. OPEN as to the lawful route for imposing construction specifications, given 2025 and 2026 provincial amendments to the building and planning framework.
Absorption performance requirement for barrier facing	Section 6.1(f)	OPEN — test standard, rating and weathering condition reserved for the acoustical practitioner.
USA Pickleball Quiet Category: thresholds and procedures supplied to manufacturers rather than published	Schedule "C" note	CORROBORATED — from the organisation's own published announcements. The figures widely repeated in secondary coverage are not established as category thresholds and are not relied upon here.
NPC-300 allocates gathering noise at parks away from stationary-source treatment and to municipal by-laws	Schedule "B" note	CORROBORATED — the guideline text should be quoted directly before this is relied upon in a report.

Proposition	Where it appears	Status
Ottawa no-mitigation screening distances, measured court lines to nearest residential property line, on a 50 dBA design target	Schedule "A" appendix	CORROBORATED — from the City of Ottawa's published strategy. Reproduced as that municipality's figures, not proposed for enactment here.
ISO 1996-1, ISO 1996-2, IEC 61672-1	Schedule "B"	CORROBORATED — cited by designation. Edition and clause references to be confirmed by the practitioner.
Setback tables for local conditions	Schedule "A"	OPEN — not supplied. Acoustic modelling is the practice of professional engineering in Ontario.
Provincial amendments to the building and planning framework, 2025 and 2026	Part VI note; Sources	OPEN — the specific enactments are not identified in this version. The solicitor should determine which provisions are in force and how they bear on imposing construction specifications on a structure.
Registers named in Schedule "C" clause C.2 — Pickleball Canada and the International Federation of Pickleball	Schedule "C"	OPEN — neither body is understood to publish a quiet-equipment register at the date of this version. The clause is written forward against the possibility that one exists later.

Proposition	Where it appears	Status
Toronto Member Motion MM33.26, adopted 9 October 2025, 19-1, referral waived; direction to the General Manager, Parks and Recreation	Part 0	INSPECTED — the City’s published agenda item record and council voting record. The absence of a report back is a negative finding from agenda searches and should be re-checked before the document is relied upon.
Niagara-on-the-Lake disposition: convictions, \$1,000 fines, probation order running June 2022 to June 2024; courts closed from April 2022 when the charges were laid	Part 0	CORROBORATED — six independent contemporaneous sources, including direct quotation of the reasons. A conflicting account describing the charges as dismissed was encountered during preparation and is not supported by any located source.
Niagara-on-the-Lake exemption: By-law 4588B-21, 20 June 2022, item 7 of Schedule A	Part 0	INSPECTED as to the signed amending by-law. OPEN as to the amendment history: reporting from April 2024 describes a further council approval, so there may be more than one instrument. Supersedes an earlier reference to By-law 5402-22, which was incorrect.

Proposition	Where it appears	Status
Evidentiary presumption attaching to an officer's certificate of measurement	Section 12.2	OPEN — evidentiary presumptions are ordinarily created by statute. Whether a municipality may create one by by-law is a question for the solicitor.
Entry and inspection powers	Section 12.1	CORROBORATED — expressed as subject to sections 435 to 437 of the Municipal Act, 2001, including the bar on entering a dwelling without consent or warrant. The section numbers should be confirmed against the current consolidation.
Published municipal practice in Ottawa, Vaughan, Burlington, Halton Hills, Victoria and Niagara-on-the-Lake	Appendix 5	CORROBORATED — each entry checked against the source document at the page cited. A broader twenty-municipality survey was discarded as unverifiable; see the note to Appendix 5.

Scope. *What this appendix does not do. It does not derive noise limits or setbacks, certify a barrier design, constitute legal advice, authenticate the Niagara-on-the-Lake court record, or audit every technical standard cited. It records the state of the evidence so that the municipality's own review can begin from a known position rather*

than from an assumption.

Before adoption, Legal Services should confirm the in-force legislation, amendments and commencement provisions, delegated authority, procedural requirements, and integration with existing by-laws. Each responsible division should confirm the requirements within its remit, identify additional local instruments or operating constraints, and record the corrections still needed. Reserved engineering work must be carried out with the professional authorisation required by law. Council retains the policy decision.

Appendix 5 — Published municipal practice elsewhere

Guidance. This appendix forms no part of the by-law. It records what other Canadian municipalities have actually published, so that a council can see the range of practice before setting its own numbers.

Every entry below was checked against the source document itself. Nothing appears here on the strength of a summary, a news report or a municipal homepage. Where a municipality is known to be active on this subject but no document establishing a particular figure could be located, it is omitted rather than described.

Municipality	Document, date and location	What it establishes
Ottawa, ON	Outdoor Tennis and Pickleball Strategy, 2025, p. 8, Figure 3	Setback distances from court lines to the nearest residential property line, differentiated by court count and ground type, from 45 m hard / 35 m soft for one court to 175 m hard / 120 m soft for fourteen, against a 50 dBA target. Barriers are considered site by site and are stated not to form part of the City's base level of service.
Vaughan, ON	Tennis and Pickleball Strategy, 14 February 2025, pp. 9-10	A default 50 m setback from the perimeter of dedicated courts to the nearest residential property line, with distances below 50 m requiring further on-site review.

Municipality	Document, date and location	What it establishes
Burlington, ON	Outdoor Pickleball, staff memorandum, 22 July 2022, p. 2	Refers to a best-practice suggestion of 500 feet from a residence. A suggestion recorded in a staff memorandum, not an adopted design standard.
Halton Hills, ON	Court Sports Strategy: Outdoor Tennis and Pickleball Review, November 2021, p. 27	Addresses noise, proximity and the need for adequate buffers. Does not prescribe a distance.
Victoria, Saanich, Oak Bay and Esquimalt, BC	Pickleball Strategy, February 2024, s. 3.2 at pp. 20–22 and recommendations 7–8 at pp. 34–35	Acoustics and mitigation addressed jointly across four municipalities — a regional rather than single-municipality approach.
Niagara-on-the-Lake, ON	By-law 4588B-21, passed 20 June 2022, adding item 7 to Schedule A	Exempts approved sports and recreation on Town-owned property from the noise by-law, subject to specified hours and a power to restrict them further.

Drafting note. *Read the spread rather than any single figure. For comparable situations Ottawa’s adopted distances run to 90 m on hard ground for four courts; Vaughan’s default is 50 m; Burlington’s memorandum mentions 500 feet, which is about 152 m. These are three Ontario municipalities, each having done real work, arriving at*

numbers that differ by a factor of three.

That spread is not evidence that any of them is wrong. It reflects genuinely different assumptions about court count, ground type, mitigation and the reference point being measured to — which is exactly why this document separates setback from point of reception, requires ground type as an explicit input, and reserves the numbers to a licensed practitioner rather than adopting anyone else's.

It is also the clearest argument for a common framework. A manufacturer, a club or a consultant working across Ontario currently faces a different rule in every municipality, expressed in different units, measured to different points, with no enforcement layer behind any of them.

One caution on method, recorded because it nearly went wrong here. A broader survey of some twenty Canadian municipalities was assembled during the preparation of this version and then discarded. Every entry in it carried a confident figure and a link to a municipal homepage rather than to a document; where entries could be tested against primary sources they proved materially inaccurate, including a description of Ottawa's distances that contradicted Ottawa's own published table. A source that is wrong on the one item that can be checked cannot be relied upon for the items that cannot. Six verified entries are set out above in place of twenty unverified ones.

Version history

Every version of this document and what changed in it. The detailed record of the most recent rounds follows the table.

Version	Date	What changed
1.0	August 2026	First complete instrument: definitions, sound level standard, hours, siting and setback, barriers, equipment, permits, remediation, exemptions, enforcement, and four schedules.
2.0	August 2026	Impulse criterion for new courts; screening tiers; commissioning reports; monitoring and privacy provisions; accessibility requirements; condominium interface; insurance condition; snow, ice and freeze-thaw loading; mitigation hierarchy and procurement criteria added as appendices.
3.0	August 2026	Authorship and licence statements corrected to state that the author holds no commercial interest. Transition provision added, deeming existing courts compliant until the remediation process reaches them. Review of orders added. Licence changed to Creative Commons Attribution 4.0.

Version	Date	What changed
3.1	August 2026	Four errors of fact corrected, including a widely repeated equipment threshold that had never been published. Schedule "C" rewritten with a version-dated list and a suspended equivalency route. Setback and point of reception separated as distinct reference points. Hours confined to municipal, commercial and multi-surface courts. Planning guidance added at Appendix 3.
3.2	September 2026	Statutory citations corrected; the Toronto route rewritten. Two overstatements withdrawn. Evidence register added at Appendix 4, recording for each material proposition whether the primary source was inspected, corroborated, or remains open.
3.3	September 2026	Toronto's open council direction recorded. Responsible division and the Niagara-on-the-Lake by-law reference corrected. Appendix 5 added, setting out verified municipal practice in six Canadian municipalities.
3.4	September 2026	Schedule "A" columns labelled and every cross-reference repaired. Three provisions narrowed. An unconfirmed statutory citation withdrawn. Entry powers, review of decisions and set fines redrafted.
3.4.1	September 2026	Corrections to the correction round, including a change-log entry that claimed a fix which had not been made, a stale cross-reference, and a withdrawn citation left standing on the sources page.

Version	Date	What changed
3.4.2	September 2026	Insurance confined to permit holders. Derivation basis stated for the reduced-hours column. The limits of the transition provision made explicit.

Versions 3.3, 3.4 and 3.4.1 in detail

Version 3.3 added the record of Toronto's open council direction and the survey of municipal practice. Version 3.4 repaired internal cross-references, narrowed three provisions that reached further than intended, and withdrew a statutory citation that could not be confirmed. Version 3.4.1 corrected the corrections. The numbered record below covers all three.

Cross-references repaired

1. Schedule "A" now has labelled columns. Sections 4.2, 5.2, 5.4, 6.1(e), 6.2, 9.2(b), 11.1(b), B.8 and B.10 referred to "Column 1", "Column 2" or "the applicable distance" in a table whose columns were unlabelled and which had no reduced-hours column at all. The Schedule now carries Column 1 (no mitigation), Column 2 (reduced-hours trigger), Column 3 (3 m barrier) and Column 4 (4 m barrier), and every reference names the column it relies on.
2. The introductory material is now titled Part 0, which was referred to throughout the document and did not previously exist as a heading.
3. Section 7.7 ran its grace period from a notice obligation that section 7.4 did not contain. The period now runs from the notice given under clause C.5, and section 7.4 carries a corresponding duty to update posted notice when the register changes.

4. The definition of conforming equipment is aligned with section 7.3, so that it includes equipment recognised under clause C.4 and equipment within the section 7.7 grace period.

Provisions narrowed

5. Section 9.6 deemed a court under a remediation plan compliant with the whole by-law, which would have excused breaches of hours, equipment and signage. It is now confined to section 3.1.
6. Section 9.5 required measures to be selected in the order set out in Appendix 1, which section 13.2 states forms no part of the by-law. It now requires the operator to have regard to that order.
7. Section 13.5 purported to prevent its own enactment. It now defers the coming into force of the provisions that depend on Schedule "A" until the Schedule is completed and adopted.
8. Section 12.1 is expressed as subject to sections 435 to 437 of the Municipal Act, 2001, including the bar on entering a dwelling without consent or warrant. Section 12.5 now requires a reviewer not involved in the decision under review. Section 12.8 no longer purports to direct the escalation of set fines, and points instead to the special-fines power. Section 11.1(b) requires notice to occupants rather than to a measurement location.

Corrections

9. The summary of Member Motion MM33.26 now states that the direction is expressed in terms of temporary and seasonal pickleball facilities, and addresses the difference between that scope and this document's.
10. The claim that Municipal Act section 447.8 and City of Toronto Act section 458 expressly contemplate the adoption of codes as

amended is withdrawn. Those provisions could not be confirmed against the current consolidated text and the point is recorded as open in Appendix 4. The version-control mechanism in clause C.5 stands on its own merits.

11. The Niagara-on-the-Lake account now records that the Town closed the courts in April 2022 when the charges were laid, and notes that reporting from April 2024 describes a further exempting amendment, so the by-law history should be confirmed before it is relied upon.
12. New section 11.4 states expressly that a tournament authorisation does not exempt a court from section 3.1, with a note explaining the choice. A note in Part IV explains why the residential carve-out applies to hours but not to the sound standard.
13. Definitions placed in alphabetical order; LAeq now used in section 3.1; clause B.6 distinguishes residual and ambient sound levels consistently; the closing note carries the contact address.

Corrections made after Version 3.4

14. Version 3.4 recorded that the definitions had been reordered alphabetically. Most of them had not been. They now are, and the entry is accurate. A version-history entry asserting a correction that did not occur is the one failure this document is least able to afford, and it is recorded here rather than quietly repaired.
15. A stale cross-reference survived the integrity pass in Part 0: the note on keeping the technical method inside the by-law pointed at the biennial review "in section 13.5", which became the commencement provision in version 3.4. It now points at section 13.6.

16. The Sources page still cited Municipal Act section 447.8 and City of Toronto Act section 458 after the claim had been withdrawn in the drafting note and marked open in Appendix 4. Both citations are removed and replaced with a reference to the open item.
17. The Appendix 4 entry for the Niagara-on-the-Lake disposition now matches the narrative in Part 0: the probation order ran from June 2022 to June 2024, and the courts were closed from April 2022 when the charges were laid.
18. The preamble to Schedule "A" said it must be completed before enactment. Under section 13.5 as redrafted the by-law may be enacted with the Schedule blank; only the dependent provisions wait. The preamble now says so.
19. Section 12.8 ended with drafting advice sitting inside operative text. The advice has moved to the note beneath it.

Corrections made after Version 3.4.1

20. Section 8.4 required every operator other than the municipality to carry two million dollars of liability insurance naming the municipality as additional insured. Because the definitions of court and operator are deliberately broad, that reached a household with a court in its garden. It is now confined to permit, lease and licence holders, with casual residential play expressly excluded, matching the carve-out already made in Part IV.
21. Schedule "A" now states the basis on which the Column 2 reduced-hours trigger should be derived. It previously said what the column was for without saying how to set it, which left two practitioners free to derive it two different ways.
22. The note to Part IX now states what the transition does not do: the deeming operates against section 3.1 only, and an existing

court remains as exposed to a private prosecution under the general noise by-law as it was before enactment. A council reading section 9.1 as full protection against a Niagara-on-the-Lake outcome has been oversold.

How these were found. *A note on how these were found, because it bears on how the document should be read.*

None of the defects above were errors of research. They were errors of internal consistency — pointers to things that were not there, a deeming provision that reached further than its drafter intended, an appendix made mandatory by a clause elsewhere. They survived several rounds of substantive review because substantive review reads for meaning, and a reference only fails when someone follows it.

The discipline that catches them has a name: referential integrity, the requirement that every reference in a system point at something that exists. A pointer to nothing is worse than no pointer, because it reads as authoritative while being unenforceable. Anyone adapting this document should run the same pass after making changes — follow every internal reference to its target, and confirm the target is there.

One further pass is needed after that, and items 14 to 19 above are the evidence for it. The round of corrections is itself new, unproofed text: version 3.4 renumbered a section and left one pointer aimed at the old target, removed a citation from three places and left it standing in a fourth, and claimed an alphabetisation that had not been carried out. Treat every line touched during a fix round as though it had never been read, and check the corrections themselves before publishing them.

Sources

Municipal Act, 2001, S.O. 2001, c. 25, ss. 8, 9, 10, 128, 129, 425, 429, 434.1.

City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A, ss. 6–8, 20–22, 366, 370.

City of Toronto Municipal Code, Chapter 591, Noise, as replaced by By-law 878-2019, in force 1 October 2019; Chapter 608, Parks.

Statutory authority for the adoption of codes and standards by by-law, including future amendments — provision to be identified; see Appendix 4.

Provincial amendments to the building and planning framework, 2025 and 2026, as they affect the imposition of construction specifications.

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, and the Integrated Accessibility Standards, O. Reg. 191/11.

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56.

Condominium Act, 1998, S.O. 1998, c. 19.

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justice's name is not confirmed. The disposition, closure and reopening dates are separately attributed to the Town's own subsequent reports.

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Any Part, Schedule, appendix, clause or single sentence may be lifted out, rewritten in local language, renumbered to local convention, merged into an existing by-law, or adopted as staff policy rather than as a by-law at all. Part VIII works as a permit-conditions package with no by-law behind it. Parts V, VI and X work as a facility design standard. Part IX works on its own as a complaint and remediation process. The appendices are planning and procurement guidance and were written to be separable.

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