

**On July 26, Council received the following Correspondence:**

Good Morning,

My concerns today are with regard to the previous council and also to an ongoing issue.

At the October, 2021 Council meeting I expressed my concerns regarding the noise and smell from the Landmark Oyster House and indicated that I was not the only resident feeling as such. Mayor Dewar did state that "Perhaps this is something we should look into". Was this done?

I also expressed opinions regarding what I consider to be the 'unsightliness:' of the Howard Street side of said establishment.

I was told by Mayor Dewar that a letter would be sent from Council explaining its position on the above matters. I have, since then, written at least two or three times requesting the promised letter but have had no response.

Does the current council have access to "old minutes"? If so, would these be available? Are past minutes available to the public?

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I would also like to question the current Council's position on this matter of noise and cooking exhaust Besides the inconvenience and discomfort there is also an issue of public health concerns.

(I have attached a few links to papers regarding cooking exhausts and the suggested placement of fans.)

Our personal situation is such that we have to keep our windows closed most of the summer days as the winds are primarily from the south. The exhaust comes on around 8:00 and continues until late in the evening blasting DIRECTLY towards our property. Besides the noise and smell, we cannot open our windows, sit outside or hang out washing under these circumstances.

I am not a botanist, but I would point out that for many years we have had two pear trees which produced an abundance that was enjoyed by residents and tourists alike. It seems since the introduction of the new exhaust fan, there has been little, if any, decent fruit.

In the past we did try speaking with the owners and our concerns were met with opposition and hostility. When I spoke to the manager, I was falsely accused of "not wanting us to succeed". When my wife went to speak with them a year later, the lady phoned the police. Conclusion: there is no possible dialogue with the present ownership.

In my opinion, this is unacceptable in this environmentally aware day and age. There are jurisdictions which regulate their air quality. There are filter systems available and exhaust fans can be directed upwards to acceptable heights.

Just last week, the Council was quick to assist closing the beach and stated  
*"Staff will to draft and recommend to Council a new bylaw requiring restaurants to keep a record of their grease-trap cleanouts, and for this cleaning out to occur every 4 weeks during restaurant opening season, or when grease-traps are 25% full, whichever is more frequent."*

If the Council has the will and authority to pass such a bylaw, why not do the same regarding placement, direction and whatever else is necessary with regard to cooking emissions. Or perhaps, next years grants, if any, could be used to help offending establishments redesign their premises in the interest of a greener environment.

The person(s) who does the Newsletter - and I guess the litter signs at the park - refers to Victoria as 'beautiful'. I would argue, as the saying goes, that beauty is in the eyes of the beholder. The village is not necessarily 'beautiful' if you have people cutting across your property all day, have cars making it difficult to access your driveway, and are essentially compelled to remain indoors with your windows closed. On top of that are individual health concerns.

Victoria has long tried to pride itself as being 'green' and forward- thinking. For example, the installation of solar panels and our commendable sewer system. Perhaps its is time to move even more forward.

I observe today that there are a number of LGBTetc flags positioned around the village and Visitor Centre. I do not know Council members personally, but I feel it is safe to say that Council - and indeed all residents - support the rights of everyone whether from Victoria or visiting. My question to Council therefore is

"What about my rights, as an individual, to clean, fresh and healthy summer air?"

For historical reference, I have also attached my original 2021 letter to Council

Yours,  
Richard Moszynski

#### Links shared:

- <https://www.aau.edu/research-scholarship/featured-research-topics/exhaust-restaurants-contributes-significantly-air>
- <https://www.google.com/url?q=http://www.hoodfilters.com/flyers/Restaurant-Exhaust-Fan-Guide.pdf&sa=U&ved=2ahUKewigksW4x6CAAxVByGEKHbdIChs4ChAWegQIBRAC&usg=AOvVaw2afivqQCIDWAqMirIvYWfI>
- <https://kitchenventilation.com/2019/07/23/pollution-control-units-for-commercial-cooking-2/>
- [https://www.researchgate.net/publication/358364578\\_Impact\\_of\\_the\\_Restaurant\\_Chimney\\_Emissions\\_on\\_the\\_Outdoor\\_Air\\_Quality](https://www.researchgate.net/publication/358364578_Impact_of_the_Restaurant_Chimney_Emissions_on_the_Outdoor_Air_Quality)
- <https://www.bing.com/search?q=restaurant+exhaust+pollution&FORM=INCOH2&PC=IFJ4&PTAG=ICO-ab81662d>
- <https://www.cmu.edu/news/stories/archives/2019/january/restaurant-emissions.html>
- <https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A2de1b3bc-71fd-405e-a38c-5fa7343a393e&viewer%21megaVerb=group-discover>
- <https://www.theguardian.com/environment/2019/oct/10/restaurants-contribution-to-air-pollution-revealed>
- [https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide\\_ref/files/pamphlet\\_oilfume\\_eng.pdf](https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/guide_ref/files/pamphlet_oilfume_eng.pdf)

## **The original letter sent to Council follows:**

September 18, 2021

Mayor and Councillors,  
Community of Victoria

Good Morning,

I had planned to leave this issue until the conclusion of the tourist season, but this morning's events have changed my mind.

It all started at 6:15 this morning: on came the exhaust fan from the Landmark Oyster House - this will stay on all day until late in the evening. This is not a one-off situation but is, in my experience, the norm.

I have no personal feelings against the owners/management of the Landmark but feel something needs to be done to control what is essentially noise pollution. Victoria has proudly been a champion of a green environment for many years and I feel this issue of noise pollution should be addressed for all residents - not just those living across the street.

In addition to the noise we have the issue of odours coming from the large extractor fan - which appears to me to be different from the one of two years ago. The smell of grease, cooking oils and fish-like substances is streamed directly across the street to our home. We cannot leave the windows or doors open on a summer's day as these odours are forced directly into the house!

Under normal circumstances, I would speak directly with the owners. However, I tried that two years ago and was met with hostility and accusations. I am not what one might call 'anti-business'. As a matter of fact, our family has supported many of the local enterprises over the last 30 years and has gladly put up with what some might call 'inconveniences'.

I am not a builder but perhaps some suggestions: A muffler/filter to control the exhaust from the fans? Perhaps some kind of diverter to force the sounds and smells upward? Perhaps some kind of false wall or trellis to hide and block everything?

I know a number of the councillors live at a distance from the general hubub of tourist activity. But I ask you to imagine how you would feel if you had to keep all your doors and windows closed all summer. Imagine also, working/sitting outside and having to endure offensive cooking smells all around your property.

One often hears about the Victoria Village "Plan". Is there nothing in the current set-up to address noise, smells, etc.? I hope this can be resolved amicably and that we can all look forward to an enjoyable summer of '22!

Richard Moszynski

## **CAO notes in response:**

- In the opinion of the CAO, such concerns from the community have merit and should be fairly considered by Council. Staff have heard similar concerns from neighbours of Richard's in the past, and it is a longstanding issue that recurs every summer. It should be in the interest of Council to support resolution of issues emerging from conflicting land uses.
- The intent of the letter-writer appears to be to find a way to happily co-exist with this neighbouring business, while enjoying their own property. I appreciate that the letter-writer is suggesting ideas such as finding grants to help restaurants address the problem and meet any new potential bylaw.
- The Municipality has no 'noise and nuisance' bylaw under which we can order a change of the current status.

- I am not sure of the conditions placed upon the initial development permit for the restaurant, but they usually include compliance with all relevant provincial laws. In addition, development permit appeals are only valid in a brief timeline after the approval of the permit, which would now be long expired.
- I assume that the provincial regulations regarding noise pollution and exhaust from restaurants are being respected, but I am not aware of what the provincial regulations would be, and I encourage the residents to seek legal advice on the same.
- Researching and developing a 'noise and nuisance' bylaw is significantly more complex and detailed than a bylaw for record-keeping of cleaning-out of grease traps, and will take more months for staff to develop. It is unable to be prioritized in August-September 2023 (at least), given other higher priorities.
- If the writer of the letter wishes to speed the process, they can voluntarily research what other municipalities do, and provide that information to the CAO.
- Old minutes are accessible by the public and by Councillors - either on our website (back to March 2022), in the paper records of the municipality. Staff are happy to facilitate access to paper records during public office hours.