

Authority: Executive Committee Item 26.18,  
as adopted by City of Toronto Council on December 1, 2 and 3, 2008  
Enacted by Council: December 10, 2008

**CITY OF TORONTO**

**BY-LAW No. 1325-2008**

**To adopt a new City of Toronto Municipal Code Chapter 443, Fees and Charges,  
Delegation of Authority.**

WHEREAS subsection 8(1) of the *City of Toronto Act, 2006* provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

WHEREAS City Council has the authority to pass by-laws respecting matters related to services and things that the City considers necessary or desirable to provide to the public under subsection 8(2) of the *City of Toronto Act, 2006*; and

WHEREAS section 259 of the *City of Toronto Act, 2006* provides that the City may pass by-laws imposing fees and charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS the City provides solid waste management disposal services at the Green Lane Landfill; and

WHEREAS sections 20 and 21 of the *City of Toronto Act, 2006* allow the City to delegate legislative powers of a minor nature to a person, which delegation may be subject to restrictions; and

WHEREAS Council has authorized the Director of Transfer and Disposal Operations, Solid Water Management Services, to establish fees for various types of wastes within fee ranges in accordance with certain conditions; and

WHEREAS Council also authorized specific fees for specific types of waste where no discretion will be applied; and

WHEREAS the Council of the Municipality of Metropolitan Toronto, by adoption of Clause No. 4 of Report No. 2 of the Works Committee at its meeting on February 22, 1977, authorized the acquisition of securities, including irrevocable letters of credit, for Solid Waste Management charge accounts;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule "A" to this By-law is enacted as Chapter 443, Fees and Charges, Delegation of Authority, of The City of Toronto Municipal Code.

ENACTED AND PASSED this 10th day of December, A.D. 2008.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE “A” TO BY-LAW No. 1325-2008**

**Chapter 443**

**FEES AND CHARGES, DELEGATION OF AUTHORITY**

ARTICLE I

**Landfill Disposal Fees**

**§ 443-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ASBESTOS WASTE** — Solid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos in more than a trivial amount or proportion.

**BENEFICIAL MATERIALS** — Materials useful to the City in certain quantities for uses including daily or interim cover material, top dressing, road building, or slope stabilization, including but not limited to wood chips, topsoil, concrete brick and rubble, contaminated soil and granular material.

**BIOSOLIDS** — Nutrient-rich organic materials resulting from the treatment of domestic sewage in a municipal sewage treatment facility.

**CUSTOMER** — A person delivering waste, that has not been collected through Toronto’s waste collection system or delivered under a formal agreement, to the landfill for disposal.

**DIRECTOR** — The Director of Transfer and Disposal Operations, Solid Waste Management Services.

**DISPOSAL FEE** — The gate rate, spot rate or set fee for waste disposal expressed in dollars per tonne.

**ENVIRONMENTAL MANAGER** — The Environmental Manager, Solid Waste Management Services, employed at the Green Lane Landfill Site.

**GATE RATE** — The default fee of \$77.13 charged to customers bringing beneficial materials or IC&I waste to the landfill for disposal on an irregular basis and without a prior arrangement.

**IC&I WASTE** — Industrial, commercial and institutional waste.

**INTERIM DISPOSAL RATES** — Fees established prior to December 10, 2008, charged to existing customers who are delivering waste to the landfill for disposal.

**LANDFILL** — The City-owned Green Lane Landfill located in the Township of Southwold, County of Elgin, licensed by the Ministry of the Environment under Certificate of Approval No. A051601.

**MOE-ORDERED IC&I WASTE** — Waste from a commercial, industrial or institutional source disposed at the landfill as required by an order from the Ministry of the Environment or by Order-in-Council.

**MOE-ORDERED MUNICIPAL WASTE** — Waste from a municipal source disposed at the landfill as required by an order from the Ministry of the Environment or by Order-in-Council.

**MUNICIPAL SOLID WASTE** — Municipal Waste as defined in Regulation 347.

**REGULATION 347** — Regulation 347, R.R.O. 1990, under the *Environmental Protection Act*, as same may be amended or replaced from time to time.

**SPECIAL WASTE** — Asbestos Waste, waste delivered pursuant to the requirements of the Canadian Food Inspection Agency (“CFIA”), certain contaminated soils and any other waste by its type or characteristics requiring special handling.

**SET FEE** — The fees established for types of waste with only one fee shown in Appendix A.

**SECURITY** — A certified cheque or irrevocable letter of credit.

**SPOT RATE** — The fees for the type of waste and for quantities within the tonnage ranges shown in Appendix A, charged to customers who are delivering waste to the landfill for disposal after December 10, 2008.

**TREATED BIOMEDICAL WASTE** — Waste resulting from the provision of human or animal health care, related medical research and teaching, the operation of laboratories, morgues and funeral establishments, the use of biotechnology (such as the production of testing of vaccines) and from mobile health care activities, which have been treated by autoclaving and/or hydroclaving, chemical or thermal means or alternative technologies as more completely described in Guideline C-4, *The Management of Biomedical Waste in Ontario*, issued by the Ministry of the Environment under the authority of the *Environmental Protection Act*, and generated by a Ministry of the Environment-approved treatment facility.

**WASTE** — Municipal solid waste, beneficial materials, biosolids, IC&I waste, special waste, treated biomedical waste, water treatment residue, and MOE-ordered municipal and IC&I waste and such other materials as are designated in Regulation 347.

**WATER TREATMENT RESIDUE** — The solid waste by-product from the production of potable water.

**§ 443-2. Disposal fees.**

- A. An existing customer of the landfill shall pay the interim disposal fee as increased by the Director in accordance with § 443-3.
- B. Except as set out in § 443-2A, a customer of the landfill shall pay the disposal fee in Appendix A or, where a fee range is provided, determined by the Director in accordance with § 443-4.

**§ 443-3. Interim disposal rate increases.**

- A. The Director shall determine an appropriate interim disposal fee increase of between \$1.00 and \$3.00 per tonne after considering the same factors as enumerated in § 443-4C and maintaining, as part of his records, the reason for the size of the increase.

**§ 443-4. Spot rate determination.**

- A. The Director shall determine the appropriate spot rate for customers based on the type and quantity of waste proposed to be disposed at the landfill.
- B. The spot rate charged shall be within the ranges shown in Appendix A.
- C. In exercising his discretion to establish spot rates for individual customers, the Director shall take into account the following factors:
- (1) Revenue maintenance;
  - (2) Remaining landfill capacity;
  - (3) Demand in the Province;
  - (4) Extraordinary circumstances;
  - (5) Volume;
  - (6) Special measures required;
  - (7) Competitive prices, to the extent known;
  - (8) Input from the Environmental Manager; and
  - (9) Operating costs.
- D. The Director shall record all decisions with respect to spot rate at the time of the determination or transaction.
- E. The record required by § 443-4D shall include the reason for the particular spot rate.

**§ 443-5. Taxes.**

The fees set out in Column IV of Appendix A to this chapter do not include provincial sales tax and goods and services tax.

**§ 443-6. Payment of disposal fees.**

- A. Subject to § 443-6C, no customer shall deposit waste at the landfill until the customer has paid the applicable disposal fee or interim disposal fee under § 443-2.
- B. Cash, credit card or debit card will be accepted as methods of payment for customers paying in person.
- C.
  - (1) The Director may allow a customer to provide security instead of paying a disposal fee or interim disposal fee prior to disposal of the customer's waste at the landfill.
  - (2) If the security is in the form of an irrevocable letter of credit, the letter of credit shall be from a chartered bank, be valid for a period of not less than 12 months, and contain an automatic renewal clause.
  - (3) Security shall be calculated on the value of business transacted over an average ten-week period utilizing the average weekly volumes experienced over the most recent 52 week period, where applicable, multiplied by a cost factor of 48% or shall be \$5,000.00, whichever is greater.
  - (4) Before the disposal fee or interim disposal fee is deducted from the security, an invoice will be sent to the customer by personal service, regular letter mail, e-mail or fax.
  - (5) Invoices shall be deemed to have been received on:
    - (a) The third day after the day of mailing by regular letter mail; or
    - (b) The first day after the day of transmission by e-mail or by fax.
  - (6) An invoice shall describe:
    - (a) The type of waste disposed at the landfill;
    - (b) The number of tonnes disposed;
    - (c) The disposal fee or interim disposal fee payable;
    - (d) The total amount owing; and
    - (e) The date on which the payment is due.
  - (7) Account holders will have 21 days from the invoice date to notify the City in writing of any billing errors or omissions, otherwise the information stated on the invoice is considered final.

- (8) If payment is not made within 30 days from the due date, unless otherwise determined by the City, all charge account privileges will be removed from the account holder until payment is made.
- (9) If payment is not made within 60 days from the due date, the total amount owing may be deducted from the account holder's security.
- (10) In the period after the due date and before any deduction is made from the account holder's security, a late payment charge will apply.

**§ 443-7. Late payment charges.**

Section 441-5 of Chapter 441, Fees and Charges of The Toronto Municipal Code shall apply with any necessary modifications.

**§ 443-8. Dishonoured cheque processing fee.**

Section 441-6 of Chapter 441, Fees and Charges of The Toronto Municipal Code shall apply with any necessary modifications.

**APPENDIX A  
LANDFILL DISPOSAL FEES**

	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>
	<b>Category</b>	<b>Tonnage Requirements</b>	<b>Fee Basis</b>	<b>Fee Range (individual fees are determined by the Director in accordance with Municipal Code § 443-4)</b>	<b>Annual Adjustment</b>
1	Beneficial Materials	Based on City needs	Per tonne	\$10.00-\$77.13*	No
2	IC&I Waste	90 tonne/day or greater	Per tonne	\$37.00-\$40.00	No
3	IC&I Waste	60 to 89.9 tonne/day	Per tonne	\$40.00-\$45.00	No
4	IC&I Waste	30 to 59.9 tonne/day	Per tonne	\$45.00-\$50.00	No
5	IC&I Waste	0 to 29.9 tonne/day	Per tonne	\$50.00-\$77.13*	No
6	Municipal Solid Waste	30 tonne/day or greater	Per tonne	\$45.00-\$50.00	No
7	Municipal Solid Waste	20 to 29.9 tonne/day	Per tonne	\$50.00-\$55.00	No
8	Municipal Solid Waste	10 to 19.9 tonne/day	Per tonne	\$55.00-\$60.00	No
9	Municipal Solid Waste	Under 10 tonne/day	Per tonne	\$60.00-\$65.00	No
	<b>Category</b>	<b>Tonnage Requirements</b>	<b>Fee Basis</b>	<b>Set Fee</b>	<b>Annual Adjustment</b>
10	Biosolids	N/A	Per tonne	\$65.00	No
11	Water Treatment Residue	N/A	Per tonne	\$65.00	No
12	Treated Biomedical Waste	N/A	Per tonne	\$100.00	No
13	Asbestos	N/A	Per tonne	\$150.00	No
14	CFIA Waste	N/A	Per tonne	\$200.00	No
15	Special Handling	N/A	Per tonne	\$200.00	No
16	Contaminated soil	N/A	Per tonne	See Beneficial Materials	No
17	MOE Ordered Municipal Waste	N/A	Per tonne	\$100.00	No
18	MOE Ordered IC&I Waste	N/A	Per tonne	\$150.00	No

\* \$77.13 is the gate rate.