

Authority: Public Works and Infrastructure Committee Item 30.9,  
adopted as amended, by City of Toronto Council on February 22 and 23, 2010  
Enacted by Council: May 12, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 478-2010**

#### **To amend City of Toronto Municipal Code Chapter 844, Waste Collections, Residential Properties and Chapter 629, Property Standards, to implement the Voluntary Garbage Chute Closure Policy.**

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 the environmental well-being of the City and 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 under sections 7 and 8 of the Act and the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, including administrative and quasi-judicial powers and legislative powers of a minor nature as provided in section 21; and

WHEREAS § 629-22E of Municipal Code Chapter 629, Property Standards, as passed under subsection 15.1(3) of the *Building Code Act, 1992*, requires that owners of certain residential buildings with a garbage chute system must maintain the garbage chute system as operative; and

WHEREAS on June 19, 20 and 22, 2007, City Council adopted the goal of achieving a 70% solid waste diversion rate by 2010; and

WHEREAS in order to help achieve a goal of 70% solid waste diversion rate by 2010 and improve the City's environmental well-being, City Council, at its February 22 and 23, 2010 meeting, adopted a program to allow owners of buildings with garbage chute systems to apply to the General Manager, Solid Waste Management Services, for permission to close the garbage chutes in an attempt to improve recycling in a building; and

WHEREAS the opening to the garbage chutes are to be closed in a manner that will permit them to be re-opened if there is non-compliance with the permit conditions; and

WHEREAS under subsection 376(1) of the Act, the City may pass by-laws providing that the City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the Act, and a direction or order of the City made under a by-law passed under the Act are being complied with; and

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

**1. Chapter 629, Property Standards.**

Chapter 629, Property Standards, of The City of Toronto Municipal Code is amended by adding the following to § 629-22:

- E.1 Despite Subsection E, a garbage chute system may be closed by the owner of the multiple-dwelling and maintained closed if:
- (1) The owner has been issued a permit for this closure by the General Manager, Solid Waste Management Services, under Article VIII of Chapter 844, Waste Collections, Residential Properties;
  - (2) The garbage chute system is closed by prohibiting access to the chute in a manner that is non-permanent and easily reversible, for example, by padlocking the openings, so that the garbage chute system can be reopened for normal operations if the permit under Article VIII of Chapter 844 is revoked; and
  - (3) The permit issued under Article VIII of Chapter 844 has not been revoked.
- E.2 A garbage chute system that is closed as described under Subsection E.1, shall be maintained otherwise operational in accordance with Division B, Article 3.6.3.3 "Linens and Refuse Chutes" of the *Ontario Building Code*.

**2. Chapter 844, Waste Collections, Residential Properties.**

Chapter 844, Waste Collections, Residential Properties, of The City of Toronto Municipal Code is amended as follows:

- A. By adding the following definition in alphabetical order to § 844-1:
- OFFICER:
- A. A City employee whose duties include the enforcement of this chapter; and
  - B. For the purposes of the enforcement of Article VIII, includes the General Manager.
- B. By adding the following to § 844-21:
- D. Despite Subsection A, owners of specially equipped buildings who have been issued a permit to close the garbage chute under Article VIII are not required to pack their garbage by means of a stationary compact unit.

C. By adding the following new section after § 844-25:

**§ 844-25.1. Inspection under power of entry.**

A. An officer and, if applicable to his or her duties or responsibilities, another employee or agent of the City, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (1) This chapter;
- (2) A direction or order of the City made under the *City of Toronto Act, 2006* respecting compliance with this chapter; or
- (3) An order made by a court under section 372 of the *City of Toronto Act, 2006* prohibiting the continuation or repetition of a contravention of this chapter.

B. A person carrying out an inspection under Subsection A may:

- (1) Require the production for inspection of documents or things relevant to the inspection;
- (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (3) Require information from any person concerning a matter related to the inspection; and
- (4) Alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

D. By inserting the following:

**ARTICLE VIII**  
**Closure of Garbage Chutes**

**§ 844-33. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

**BUILDING** — A multiple household residence as defined in § 844-1 that is equipped with a garbage chute.

**BUILDING OWNER** — Includes any of the following:

- A. The owner of a residential complex;
- B. A corporation as defined under the *Condominium Act, 1998*;
- C. A co-operative as defined under the *Co-operative Corporations Act*; or
- D. An authorized agent of any of the above.

**CONDOMINIUM OWNER** — An owner as defined under the *Condominium Act, 1998*.

**MEMBER** — A member as defined under the *Co-operative Corporations Act*.

**PERMIT** — A permit to close, in a non-permanent manner, a garbage chute issued by the General Manager after the final approval of an application under § 844-40.

**POLL** — A process to formally tabulate the opinions of residents within a residential complex.

**RESIDENTIAL COMPLEX** — A residential complex as defined under the *Residential Tenancies Act*.

**§ 844-34. Application.**

This article does not apply to a building that is not receiving services from the division.

**§ 844-35. Permit application.**

- A. A building owner of a building who wishes to close the building's garbage chute shall submit an application to the General Manager.
- B. The application for the permit shall be in the form prescribed by the General Manager.
- C. No building owner shall knowingly furnish false or misleading information in any application under this article.
- D. A building owner of a building who has submitted an application may withdraw the application by providing notice to the General Manager before the General Manager makes a determination with respect to issuing a permit.

**§ 844-36. Eligibility requirements.**

- A. Upon receipt of an application, an officer shall inspect the building to determine if the building meets the following eligibility requirements:
  - (1) the building has sufficient space for storage of uncompacted garbage in regulation garbage containers, in a ratio of 3:1 (uncompacted:compacted) if:
    - (a) The building does not have a compaction unit to compact garbage;  
or
    - (b) The building cannot use the compaction unit to compact garbage, after the chute is closed.
  - (2) The building has sufficient space for storage of regulation recycling containers in the minimum amount of eight cubic yards of regulation recycling container space per every one hundred dwelling units in the building.
- B. At least six months before the building owner makes the application to close the garbage chute, the building owner shall have:
  - (1) Obtained from the division sufficient in-suite recycling containers for the building; and
  - (2) Distributed and promoted the in-suite recycling to the residents of building.
- C. If all of the eligibility requirements in Subsections A and B are met, the General Manager shall notify the building owner that the building has met the eligibility requirements and request the building owner to submit additional information for the application under § 844-37A.
- D. If the building does not meet all of the eligibility requirements set out in Subsections A or B, the General Manager shall notify the building owner that the application for closure of the garbage chute is denied.
- E. The General Manager shall set out the reasons why the building was denied a permit under Subsection D.

**§ 844-37. Additional application information.**

- A. If § 844-36C applies, the building owner shall provide to the General Manager the following additional information:
- (1) A detailed communication plan for the current and future residents of the building to explain changes to the waste diversion system in the building, as well as the rationale and goals of the waste reduction program;
  - (2) A sample letter to the residents of the building describing how to properly recycle and manage waste, explaining that properly managing waste has environmental benefits and may save money;
  - (3) A sample notice to be used to remind residents of the building of the proper waste and recycling disposal processes for the building;
  - (4) An outline of training to be provided to staff of the building; and
  - (5) A detailed plan on how the building owner will assist seniors and people with disabilities in transporting their garbage, recycling materials and organics to the common collection point.
- B. The additional information required under Subsection A shall be to the satisfaction of the General Manager.
- C. After the General Manager has approved the additional information required under Subsection A, the General Manager will direct the building owner to conduct a poll under § 844-38 or a vote under § 844-39.

**§ 844-38. Poll.**

- A. If the building is a residential complex, the building owner shall conduct a poll of the tenants to determine the support for closing the garbage chute in the building.
- B. The poll shall be in the form prescribed by the General Manager and will contain the name, phone number and unit number of each tenant who signs the poll.
- C. No person shall be eligible to participate in the poll unless the person is 18 years of age or over, and is a resident or tenant of the building.
- D. Only one tenant per dwelling unit in the residential complex may sign the poll.
- E. The information obtained in the poll shall be used by the General Manager to verify residency information and agreement to the closure of the garbage chute.

**§ 844-39. Vote.**

- A. If the building is a condominium, the building owner shall conduct a vote of the condominium owners to determine the support for closing the garbage chute in the building.
- B. A building owner shall provide to the General Manager a sealed copy of the minutes of the meeting in which the vote under Subsection A took place.
- C. If the building is a co-operative, the building owner shall conduct a vote of the members to determine the support for closing the garbage chute in the building.
- D. A building owner shall provide to the General Manager a certified copy of the minutes of the meeting in which the vote under Subsection C took place.

**§ 844-40. Issuance of permit; denial of permit.**

- A. The General Manager shall issue a permit to the building owner to close the garbage chute if the following conditions are met:
  - (1) The building meets all the requirements in § 844-36A and B;
  - (2) The additional information for the application is approved by the General Manager under § 844-37; and
  - (3) The residents of the building have indicated their approval as follows:
    - (a) The poll conducted under § 844-38 shows at least 51% of the dwelling units in favour of closing the garbage chute; or
    - (b) The vote conducted under § 844-39, shows at least 51% support of the members or owners in favour of closing the garbage chute.
- B. If the results of the poll or vote show less than 51% in favour of the closure of the garbage chute, the General Manager shall notify the building owner that the permit has been denied on that basis.

**§ 844-41. Permit conditions.**

A permit issued under § 844-40A is subject to the following conditions:

- A. The building owner shall close the openings to the garbage chutes on all floors by a non-permanent and easily reversible method, for example, by padlocking the openings, so as to prevent use of the garbage chute by the residents of the building;

- B. The building owner shall notify the General Manager that the garbage chutes have been closed in accordance with Subsection A, so as to allow a review of the garbage chutes to be done by an officer.
- C. The building owner shall not permit and otherwise eliminate any facilities for the residents to leave waste in rooms that contain access to the garbage chute, unless the room meets all applicable standards for depositing waste in Chapter 629, Property Standards, the *Ontario Building Code* and the *Ontario Fire Code*;
- D. Despite closing access to the garbage chute by residents, the building owner shall otherwise maintain the garbage chute in accordance with all applicable municipal property standards, including the maintenance of the garbage chute wash down system and garbage chute sprinkler system under *Ontario Building Code*, Division B, Article 3.6.3.3 "Linens and Refuse Chutes".
- E. The building owner shall comply with all applicable City by-laws, including the requirements for garbage and debris storage and disposal under Chapter 629, Property Standards, § 629-22E2, F and G and the requirements under Chapter 844, Waste Collection, Residential Properties;
- F. The building owner shall maintain the common collection area for waste clean and well lit;
- G. The building owner shall comply with the plan approved under § 844-37 to assist seniors and people with disabilities to transport their waste to the common collection point; and
- H. The building owner shall keep the permit and the application materials on file at the building for inspection by an officer.

**§ 844-42. Revocation of permit.**

- A. The General Manager shall revoke a permit issued under § 844-40 if the building ceases to receive services from the division.
- B. The General Manager may revoke a permit issued under § 844-40 if:
  - (1) The permit was issued on mistaken, false or incorrect information;
  - (2) Subject to Subsection B(3), any condition to the permit under § 844-41 are not complied with;
  - (3) The building owner fails to bring the maintenance of the common collection area into compliance with § 844-41F within two days of a determination of non-compliance by staff of Municipal Licensing and Standards;



- (4) The building owner does not maintain sufficient recycling containers for the building; or
  - (5) The General Manager receives and verifies a poll or vote from a building that indicates that:
    - (a) In the case of a residential complex, 51% of the dwelling units of the building are no longer in favour of the garbage chute closure;
    - (b) In the case of a co-operative, 51% of the members vote to reopen the garbage chute; or
    - (c) In the case of a condominium, 51% of the condominium owners vote to reopen the garbage chute.
- C. A building owner shall reopen the garbage chute for normal use within five days of receiving notice from the General Manager of the permit being revoked under Subsection A or B.

ENACTED AND PASSED this 12th day of May, A.D. 2010.

GLORIA LINDSAY LUBY,  
Deputy Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)