

Authority: Public Works and Infrastructure Committee Item 17.14,  
as adopted by City of Toronto Council on October 2, 3 and 4, 2012  
Enacted by Council: November 29, 2012

**CITY OF TORONTO**

**BY-LAW No. 1593-2012**

**To amend City of Toronto Municipal Code Chapter 841, Waste Collection, Commercial Properties, to provide a reduced rate on waste disposal fees and commercial organic collection fees for donated items from qualifying non-residential properties.**

WHEREAS subsection 8(1) of the City of Toronto Act, 2006 provides the City with the 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; and

WHEREAS the City provides solid waste management services to the citizens of Toronto as a necessary and desirable service; and

WHEREAS under section 259 of the Act, Council 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 City Council has amended various fees and charges and adopted new fees and charges through its annual budget process; and

WHEREAS By-law No. 773-2012 was enacted by City of Toronto Council on June 8, 2012 to amend City of Toronto Municipal Code Chapter 841, Waste Collection, Commercial Properties, Chapter 441, Fees and Charges, Chapter 442, Fees and Charges, Administration of, and Chapter 849, Water and Sewage Services and Utility Bill, with respect to the implementation of collection fees for non-residential customers, a rate adjustment to the Commercial, ABCD and School Board front end collection rates and the application of Transfer Station tip fees to charitable organizations; and

WHEREAS at its meeting held on October 2, 3 and 4, 2012, City of Toronto Council adopted Public Works and Infrastructure Committee Item 17.14 to further amend City of Toronto Municipal Code Chapter 841 to waive the disposal fees for qualifying non-residential customers on waste resulting from donated items that can neither be used nor further diverted;

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

1. Chapter 841 of The City of Toronto Municipal Code is amended as follows:

A. By adding the following definitions to Section 841-1 in alphabetical order:

APPLICATION PERIOD - The time period that commences when a non-residential property submits to the City a complete application for the donated items reduced rate and that terminates either on the date when the City

issues a written notice of its decision not to accept the non-residential property into the donated items reduced rate program or on the date specified in the written acceptance notice that Solid Waste Management Services issues following the accepted non-residential property's donated items waste audit.

**COLLECTIONS CUSTOMER** - A customer receiving collection services.

**DIVERSION PROGRAMS** - The City's collection and processing of source separated organics, recyclables and any other materials that the General Manager of Solid Waste Management Services designates pursuant to § 841-21I.

**DONATED ITEMS** - Any non-monetary item – such as clothing, books, food, furniture, and toys – provided to a reduced rate non-residential property without expectation or receipt of compensation.

**DONATED ITEMS WASTE AUDIT** - Assessments conducted by Solid Waste Management Services of a reduced rate non-residential property:

- A. to determine the quantity of waste set out for collection that qualifies as donated items to receive the donated items reduced rate;
- B. to confirm that the reduced rate non-residential property is complying with the following requirements of § 841-6J(2):
  - (1) donated items are being pre-sorted;
  - (2) participation in the City's diversion programs is occurring; and
  - (3) donated items are predominantly from Toronto sources; and
- C. to determine whether the reduced rate non-residential property qualifies to receive premium organic materials collection at no charge and, if so, how frequently.

**DONATED ITEMS REDUCED RATE** - Up to a 100% waiver on applicable waste disposal fees under Chapter 441, Fees and Charges (including those for curbside collection services or front end collection services in bins, bags, or containers as well as tip services) for all donated items except organic materials and up to a 100% reduction in applicable commercial organics collection fees as set forth in Appendix A to Chapter 441, Fees and Charges for those donated items that are organic materials.

**DONATED ITEMS REDUCED RATE PROGRAM** - The program administered by the City under this Chapter to provide to reduced rate non-residential properties a donated items reduced rate for donated items.

**EDUCATION PROGRAM REQUIREMENT** - The posting in optimum locations of the City's diversion program instructions for residents and/or program participants in order to prevent contamination.

**EFFECTIVE DATE OF SERVICE** - The calendar day on which the City determines that a non-residential property is entitled to receive waste collection service from the City.

**INCOME TAX ACT** - Federal Income Tax Act, R.S.C., 1985, c. 1 (5th Supp.).

**INFORMATION GATHERING** - Document requests made by the City to reduced rate non-residential properties in connection with any aspect of the donated items reduced rate program, including the application process and the donated items waste audit.

**OPEN TO THE COMMUNITY** - An element of a regular program that requires that the regular program:

- A. Is communicated to the public in a manner that targets individuals for whom the activity is intended to benefit.
- B. Serves not only the members of the organization providing the regular program but also non-members and also may focus on participants with a particular need or focus on a particular geographic area.
- C. Fully complies with the:
  - (1) Accessibility for Ontarians with Disability Act (S.O. 2005, CHAPTER 11);
  - (2) Criminal Code of Canada (R.S.C., 1985, c. C-46);
  - (3) Employment Standards Act (S.O. 2000, CHAPTER 41);
  - (4) Occupational Health and Safety Act (R.S.O. 1990, CHAPTER O.1); and
  - (5) Ontario Human Rights Code (R.S.O. 1990, CHAPTER H.19);

**OVERPAYMENTS** - Payments received by the City that were in excess of the donated items reduced rate on waste disposal fees under Chapter 441, Fees and Charges (including those for curbside collection services or front end collection services in bins, bags, or containers as well as tip services) for all donated items except organic materials, and payments received that were in excess of the donated items reduced rate on commercial organics collection fees as set forth in Appendix A to Chapter 441, Fees and Charges for those donated items that are organic materials.

**REDUCED RATE NON-RESIDENTIAL PROPERTY** - A non-residential property that satisfies the eligibility criteria in § 841-6J(1) to be accepted into the donated items reduced rate program and that satisfies the continuing participation requirements in § 841-6J(2) to continue to participate in the donated items reduced rate program.

**REDUCED RATE PERIOD** - The time period during which a reduced rate non-residential property receives the donated items reduced rate on donated items.

The time period commences on the date specified in the written acceptance notice that Solid Waste Management Services issues following the accepted non-residential property's donated items waste audit and continues so long as the reduced rate non-residential property is complying with § 841-6J(2) or the City otherwise terminates the donated items reduced rate program.

REGULAR PROGRAM - Activities, including Winter "Out of Cold" Type Programs, that:

- A. are offered at least once per month;
- B. serve 20 or more people each time; and
- C. operate during at least five months of the year.

RETROACTIVE PERIOD - The time period between:

- A. the later of July 1, 2012 or the effective date of service; and
- B. the date specified in the written acceptance notice that Solid Waste Management Services issues following the accepted non-residential property's donated items waste audit

TIPPING CUSTOMER - A customer exempt from tipping fees at the City's transfer stations prior to July 1, 2012.

WINTER "OUT OF COLD" TYPE PROGRAMS - Programs offered by volunteers during the months of November through April that provides meals or shelter at no cost to people who are homeless or at risk of homelessness.

- B. By adding the following subsection to § 841-6:
  - J. Any non-residential property that satisfies the eligibility criteria in § 841-6J(1) and complies with the ongoing participation requirements in this § 841-6J(2) will be able to participate in and receive the benefits of the donated items reduced rate program which provides a donated items reduced rate on donated items.

(1) Eligibility Criteria

At all times during the application period and the reduced rate period, the non-residential property must satisfy the following criteria:

- (a) Waste removal/disposal status
  - (i) The non-residential property must be an eligible non-residential property; and

- (ii) The non-residential property must be:
  - (A) a collections customer that complies with all relevant subsections of Chapter 841 including § 841-3J; or
  - (B) a tipping customer.

(b) Organizational status

The non-residential property must provide satisfactory evidence that it is:

- (i) a charitable organization, as defined in § 442-1 of this Code; or
- (ii) incorporated as a non-profit corporation, as defined in Section 149.1 of the Income Tax Act.

(c) Programming status

The non-residential property must demonstrate that it offers regular programs that are open to the community and that use donated items.

(2) Ongoing Participation Requirements

At all times during the reduced rate period, the reduced rate non-residential property must satisfy the following:

- (a) participate in all of the City's diversion programs, except that eligible tipping customers, as defined in § 841-1, are exempt from this requirement;
- (b) participate in and cooperate with donated items waste audits conducted by the City's Solid Waste Management Services Division;
- (c) participate in and cooperate with any information gathering conducted by either the City's Solid Waste Management Services Division or the City's Social Development Finance and Administration Division;
- (d) ensure that donated items for waste removal are pre-sorted for diversion;
- (e) comply with the education program requirement;

- (f) demonstrate that donated goods are predominantly from Toronto sources;
  - (g) participate in efforts to educate donors and users of goods on environmentally sound re-use and disposal issues; and
  - (h) demonstrate continued compliance with the eligibility criteria in § 841-6J(1)(a) to (c) in response to periodic City staff inquiries and document requests.
- (3) The City shall provide a monetary or in-kind credit for reduced rate non-residential properties for any qualifying overpayments during the retroactive period or any qualifying overpayments during the reduced rate period provided that the City receives from the reduced rate non-residential property within 18 months of the latter of July 1, 2012 or the non-residential property's effective date of service an application that the General Manager determines sufficiently demonstrates grounds for such credits.
- (4) Determinations
- (a) The General Manager and the Executive Director, Social Development Finance and Administration, shall together implement the process for applying to the donated items reduced rate program and determine whether an applicant is and remains eligible under § 841-6J(1) to be accepted into the reduced rate program, including any information gathering.
  - (b) The General Manager, shall conduct donated items waste audits, information gathering and other methods to determine when the reduced rate period commences for a non-residential property and whether a reduced rate non-residential property is complying with § 841-6J(2) to continue participating in the donated items reduced rate program. The date specified in the acceptance letter that Solid Waste issues is the date on which the General Manager will have accepted the results of the non-residential property's donated items waste audit.
  - (c) The General Manager shall administer the credits permitted under § 841-6J(3). Such administration shall include determining whether the non-residential property qualifies for a credit and whether such credit should be monetary or in-kind; calculating the amount of the credit; and appropriately issuing the credit.

C. By adding a new subsection to § 841-10.2

H. For purposes of the donated items reduced rate program only, as set forth in § 841-6J, the General Manager may determine whether the reduced rate non residential property needs to use bags instead of bins or containers for disposal of the donated items.

2. This by-law comes into force on January 1, 2013.

ENACTED AND PASSED this 29th day of November, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)