

Attachment “A”

Summary of Material Terms and Conditions of the Waste Disposal Agreement between the City of Toronto and the Region of York

1. The current term of the Agreement ends on December 31, 2012, and the Region has an automatic right of renewal for two additional 5-year terms, ending on December 31, 2022.
2. The disposal fee is \$38.60 per tonne, exclusive of taxes, in 2009 dollars, and is adjusted as of January 1 each year by the change in the Consumer Price Index (“CPI”) for quantities of waste up to 75,000 tonnes per year.
3. The Region may dispose of additional tonnage above 75,000 tonnes (7,000 tonnes per year from the contract start date until December 31, 2012, 5,000 tonnes per year from January 1, 2013 to December 31, 2017, and 3,000 tonnes per year from January 1, 2018 to December 31, 2022). The disposal fee for this tonnage is \$62.00 per tonne in 2009 dollars, adjusted by the change in CPI each year.
4. The Region’s minimum tonnage commitment is 25,000 tonnes per year.
5. Any disposal service on statutory holidays will be charged at a daily rate of \$12,382.59 per 8-hour day and \$20,121.71 per 13-hour day with annual CPI adjustments, in addition to the per tonne fee charged for disposal.
6. The City and the Region have indemnification obligations to each other. Toronto agrees to indemnify the Region for claims suffered directly or indirectly by the Region as a result of any representations or warranties being incorrect in any material respect, any breach of any covenant or agreement, and the disposal of the Region’s waste or the failure for any reason (other than an uncontrollable circumstance) to dispose of the Region’s waste.
7. The City and the Region agree to arbitrate any disputes that cannot be otherwise resolved by a meeting of the parties or the appointment of an independent expert, and agree that the arbitrator or arbitration board’s decision will be final and binding.
8. The Region agrees not to claim or seek any Carbon/Offset credits from any greenhouse gas emission reductions attributable to the City’s existing or new facilities or activities at the disposal site either now or in the future.