

Authority: Public Works and Infrastructure Committee Item 25.1, adopted as amended,  
by City of Toronto Council on August 5 and 6, 2009

Enacted by Council: October 27, 2009

## CITY OF TORONTO

### BY-LAW No. 1073-2009

#### To amend City of Toronto Municipal Code Chapter 841, Waste Collections, Commercial Properties and Chapter 441, Fees and Charges, with respect to adding mixed residential/commercial properties to the garbage bin program.

WHEREAS under subsection 8(2) of the *City of Toronto Act, 2006* (“Act”), Council may pass by-laws respecting services and things that the City considers necessary or desirable to provide to the public; 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 under section 83 of the Act, the City may make grants to any person for any purpose that Council considers to be in the interests of the City; and

WHEREAS on August 5 and 6, 2009, City Council adopted new volume-based fees commencing on November 1, 2009 for mixed residential/commercial properties; and

WHEREAS at the same meeting, City Council extended the grant program that the City considers in the interests of the City, which will appear as a rebate on the utility bill for mixed residential/commercial properties; and

WHEREAS it is necessary to amend Chapter 441, Fees and Charges, Chapter 849, Water and Sewage Services and Utility Bill and Chapter 841, Waste Collection, Commercial Properties, of the Toronto Municipal Code to reflect these changes and fees;

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

#### 1. Chapter 441, Fees and Charges.

A. Appendix A, Waste Collection and Disposal Fees and Water and Sewer Usage Rate, Schedule 1, Solid Waste Management Services, of Municipal Code Chapter 441, Fees and Charges, is amended by inserting the following after Line 90, as follows:

	I	II	III	IV	V
	Category	Activity	Fee Basis	Fee	Annual Adjustment
91	Policy & Planning	Annual fee for picking up small garbage bin from mixed residential/commercial properties	Annual per volume – small	\$248.00	No
92	Policy & Planning	Annual fee for picking up medium garbage bin from mixed residential/commercial properties	Annual per volume – medium	\$342.00	No

93	Policy & Planning	Annual fee for picking up large garbage bin from mixed residential/commercial properties	Annual per volume – large	\$491.00	No
94	Policy & Planning	Annual fee for picking up extra-large garbage bin from mixed residential/commercial properties	Annual per volume – extra-large	\$798.00	No

## 2. Chapter 841, Waste Collections, Commercial Properties.

### A. By amending § 841-1 by adding the following in alphabetical order:

**GARBAGE BIN** — A container owned by the City and made available to an owner of a mixed residential/commercial property who receives residential curbside collection for garbage as described in § 844-10.1.

**RECYCLING BIN** — A container owned by the City and made available to an owner of a mixed residential/commercial property who receives residential curbside collection for recycling as described in § 844-10.1.

### B. By amending § 841-3 by adding the following subsection:

L. Organics collection services will only be offered to owners of mixed residential/commercial properties where there is adequate storage for the organics container, as determined by the General Manager.

### C. By adding the following new sections after § 841-6:

#### **§ 841-6.1. Mixed residential/commercial property collection fees.**

A. Despite § 841-6, an owner of a mixed residential/commercial property receiving curbside collection and participating in the bin program as set out in § 841-10.1 shall pay the applicable curbside collection fee based on the quantity and size of garbage bins as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.

B. For the first year during which this section is in force, the curbside collection fees will be prorated on a daily basis.

C. When the owner of a mixed residential/commercial property who receives curbside collection requests a garbage bin exchange under § 841-10.1M, requests an additional garbage bin, or when there is a change in ownership of a residential property, the curbside collection fees under Subsection A will be prorated on a daily basis.

- D. Despite Subsection A, if an owner of a mixed residential/commercial property who receives curbside collection uses a specialized in-home compactor to reduce its garbage volume and, as a result, uses a smaller-sized garbage bin, the General Manager reserves the right to increase the curbside collection fees for the mixed residential/commercial property to a larger-sized garbage bin to compensate for the compaction, as the curbside collection fees are based on the collection of un-compacted garbage.
- E. The City will bill each owner of a mixed residential/commercial property, who receives curbside collection, the curbside collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

**§ 841-6.2. Mixed residential/commercial property collection rebates.**

- A. The City will rebate to an owner of a mixed residential/commercial property the annual amount of \$209 in the form of a credit on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.
- B. The rebate amount in subsection A will be prorated based on the appropriate billing frequency as set out in § 849-30 of Chapter 849, Water and Sewage Services and Utility Bill, to reflect the appropriate portion of a full-year rebate amount.
- C. If the rebate in subsection A represents a credit on the utility bill as set out in Article VIII of Chapter 849, Water and Sewer Services and Utility Bill, the credit will be applied to any applicable fees related to water and sewage services that appear on the utility bill in accordance with Chapter 849, Water and Sewage Services and Utility Bill.

**§ 841-6.3. Mixed residential/commercial property due date.**

- A. The Deputy City Manager and Chief Financial Officer shall include a due date on the utility bill sent to an owner under Article III of Chapter 849, Water and Sewage Services and Utility Bill, and his or her agent, if applicable, which will designate the date on or before which the amounts in respect of the curbside collection fee to be paid by the owner of the mixed residential/commercial property shall be paid to the City.
- B. In the event that the owner of the mixed residential/commercial property or his or her agent, if applicable, fails to pay the amount due on or before the due date, a late payment charge will be applied on the outstanding curbside collection fees to the utility bill as more specifically set out in § 441-5 of Chapter 441, Fees and Charges.
- C. The due date shall be set at the discretion of the Deputy City Manager and Chief Financial Officer, but in no event shall it be any sooner than 21 calendar days from the date the bill is issued.

D. By deleting § 841-7 and substituting the following:

**§ 841-7. Garbage containers.**

- A. Subject to subsections B and C, an owner shall use a container described below for setting out garbage:
- (1) A City authorized bag;
  - (2) A properly covered watertight container, in sound and good working order with a capacity greater than 0.75 cubic metres and less than 4.6 cubic metres which has a maximum weight of 1,500 kilograms when full and is compatible with the equipment used by the City for the provision of garbage collection services;
  - (3) A 1,136 or 1,150 litre plastic bin which is compatible with the equipment used by the City for the provision of garbage collection services;
  - (4) A 340 litre plastic bin equipped with wheels which is compatible with the equipment used by the City for the provision of garbage collection services; or
  - (5) Any other container, in good working order designated by the General Manager as acceptable for setting out garbage.
- B. An owner of mixed residential/commercial property who is participating in the bin program as described in § 841-10.1 shall use a container described below for setting out garbage:
- (1) One or more garbage bins as provided to the owner by the City under § 841-10.1; or
  - (2) If an owner has excess garbage that can not fit within the City provided garbage bin(s) under subsection A(1), an owner may use any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a City authorized tag is affixed to each bag; or
  - (3) Such other container provided by the City or designated by the General Manager as acceptable for setting out garbage.
- C. An owner of a mixed residential/commercial property who has chosen not to participate in the bin program as described in § 841-10.1 or failed to make a bin selection under § 841-10.1B shall use any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a City authorized tag is affixed to each bag for setting out garbage.

E. By deleting § 841-8 and substituting the following:

**§ 841-8. Recycling containers.**

- A. Subject to subsection B and C, an owner shall use a container described below for setting out recyclable materials:
- (1) A blue box;
  - (2) A 340 litre plastic bin equipped with wheels which is compatible with the equipment used by the City for the provision of recycling collection services;
  - (3) A fully covered, watertight container with a capacity greater than 0.75 cubic metres and less than 4.6 cubic metres which is compatible with the equipment used by the City for the provision of recycling collection services; or
  - (4) Such other container, in good working order, provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.
- B. An owner of mixed residential/commercial property who is participating in the bin program as described in § 841-10.1 shall use a container described below for setting out recyclable materials:
- (1) One or more recycling bins provided to the owner by the City under § 841-10.1; or
  - (2) Such other container, in good working order, provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.
- C. An owner of a mixed residential/commercial property who has chosen not to participate in the bin program as described in § 841-10.1 or failed to make a bin selection under § 841-10.1B shall use a translucent plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted for setting out recyclable materials.

F. By adding the following sections:

**§ 841-10.1. Bin program for mixed residential/commercial properties.**

- A. The City will provide owners of mixed residential/commercial properties, who choose to have the mixed residential/commercial property's dwelling rooms or the dwelling units participate in the bin program, with garbage and recycling bins as set out in this section.

- B. Owners of mixed residential/commercial properties may choose the size and quantity of garbage and recycling bins for the property, but if no choice is made, owners will not participate in the bin program for collection of garbage and recyclable materials;
- C. Owners of mixed residential/commercial properties may choose to have the entire property, both the commercial and residential portion, participate in the bin program.
- D. Owners of residential properties may request additional recycling bins from the Division.
- E. The General Manager may, in his or her discretion, determine whether to provide additional recycling bins as requested by an owner under Subsection D.
- F. The size of garbage and recycling bins available to choose from are:
  - (1) Small – approximately 75 litres capacity;
  - (2) Medium – approximately 120 litres capacity;
  - (3) Large – approximately 240 litres capacity; and
  - (4) Extra-large – approximately 360 litres capacity.
- G. The garbage and recycling bins remain the property of the City at all times.
- H. Each owner to whom a garbage and a recycling bin is issued shall keep the garbage and recycling bins in good condition, and not in a condition that is noxious, offensive or dangerous to public health.
- I. Each owner shall return either the garbage bin or the recycling bin or both to the City upon request.
- J. If either a garbage bin or a recycling bin is damaged, the owner to whom the bin is issued may make a request to the Division to repair the bin at no cost to the owner.
- K. If either a garbage bin or a recycling bin is lost or stolen, the owner shall contact the Division to issue a new garbage bin or recycling bin as appropriate.
- L. The owner shall pay the fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for the replacement of the lost or stolen bin.
- M. Each owner to whom a garbage bin or a recycling bin is provided may exchange the bin for a different size by making a request to the Division and paying the applicable bin exchange fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.

G. By amending § 841-11 as follows:

(1) By deleting § 841-11C and substituting the following:

Subsection B does not apply to regulation containers described in §§ 841-7A(2), A(3), A(4) and B(1), 841-8A(2), A(3) and B(1) and 841-9A.

(2) By adding the following subsection:

F. An owner of a mixed residential/commercial property, participating in the bin program described under § 841-10.1, shall not fill a garbage bin or recycling bin:

(1) To a gross weight that exceeds the weight limit for the bin in the following table:

<b>Garbage Bin/Recycling Bin Size</b>	<b>Weight Limit</b>
Small (approx. 75 litres)	30 kg
Medium (approx. 120 litres)	50 kg
Large (approx. 240 litres)	100 kg
Extra-large (approx. 360 litres)	150 kg

(2) To the extent that the lid does not close.

### **3. Chapter 849, Water and Sewage Services and Utility Bill.**

A. By deleting the definition “SOLID WASTE MANAGEMENT FEES” in § 849-26 and substituting the following:

**SOLID WASTE MANAGEMENT FEES** — All fees, charges and rates imposed by the City in relation to providing garbage services to a property by the City, placed on the owner’s solid waste management account under Article VII of Municipal Code Chapter 844, Waste Collection, Residential Properties, under § 841-6.1 of Municipal Code Chapter 841, Waste Collection, Commercial Properties and any other provision of the Municipal Code or any law.

B. By amending § 849-30C by adding the following:

(7) A change in garbage bin size pursuant to § 841-10.1 in Chapter 841, Waste Collection, Commercial Properties.

**4. In force date.**

A. This by-law comes into force on November 1, 2009.

ENACTED AND PASSED this 27th day of October, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)