Appendix 'A'

Donated Items Reduced Rate: Purpose, Definitions, Eligibility Criteria

This 'Appendix A' presents the purpose, definitions, and eligibility criteria that will form part of the forthcoming municipal by-law for the Donated Items Reduced Rate.

Purpose: To create a special category of Non-Residential solid waste customers for only those organizations receiving significant amounts of donated goods as part of their ongoing, public service program activities. Such organizations will be entitled to a reduced rate of 100% for the portion of solid waste fees determined to be for the disposal of donated goods that are not usable within the program and that are not able to be diverted.

Definitions: The following terms used in this Appendix 'A' shall have the following meanings

"City" means the City of Toronto.

"City's Diversion Programs" includes the City's collection and processing of source separated organics, packaging, newsprint, printed paper, and various other materials to divert such material from being disposed.

"Donated Items Waste Audit" means periodic assessments of organizations eligible for the Donated Items Reduced Rate by Solid Waste Management Services to review the assessed percentage of waste set out which can be attributed to Public Donations and to confirm that materials are pre-sorted, the organization's participation in the City's Diversion Programs, and that donated goods are predominantly from Toronto residents and sources.

"Education Programs" means that every organization shall ensure that specific recycling and organics instructions for residents and/or program participants are posted in optimum locations to prevent contamination.

"Income Tax Act" means the current Federal Income Tax Act, R.S.C., 1985, c. 1 (5th Supp.).

"Information Gathering" means that from time to time Solid Waste Management Services staff in relation to their Donated Items Waste Audits may request to see any documents/manifests on file provided by donors to organizations which describes where donated materials were generated (i.e., in the City of Toronto or outside the City of Toronto). These documents will be used to determine if wastes are eligible for the Donated Items Reduced Rate (i.e., "donated goods not suitable for redistribution or otherwise deemed recyclable") shall continue to be exempt from full Non-Residential Fees. Copies of any documents shall be provided to the City at the City's request.

"Open to the Community" means that the Regular Program:

1. Is communicated to the public in a manner that targets individuals for whom the activity is intended to benefit.

2. Serves not only the members of the organization providing the Regular Program but also non-members.

3. Focuses predominantly on participants with a particular need.

4. Focuses predominantly on a particular geographic area.

5. Fully complies with the Ontario Human Rights Code, the Accessibility for Ontarians with Disability Act, the Criminal Code of Canada, the Occupational Health and Safety Act, and the Employment Standards Act.

"Regular Program" means activities, including winter "out of cold" type programs, that:

1. Are offered at least once per month.

2. Serve 20 or more people each time.

3. Operate during at least five months of the year.

Eligibility Criteria for the Donated Items Reduced Rate: Only organizations that meet all of the following eligibility criteria will be registered in the program and provided with reduced rates.

1. Must be receiving City of Toronto waste collection services under the Non-Residential Program as of July 1, 2012 or meet the current guidelines for eligibility of the Non-Residential Program as a new customer:

    1.1 Organizations that have been moved onto the program (grandfathered) as of July 1, 2012 or new customers that meet the eligibility criteria after July 1, 2012 will be able to request participation in the special category.

    1.2 Organizations must be registered as either:
        a) A City Non-Residential customer receiving collection services or,

        b) A City Non-Residential customer receiving free tipping services at the City's Transfer Stations prior to July 1, 2012 (Eligible Tipping Customer).

    1.3 The special category is available to both bin and bag collection customers. Solid Waste Management Services determines whether bins or bags are used.

2. Must provide written proof that the organization is either:

    a. A Registered Charity, as defined in Section 248 of the Income Tax Act, or

    b. Incorporated as a Non-Profit Corporation, as defined in Section 149.1 of the Income Tax Act.

3. Must offer programs that rely on donated goods that are being diverted or re-used (i.e., food, furniture, clothing, electronics).

4. Must provide Regular Programs that are Open to the Community.

5. Must participate in all of the City's Diversion Programs. Eligible Tipping Customers are exempt from this criteria.

6. Must ensure that materials are pre-sorted for diversion.

7. Must participate in and cooperate with Solid Waste Management Services Donated Items Waste Audits, Information Gathering and Education Programs.

8. Must demonstrate that donated goods are predominantly from Toronto residents and sources.

9. Must participate in efforts to educate donors and users of goods on environmentally sound re-use and disposal issues.

Examples of Eligible Programs/Services

a) Drop-ins, meal programs, hostels and temporary housing for people who are homeless, low income, marginalized, unemployed, etc.

b) Food banks, food cupboards or community kitchens, where donated food is received.

c) Programs that are free or charge only nominal fees.

d) Clothing or furniture banks, charitable thrift stores selling donated goods.

Examples of Ineligible Programs/Services

a) Garage sales, rummage sales, used book sales, all one-time events.

b) Services or programs that are solely for educational purposes.

c) Programs or private clubs or services that are restricted to members only or are for people who are not in need of supportive services (eligible programs may identify specific target groups).

d) Organizations that do not provide an ongoing, regular program where donated or re-used goods are an essential part of the programs operation (see item d above).

e) Seasonal toy or food hamper programs.

f) Community clean up events.

g) Waste generating program events that happen in locations other than an organization's regular pick-up site.

Donated Items Reduce Rate and Waste Subject to Non-Residential Posted Rates: All approved organizations for the Donated Items Reduced Rate will be subject to periodic review and Waste Audits which will solely determine publicly donated waste (waste subject to reduced rate) and continue to pay for the disposal of waste not generated from publicly donated waste.

- Reduce Rate of 100% will be given to eligible organizations based on the volume of waste associated with donated goods that are not usable within the program and are not able to be diverted.

- Non-publicly donated waste will be subject to the posted Non-Residential rate structure as approved by City Council.

- The determination of waste volumes associated with unusable donations collected as part of the delivery of an eligible program will be based on Donated Items Waste Audits conducted by Solid Waste Management Services.

- Where an organization is determined to be delivering eligible programs using donated food, premium organics collections will be provided at no charge, frequency of collection offered will be determined by Solid Waste Management Services.