



## STAFF REPORT ACTION REQUIRED

### Amendments to Solid Waste Residential Collection By-law

<b>Date:</b>	February 19, 2013
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Solid Waste Management Services
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2013\Cluster B\SWM\March\001PW (AFS #14503)

#### SUMMARY

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This report requests City Council's authority for amendments to the Municipal Code Chapter 844, Waste Collection, Residential Properties. These amendments reflect current Solid Waste Management Services operations, help improve the readability of the Chapter, ensure consistent use of terminology in the Chapter and to clarify the duties and responsibilities of owners, residents and the General Manager under the Chapter.

#### RECOMMENDATIONS

**The General Manager, Solid Waste Management Services, recommends that:**

1. City Council adopt the proposed revisions to Chapter 844, Waste Collection, Residential Properties as found in Appendix A;
2. City Council authorize the General Manager, Solid Waste Management Services, to exempt a person who receives dialysis treatment at a residential property from the applicable fees set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges with respect to waste generated by such dialysis treatment; and
3. City Council direct the City Solicitor to submit the necessary bills to City Council to implement the above recommendations.

## **Financial Impact**

There are no financial implications resulting from this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **ISSUE BACKGROUND**

Solid Waste Management Services staff, in consultation with the City Solicitor, determined that Chapter 844 of the Municipal Code required various amendments to improve the readability of the Chapter and to reflect current Solid Waste Management Services operations.

## **COMMENTS**

### **General Amendments**

In the review of Chapter 844, a number of changes were identified. These changes have been summarized in two Tables contained in Appendix A.

#### Table 1

Appendix A – Table 1 consists of proposed changes to Chapter 844 and the reason behind the change. The Table is broken down into 4 columns: 1. the original section; 2. the proposed changes to that section; 3. the amended section; and 4. the rationale for the change.

The majority of the recommended changes in Table 1 improve the readability of the Chapter, reflect current Solid Waste Management Services operations, ensure consistent use of terminology in the Chapter and clarify the duties and responsibilities of owners, residents and the General Manager under the Chapter.

Within Table 1 are changes related to collection services and summarized below:

- adding a definition for ‘city authorized bag’, and clarifying that this is an available regulation container for setting out excess waste that cannot fit within the City provided garbage bin(s), and also for setting out waste when the City provided garbage bin(s) has been lost or is inoperable;
- adding a provision which allows for residential property owners who receive front end residential collection services to request the General Manager for a change to the frequency of recycling collection;
- adding a new provision for the repair or replacement of a damaged, lost or stolen organics bin(s) provided by the City;

- amending the general set out requirements by adding that items placed out for collection must be visible and accessible and free from any tie downs (for example, bungee cords); and
- adding plastic bags, polystyrene and mixed rigid post-consumer plastic containers and packaging to the list of recyclable materials collected under Schedule B “Recyclable Materials, Yard Waste and Organic Materials”.

### **Amendments regarding ‘Special Collection Services’**

Table 1 also includes a number of amendments with respect to the provision of special collection services, including:

- Amending the current definitions of ‘bulky item’, ‘special collection services’ and ‘waste’ and adding new definitions for ‘electronic waste’, ‘household hazardous waste’ and ‘white or metal goods’;
- Adding a provision that ‘bulky items’ infested with rodents, vermin or pests must be dismantled (where applicable), defaced or damaged as to make unusable and encased, enclosed or wrapped in plastic in order for the bulky item to be eligible for collection services;
- Amending Schedule A, ‘Special Collection Services’ to specify the items which are deemed to be electronic waste, household hazardous waste and white or metal goods for the purposes of special collection services under the Chapter;
- Amending Schedule C, ‘Prohibited Waste’ to reflect the new definition for household hazardous waste by removing these items from the list of prohibited waste; and
- To clarify the general requirements for ‘Special Collection Services’ for owners who receive front end collection and residential curbside collection services, including the preparation of items for proper set out, acceptable container(s) and set out times.

### **Exemption for Persons Receiving Dialysis Treatment at Residential Properties**

In addition, within Table 1 is a proposed exemption for the fee for one additional large garbage bin for waste created by a person who receives dialysis treatment at their residential property. Recommendation 2 of the report provides the General Manager of Solid Waste Management Services, with the authority to waive such fee if a request is received and approved in a form acceptable to the General Manager.

The proposed exemption will be subject to restrictions, including that the person must reside in a residential property that receives residential curbside collection, the person must receive dialysis treatment at that residential property and the extra garbage bin shall only be used for the setting out of waste generated by the dialysis treatment received at the residential property.

### **Proposed Amendments regarding Specially Equipped Buildings**

Table 1 also includes amendments with respect to specially equipped buildings, including:

- Amending the current definition of ‘specially equipped building’ and adding new definitions for ‘compacted garbage’ and ‘un-compacted garbage’;
- Adding a section that provides that owners of specially equipped buildings, defined as buildings that have a compactor unit, will be required to pay the applicable ‘compacted garbage rate’ set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, regardless of whether the owner sets out compacted garbage or un-compacted garbage, an approach upheld by the Ontario Divisional Court’s recent *Doublesweet* decision; and
- Adding a further section that provides that an owner who has received a permit to close their garbage chute and that no longer compacts garbage, may make a request in a form acceptable to the General Manager to be charged the un-compacted garbage rate.

The purpose of these amendments is to reflect current Solid Waste Management Services operations and to clarify the duties and responsibilities of owners, residents and the General Manager under the Chapter, and to further clarify current operations with respect to applicable fees and charges as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.

The use of compactors for specially equipped building owners reduces the number of containers required at a property, reduces the need for frequent waste collection and reduces the overall amount of storage space needed for the bins. This is critical for properties that have limited on-site storage space. The reduction in collection frequency and number of containers also reduces the overall solid waste fees charged to an owner. As a result, specially equipped buildings are required under the chapter to compact their waste. The proposed new provision which indicates that specially equipped buildings that are setting out un-compacted garbage will still be charged the compacted rate is in addition to any other remedy available to the City under the Chapter to ensure that specially equipped buildings are compacting their waste.

## Table 2

Appendix A - Table 2 sets out proposed changes to definitions that affect a number of different sections. The Table is broken down into three columns: 1. proposed changes; 2. original section change applied to; and 3. rationale for the change. The proposed changes in Table 2 are summarized below:

- replacing “Residential Bulk Collection” with “Residential Front-End Collection”;  
and
- replacing “Residential Bulk Collection Fees” with “Residential Front-End Collection Fees”.

As a result of some of the proposed changes in Appendix A, the existing set fines for Chapter 844 will need to be updated and an application for new set fines will need to be made. The City Solicitor, under her standing authority pursuant to Strategic Policies and Priorities Committee Report 5, Clause 9, as adopted by Council at its meeting held on March 2, 3 and 4, 1999, will submit an application to the Regional Senior Justice of the Provincial Courts to update the existing set fines and add the necessary new set fines in consultation with Municipal Licensing and Standards and Solid Waste Management Services.

## **CONTACT**

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## **SIGNATURE**

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## **ATTACHMENTS**

Appendix A – Proposed Changes to Chapter 844, Waste Collection, Residential Properties