

## **Review of the City's Chute Closure Program**

**Date:** December 20, 2021

**To:** Infrastructure and Environment Committee

**From:** General Manager, Solid Waste Management Services

**Wards:** All

### **SUMMARY**

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This report provides information on the City of Toronto's (City) Chute Closure Program (Program). It presents options for multi-residential buildings that are not currently receiving City waste collection services and/or not able to receive City waste collection services to close their garbage chutes. It also provides an overview of the current Program, current permit activity and outlines other preliminary options considered for multi-residential chute closure. The Solid Waste Management Services Division reviewed the options in consultation with Municipal Licensing and Standards Division, and does not recommend any Program changes.

### **RECOMMENDATIONS**

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The General Manager, Solid Waste Management Services recommends that:

1. The Infrastructure and Environment Committee receive this report for information.

### **FINANCIAL IMPACT**

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There are no financial implications resulting from this report.

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

### **DECISION HISTORY**

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At its meeting on December 5, 2019, the Infrastructure and Environment Committee adopted Item IE10.10, entitled "Chute Closure Program," which requests the General Manager, Solid Waste Management Services to report to Infrastructure and

Environment Committee in the first quarter of 2020 on options to extend the Chute Closure Program to multi-residential buildings unable to receive City of Toronto collection services.

The Infrastructure and Environment Committee decision document can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.IE10.10>

At its meeting on February 22 and 23, 2010, City Council adopted with amendments Item PW30.9, entitled "Potential Closing of Garbage Chutes at Selected Multi-Residential Buildings as Part of a Waste Diversion Plan." Amongst other directions, City Council approved a garbage chute closure program for multi-residential buildings in order to help improve recycling rates in multi-residential buildings. The program permits owners of selected apartment buildings to close a garbage chute if the closure was part of a waste diversion plan for the multiple-dwelling that has been approved by the General Manager of Solid Waste Management Services and meets certain minimum criteria.

The City Council decision document can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PW30.9>

## **COMMENTS**

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### **Background**

The Chute Closure Program (Program) was introduced in 2010 as a tool to support improved waste diversion in City serviced multi-residential buildings. In older-stock multi-residential buildings, residents typically have access to a garbage chute on every floor. In these buildings, Blue Bin recycling and Green Bin Organics Bins are typically located either outside or in a basement/garage making them less convenient to access. Closing the garbage chute in a multi-residential building has the potential to eliminate the convenience of garbage on every floor and also has the potential to encourage residents to sort and bring their divertible waste for management in Blue Bin and/or Green Bin organics thereby reducing waste sent to landfill.

A chute closure also provides the opportunity for property owners to have greater control over the waste stream by encouraging residents to sort their waste and reduce contamination of the waste streams, and as a result, help to reduce their volume-based solid waste fees.

Under the current requirements, to receive a chute closure permit through the Program, buildings must receive City waste collection service. This helps to ensure that buildings with closed chutes are properly diverting waste materials.

However, there are owners and property managers of multi-residential buildings that are willing to receive City waste collection services to obtain a chute closure permit but are ineligible to receive City waste collection service because of the layout and design of their building. More specifically, the layout and design of the building does not meet the City's requirements for garbage, recycling and organics collection or it would be cost

prohibitive to meet the necessary requirements. The City's requirements for garbage, recycling and organics collection include, but are not limited to: emergency access routes, truck turning radius and loading facility specifications.

The Program is currently operated by Solid Waste Management Services and enforced by the Municipal Licensing and Standards Division.

### **Program overview**

The Program is implemented under Article VIII of Chapter 844, Waste Collection, Residential Properties, which provides that a permit may be issued to close a multi-residential building garbage chute if prescribed requirements are met. The Program is enforced under section 22 of Chapter 629, Property Standards, which requires that where multi-residential garbage chutes are installed they remain open and operational unless a permit has been issued to close the garbage chutes.

To participate in the Program, building owners are first required to submit an application that is available for download on the City's website.<sup>1</sup> Once the application has been received, Solid Waste Management Services staff ensures that the building receives City waste collection service. If the building does not receive City waste collection service, they are first given the opportunity to come on to City collection before applying for a chute closure. If the building cannot be serviced by the City, therefore not meeting the main requirement, their application is rejected.

If the building receives City waste collection service, then the eligibility criteria below are reviewed as part of the Program:

- Confirmation that if the building has a compactor, and the garbage chute closure renders it unusable; or, if the building does not have a compactor, there must be sufficient space for storage of uncompacted waste containers (garbage, Blue Bin recycling and Green Bin organics) on the property.
- Confirmation that there is sufficient space for storage of recycling containers on the property.
- Confirmation that at least six months prior to making the initial application, the building owner must have obtained sufficient in-suite diversion containers and have distributed them and promoted their use to the residents of the building.

As the next stage in the Program, if the building meets all the above eligibility requirements, the building owner must provide additional information to support their application. The additional information must include:

- A detailed communication plan for the current and future residents of the building to explain changes to the waste diversion system in the building as well as the

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<sup>1</sup> <https://www.toronto.ca/services-payments/recycling-organics-garbage/apartments-condos-co-ops/chute-closure-program/>

rationale and goals of the waste reduction program.

- A sample letter to the residents of the building describing how to properly recycle and manage waste, explaining that properly managing waste has environmental benefits and may save money.
- A sample notice to be used to remind residents of the building of the proper waste and recycling disposal processes for the building.
- An outline of training to be provided to staff of the building.
- A detailed plan on how the building owner will assist seniors and people with disabilities in transporting their garbage, recycling materials and organics to the common collection point.<sup>2</sup>

The additional information that addresses issues of accessibility is reviewed and, if sufficient, approved by City staff. The building owner must then conduct a poll or vote demonstrating at least 51 per cent of the rental units, condominium owners or co-op members support the application to close the garbage chute.<sup>3</sup> These results are submitted to City staff and used to verify residency information and agreement to the closure of the garbage chute.

If the above eligibility requirements and additional accessibility information is approved, a permit for chute closure is issued to the building.

## **Current Status**

Since 2010, the Program has received a total of 42 applications. Of the total applications processed:

- 24 were issued a chute closure permit;
- two buildings were determined ineligible because they did not receive City waste collection service;
- five applications were abandoned;
- four chutes were closed without a permit; and
- seven chute assessments are in progress.

It should be noted that although only two buildings not receiving City waste collection service have applied for a garbage chute closure permit, it may not necessarily represent the overall demand for chute closures by non-City customers. Owners of buildings not receiving City waste collection service may have determined in advance that they did not want to receive City waste collection services or were not able to receive them and, thus, did not make the effort to submit a permit application.

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<sup>2</sup> TMC, Chapter 844-37, Waste Collections, Residential Properties, Article VIII, link: [https://www.toronto.ca/legdocs/municode/1184\\_844.pdf#page=35](https://www.toronto.ca/legdocs/municode/1184_844.pdf#page=35)

<sup>3</sup> TMC, Chapter 844-38 and Chapter 844-39, Waste Collections, Residential Properties, Article VIII, link: [https://www.toronto.ca/legdocs/municode/1184\\_844.pdf#page=35](https://www.toronto.ca/legdocs/municode/1184_844.pdf#page=35)

In some cases, where a non-permitted chute closure was identified by Municipal Licencing and Standards or where Solid Waste Management Services staff have received chute closure permit requests, waste diversion outcomes were not found to be the main driver. Rather, the closure was in place or being sought due to other operational concerns in the building, such as, but not limited to, pest management and other maintenance reasons.

## **Review of Options**

The three scenarios captured below present potential options to allow for chute closure in buildings not receiving City waste collection services, and outlines the benefits and challenges of each. Based on the review of these scenarios, staff do not recommend changes to the Program.

Any changes to the existing Program will require further program and budget development including, but not limited to, a review of City authorities, implementation and program planning, a review of the required technical resources (i.e., data tracking and Information and Technology system development), additional staffing considerations (i.e., program support and enforcement), bylaw review and updates, and communications planning. It is estimated that, at a minimum, \$0.5 million in additional operating funds would be required. There is no funding allocated for supporting this work in the 2022 Solid Waste Management Services budget. Furthermore, as any work to change the Program would be to support chute closures at multi-residential buildings not receiving City waste collection services, any further direction would need to be funded by the tax base or the introduction of a new cost recovery based fee.

### *1. Expand the Chute Closure Program with an additional permit requirement for buildings unable or unwilling to receive City waste collection services.*

This option would allow multi-residential buildings unable or unwilling to receive City waste collection services to still obtain a chute closure permit by contractually agreeing to divert waste in a manner similar to City customers. This option would require City staff from Solid Waste Management Services or another division, in consultation with the City Solicitor, to develop a waste diversion contract between the City and the multi-residential building and an approach for the City to enforce such agreements similar to how the City enforces its waste collection bylaws against City customers. Once the elements were prepared, then City staff would request authority from Council to modify the permit requirements in the Toronto Municipal Code to allow for this approach. Ultimately, this option would require the introduction of a fee (to be determined and based on full cost recovery) as the new program development is needed to support buildings not receiving City waste collection service. The funding of the existing Program that permits only buildings receiving City waste collection service would continue to be provided through the Solid Waste Management Services utility rate.

In addition, this option would include buildings not receiving City waste collection service maintaining compliance with waste diversion and accessibility requirements. As there are no enforcement resources in Solid Waste Management Services, the Municipal Licencing and Standards Division would respond to accessibility or safety issues on a complaint basis.

Although this option provides the ability for buildings not receiving City waste collection service to receive a permit to close their garbage chute, this option would require further program development, staff resourcing and budget considerations in order to determine the potential impact. This work should not be funded as part of the Solid Waste Management Services rate program as the service would be provided specifically to customers not receiving City collection service and therefore not paying fees for services. Furthermore, accountability under the Solid Waste Management Services would be outside of its mandate and scope as it relates to ensuring diversion outcome for non-City serviced buildings and resident accessibility requirements.

*2. Only buildings receiving City waste collection service require a permit.*

For this second option, instead of having a building unable or not wanting to receive City waste collection service agree contractually to waste diversion requirements to be able to obtain a chute closure permit, the City could change the permit program to require only buildings receiving City waste collection service to obtain a permit for chute closure. Buildings not receiving City waste collection service would be able to close their garbage chutes without a permit.

This option avoids the need for buildings not receiving City waste collection service to comply with any chute closure requirements including receiving City waste collection services and other requirements identified in this report.

However, limiting the applicability of the chute closure permit in this manner introduces issues of administrative and procedural fairness that could result in a legal challenge. In addition, buildings not receiving City waste collection service would be able to close their garbage chutes without having to comply with waste diversion requirements that protect the environment and consideration of accessibility for residents.

*3. Remove the need for a chute closure permit for any building (regardless of service provider) and maintain safety and accessibility requirements*

The third option considers terminating the requirement for any building to obtain a permit to close their garbage chute, regardless of whether the building receives City waste collection services.

This change would involve the deletion of the permit-related provisions in Article VIII of Chapter 844, Waste Collection, Residential Properties and section 22 of Chapter 629, Property Standards. A requirement would be added to Chapter 844, Waste Collection, Residential Properties for buildings on City waste collection services to inform Solid Waste Management Services if they close their garbage chutes to ensure the building's continued compliance with existing diversion requirements. There may be a need for non-City customer buildings to inform the City of a garbage chute closure.

All owners and property managers of multi-residential buildings, including those not receiving City waste collection services, would be subject to requirements that ensure garbage chutes are safe and well-maintained, and that waste receptacles are accessible. However, staff would need to further explore which City bylaws could

capture such safety and accessibility requirements, and how this would be implemented and enforced in practice.

### **Next Steps**

The Solid Waste Management Services Division does not recommend any Program changes. Any new direction to make changes to the existing Program will require further program and budget development.

It is also important to note that the City does not receive waste generation information from owners with buildings not receiving City waste collection service and any impacts on waste diversion as a result of garbage chute closure cannot be measured.

### **CONTACT**

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### **SIGNATURE**

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