

Legal Advice Regarding Aspects of the City of Toronto's Blue Box Program Post-Transition Plan

Date: October 15, 2025

To: Infrastructure and Environment Committee

From: City Solicitor

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

This report summarizes preliminary advice from the City Solicitor to the Solid Waste Management Services Division regarding aspects of the City of Toronto's plan for the transition of the blue box program to extended producer responsibility.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of this report.

DECISION HISTORY

At its meeting on February 7 and 8, 2023, City Council adopted item IE1.8 entitled "Update on the Transition of Toronto's Blue Bin Recycling Program to Extended Producer Responsibility". Among the decisions, City Council directed the General Manager, Solid Waste Management Services, and/or designate, to report back further on the post-transition phase from January 1, 2026 onwards.

The City Council Decision document can be viewed at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.IE1.8>

COMMENTS

This report summarizes preliminary advice from the City Solicitor to the Solid Waste Management Services Division regarding aspects of the City of Toronto's plan discussed in the report from the General Manager, Solid Waste Management Services Division, entitled "Transition of the Blue Box Program to Extended Producer Responsibility: Post-Transition Plan".

As explained in the Solid Waste report, when the extended producer responsibility ("EPR") program for Blue Box Materials, as that term is defined in Ontario Regulation 391/21: Blue Box ("O. Reg. 391/21")¹ takes effect Province-wide on January 1, 2026, the City of Toronto's Solid Waste Management Services Division ("SWMS") will no longer be permitted to collect, transfer or process recycled materials from Toronto low-rise residences and other eligible sources, as that term is defined in O.Reg. 391/21.² The City is concerned that, when producers begin operating the recycling program in Toronto through Circular Materials, Inc. ("CM") -- the producer responsibility organization ("PRO") with responsibility for Toronto -- the following adverse impacts may arise and undermine the Resource Recovery and Circular Economy Act, 2016's ("RRCEA") goal of maintaining or improving diversion of Blue Box Materials:

- blue bins of Blue Box Materials that are not collected from the road allowance in a timely manner may eventually spill out onto the City's road allowance and require the City to clean up the waste and haul it to Green Lane Landfill to

¹ <https://www.ontario.ca/laws/regulation/r21391>

² Discussed further in section 4 of O. Reg. 391/21, the term "eligible sources" refers to those properties or "sources" (e.g. low-rise houses, multi-residential buildings, commercial facilities) that the regulation considers "eligible" to receive producer-funded collection, transfer and processing of the source's recyclable materials.

discard as garbage (in part, because the City will not longer be permitted to process the material on its own as recyclable material).

- owners of blue bins of Blue Box Materials that are not collected in a timely manner may ultimately decide to place the material into a garbage or green organics bin for the City to collect on the next or earliest waste collection pickup date
- continued development and implementation of promotional and educational material (“P&E”) for the public about recycling best practices will not be as effective because updates will not be frequent enough to respond to newly introduce packaging and will not be translated into the required foreign languages.

Confidential Attachment 1 provides advice in connection with the above information
This advice is subject to the solicitor-client privilege.

CONTACT

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SIGNATURE

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ATTACHMENTS

Confidential Attachment 1 - Confidential Information