

Clause embodied in Report No. 4 of the Works Committee, as adopted by the Council of the City of Toronto at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001.

1

Proposed Residential Solid Waste Collection By-law

(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, amended this Clause by adding thereto the following:

“It is further recommended that Recommendation No. (1) of the Works Committee embodied in the communication dated March 28, 2001, from the City Clerk, be adopted, viz.:

‘The Works Committee:

- (1) recommends the adoption of Recommendation No. (2) embodied in the report dated March 12, 2001, from the Commissioner of Works and Emergency Services entitled “Improving Waste Diversion in Apartments”, viz.:*

“that section 2.3 of the Proposed Residential Solid Waste Collection By-law be amended to include a requirement that apartment building owners post signs with specific recycling instructions in various designated locations of their building;”.’ ”)

(Clause No. 2 of Report No. 2 of the Works Committee)

(City Council at its meeting held on March 6, 7 and 8, 2001, deferred consideration of this Clause to the next meeting of City Council scheduled to be held on April 24, 2001.)

The Works Committee recommends the adoption of the report dated June 28, 2000, from the Commissioner of Works and Emergency Services, embodied in the communication dated August 11, 2000, from the City Clerk, subject to the following amendments:

- (A) the adoption of the following Recommendations embodied in the report dated January 23, 2001, from the Commissioner of Works and Emergency Services, entitled “Set Fines and Clean-Up Orders”:**

“(1) Section 19 of the proposed Residential Solid Waste Collection By-law, presented to Council in the report dated June 28, 2000, from the Commissioner of Works and Emergency Services, be amended, for the

purposes of facilitating the short form wording only, to include the following two sub-clauses:

19.1 No person shall:

19.1 (g) set out any waste for collection unless it is in appropriate Regulation Containers as specified in this By-law;

19.1 (h) set out any waste in a Regulation Container that is not in good working order”;

- (2) the revised set fines provided as Attachment 2 in this report replace the original set fines presented to Council in the report dated June 28, 2000, from the Commissioner of Works and Emergency Services entitled “Residential Solid Waste Collection By-law”;**
 - (3) upon approval of the proposed Residential Solid Waste Collection By-law, the Legal Services Division be authorized to forward the fine schedule to the Ministry of the Attorney General for approval;**
 - (4) following receipt of approval from the Ministry of the Attorney General, staff be directed to apply the fine schedule as part of the residential by-law enforcement procedure; and**
 - (5) following approval of the proposed Residential Solid Waste Collection By-law, staff be authorized to issue clean-up orders for material that is deemed, by a By-law Enforcement Officer, to be offensive to the public or attractive to animals and collect the cost in a like manner as taxes”;**
- (B) the adoption of the following Recommendations Nos. (1), (2) and (8) embodied in the report dated January 24, 2001, from the Commissioner of Works and Emergency Services, entitled “Options for Household Waste Containers above the Collection Limit”:**

“(1) Section 8.1 of the proposed Residential Solid Waste Collection By-law be deleted and replaced with the following Section 8.1:

“No owner who receives Curbside Collection shall set out for collection any combination of Garbage Containers and/or Bulky Items which exceeds six (6) in number”;”

“(2) residents be directed to continue to use the existing options available to them to deal with garbage in excess of the collection item limit;” and

“(8) upon approval of the Solid Waste Collection By-law, clean-up orders will be issued at locations that choose not to use any of the approved options”; and

(C) amending the proposed Residential Solid Waste Collection By-law to provide that the set-out time be 6:00 p.m. from November to April.

The Works Committee reports, for the information of Council, having requested the Commissioner of Works and Emergency Services to submit a report to the Committee by the end of 2001 on the incidences of illegal dumping.

The Works Committee submits the following communication (August 11, 2000) from the City Clerk:

City Council, at its meeting on August 1, 2, 3 and 4, 2000, had before it the attached Clause No. 3 contained in Report No. 15 of The Works Committee, headed "Proposed Residential Solid Waste Collection By-law".

Council directed that the aforementioned Clause be struck out and referred back to the Works Committee for further consideration.

(Clause No. 3 of Report No. 15 of The Works Committee)

(City Council on August 1, 2, 3 and 4, 2000, struck out and referred this Clause back to the Works Committee for further consideration.)

The Works Committee recommends the adoption of the report dated June 28, 2000, from the Commissioner of Works and Emergency Services.

The Works Committee reports, for the information of Council, having requested the Commissioner of Works and Emergency Services to submit a report directly to Council for its meeting on August 1, 2000, on the following motion, such report to include consideration of issues related to weight and storage space:

Moved by Councillor Shiner:

"That the following be deleted from the proposed by-law:

- (1) the requirement for the use of plastic bags for the collection of paper; and
- (2) the reference to bi-weekly recycling collection for Multiple Household Residences."

The Works Committee submits the following report (June 28, 2000) from the Commissioner of Works and Emergency Services:

Purpose:

To summarize and address the comments received from stakeholders and present the proposed Residential Solid Waste Collection By-law for approval.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that:

- (1) the Residential Solid Waste Collection By-law, consolidating and harmonizing the residential components of the former Area Municipalities' solid waste collection by-laws, be enacted;
- (2) the following by-laws continue to be in effect, provided that in the event of a conflict between the Residential Solid Waste Collection By-law and a by-law referred to below, the Residential Solid Waste Collection By-law will prevail:
 - Chapter 309, City of Toronto Municipal Code, as amended;
 - Chapter 149, Etobicoke Municipal Code, as amended;
 - By-law 1-86, as amended;
 - By-law 2890-78, as amended;
 - By-law 24478, as amended; and
 - By-law 21732, as amended;
- (3) authority be granted for the introduction of the necessary Bill to give effect thereto;
- (4) staff be authorized to take all steps necessary to enforce the Residential Solid Waste Collection By-law;
- (5) residents of the City of Toronto be advised accordingly;
- (6) the Commissioner of Works and Emergency Services be given full authority to discontinue solid waste collection services at any residential location due to non-compliance with the by-law, and only in the event that the Ward Councillor is of the opinion that the location should remain eligible for solid waste collection services while in contravention of the by-law, will the issue be sent to the Works Committee and Council for resolution; and
- (7) the Commissioner of Works and Emergency Services be directed to initiate site investigations at multiple household residential locations and authorize the adjustment of garbage and/or recycling collection service based on the protocol identified in this report.

Background:

Since amalgamation, solid waste collection in the City of Toronto has been regulated by six separate by-laws. Due to fundamental differences in collection policies and enforcement procedures, the need for a harmonized solid waste collection by-law has been critical to operational and service level consistencies.

The current solid waste collection by-laws deal with all services, however, due to the time required to properly research institutional and commercial eligibility issues and multiple household residential service fees, the attached by-law (Attachment 1), prepared in consultation with the Legal Department, deals only with residential curbside collection requirements and harmonizes collection policies and standardizes enforcement procedures across the City, while providing a fair and efficient collection system for our residential customers.

Upon approval by Council, all six current by-laws will remain in effect. However, in the event of a conflict between the new by-law and the former municipal by-laws, the new by-law will prevail. All existing by-laws must remain in effect for the purposes of enforcing multiple household bulk bin rental fees and commercial and institutional collection requirements. Following the harmonization of multiple residential household service fees and institutional and commercial issues, the approved residential by-law will be amended to encompass all services. At that time, all former municipal by-laws will be repealed.

In a report to each Community Council from the General Manager, Solid Waste Management Services, dated March 9, 2000, staff provided a copy of the proposed Residential Solid Waste Collection By-law and outlined the changes that may affect the residents in each Community Council Area (CCA) for review. For the convenience of members of the Works Committee and Council, a copy of the report has been attached as Attachment 2. Community Councils have provided their comments directly to the Works Committee as part of this agenda or, alternatively, requested staff to report on their comments as part of this report.

In addition to the consultation with each Community Council, newspaper advertisements were placed in each community newspaper(s) outlining the significant changes to collection services. A 24-hour response telephone line, in addition to an e-mail address was provided to allow residents and other stakeholders the opportunity to provide their comments and concerns. Community Councils also held public information sessions at their May meetings. Two public meetings at separate venues were also scheduled at the request of the Scarborough and Toronto Community Councils. A summary of the stakeholder consultation has been provided in Part C of the Comments section.

Staff were requested by Community Councils to report on the following items when the matter of the Residential Solid Waste Collection By-law is considered by Works Committee:

- (1) provide clarification for existing situations as to what constitutes health or safety issues, and who determines what is a health and safety issue as it relates to whether or not garbage will be collected from storage bins on private property owned by businesses or multiple residential buildings (as requested by East York Community Council);
- (2) include a recommendation on a protocol for implementing collection for multiple residential units from twice a week to once a week (as requested by Etobicoke Community Council);
- (3) in consultation with the City's recycling firms, report on the requirement that newspapers and magazines be bagged, given the concern of the Toronto Community Council that this

requirement may reduce participation in recycling and make residents guilty of an offence for undertaking an activity which, in the past, was legal (as requested by Toronto Community Council); and

- (4) report on adding a new section to the proposed by-law which would ensure the proper setting out of garbage and proper recycling of materials for buildings with two or more dwelling units with an absentee landlord (as requested by Toronto Community Council).

Staff have provided the requested information in Part A in the Comments section.

In addition, the following are recommendations from the Community Councils respecting the Residential Solid Waste Collection By-law that have been included as part of this meeting's agenda as submissions from the Community Councils for the consideration of the Works Committee:

- (1)
 - (a) the retention of eight bags per collection, instead of the proposed six, having regard for the fact that the former City of Scarborough approved eight bags per collection when it adopted the once-a-week collection schedule (as requested by Scarborough Community Council); and
 - (b) the implementation of six bags per collection when garbage collection across the City has been harmonized (as requested by Scarborough Community Council);
- (2) as single family homes, townhouses, semi-detached homes and multi-residential developments, other than apartment buildings, are all taxed at the same rate, they should all receive the same level of service for waste collection and curbside collection, and that central point collection be eliminated at all properties except those that may wish to retain central point collection (as requested by North York Community Council);
- (3) Section 15.1(c) be amended to provide that only grey and green recycling boxes be used for the collection of newspapers, telephone directories, magazines and catalogues, and that all references to the use of bags for the collection of paper be deleted (as requested by North York Community Council);
- (4) the wording of the proposed Residential Solid Waste Collection By-law be amended to provide that the authority for ceasing of solid waste collection be only at the discretion of City Council (as requested by North York Community Council);
- (5) Section 2.5 of the proposed by-law attached to the report (March 9, 2000) from the General Manager, Solid Waste Management Services, be amended to read:
 - "2.5 The Commissioner may determine that Owners of multiple household residences who do not participate fully in the City's collection of Recyclable Materials or who sell or otherwise transfer Recyclable Materials to persons other than the City are not eligible to receive any Services." (as requested by Toronto Community Council);

- (6) a Schedule of set fines be submitted to Council prior to the adoption of the by-law (as requested by Toronto Community Council); and
- (7) appropriate advertising and public education be undertaken to ensure residents are made aware of changes to their collection service upon approval of the by-law (as requested directly to staff by East York Community Council).

Discussion of each recommendation has been provided in Part B of the Comments section.

Comments:

A. Requests for Further Information:

The following addresses the requests from Community Councils as they pertain to the Residential Solid Waste Collection By-law:

(1) Health and Safety Issues:

If a health and safety issue arises related to whether or not garbage will be collected from storage bins on private property (excluding bulk or automated/rear bin), the existing by-law or requirements will be reviewed. If, as in the case of the East York CCA, the current by-law states that collection will not take place on private property or from a storage room, the Solid Waste Management Services supervisor will discuss changing the collection point with the property manager or owner. In turn, the collection method may change. Upon approval of this by-law, collection can be refused at any location that is deemed dangerous to City employees. In the case of storage bins, a health and safety audit done in the Toronto CCA in 1993 showed that significant health and safety concerns were identified that included rodents, sharps (syringes/needles), bin lids and packaging problems.

When staff feel that their work environment may pose a health and safety risk, under the Ontario Occupational Health and Safety Act, the immediate supervisor is responsible for calling in representatives from the designated Health and Safety Committee. The two representatives would be union staff and management staff respectively. These two representatives would determine if the situation is a health and safety issue. The staff member who originally lodged the complaint would then be informed of the Committee's decision. If the staff member is not satisfied with the decision, a representative from the Ministry of Labour would be called in to investigate. At that point, the Ministry of Labour decision is binding.

(2) Multiple Household Residence Protocol for Decreasing Current Twice/Week Service Levels:

It is proposed that every location that currently receives twice-per-week garbage collection will receive a site visit by Solid Waste Management Services staff. At that time, staff will review the site configuration and storage requirements with the property management company or a representative of the development. Based on estimated generation rates, we would require a minimum of approximately 1.2 cubic metres of space per unit on site to accommodate the storage of garbage and recyclables weekly and bi-weekly respectively. The storage area(s)

should be ventilated and rodent proof and located internally within the actual building or in an enclosure on site.

If staff are satisfied from the site investigation that the storage requirements cannot be met, the location would be exempt from the once-per-week collection clause.

In conjunction with reducing curbside garbage collection service from twice per week to once per week, staff are reviewing the reduction of cart/toter collection service from the weekly collection of each product (paper/commingled) to the collection of one product on alternating weeks or both products bi-weekly (as is the current situation with single family households receiving once-per-week garbage collection). Additional carts/toters will be required at these locations to accommodate the additional storage needs. Again, if based on the site investigation, staff are satisfied that additional storage is not available, the recyclable collection service will remain status quo.

(3) Grey Box Requirements:

Currently, the proposed grey box requirements (i.e., newspaper, catalogues and magazines must be bagged and placed beside the grey box or on top of the other loose paper in the grey box) are currently practised in the Toronto and Scarborough CCAs. This policy is based on an ergonomic study undertaken in the Toronto CCA which showed that lifting grey boxes full of newspapers/magazines and catalogues posed a health risk. In these two CCAs, newspapers must be bagged, which allows staff to lift each bag separately. The Etobicoke and York CCA currently require that all paper be bagged to avoid litter problems on windy days. As such, generation rates in these four Community Council Areas will not be affected by the provision in the new by-law. It should be noted that Community Council Areas with these restrictions still realized high diversion rates and it is anticipated that this requirement will not significantly reduce the capture rates of fibre materials in the North York and East York CCAs.

Calendars and advertisements will continue to promote the proper way of placing grey/green box material at the curb based on the approved by-law requirements. However, should staff determine that a resident is consistently placing out loose materials in the grey box and the boxes are deemed heavier than average, staff will visit the location and explain why newspapers, magazines and catalogues must be bagged. If the containers continue to be overfilled and heavy, staff will not collect the materials until they have been packaged correctly. Residents will be fined as a final option only.

(4) Multiple Household Set-Out Requirements:

A separate section is not required in the by-law to ensure the proper setting out of garbage and recycling materials for buildings with two or more dwelling units with an absentee landlord as the proposed by-law wording covers this issue.

Under the new by-law, enforcement staff have the power to issue tickets where garbage and recyclables have not been set out properly. Both the owner and occupant are responsible to ensure garbage and recyclables are placed out under the terms of the by-law. The City has the option of cutting off service to locations not participating in the recycling program and/or leaving

materials behind due to by-law infractions. In these cases the City will have the ability to clean-up the boulevard and charge the owner directly on the taxes. As opposed to the full removal of services, the City also has the ability to take the owner to court for continued contravention of the by-law, whereby the owner may face a jail sentence. Both these enforcement procedures will ensure that an absentee landlord is responsible for his/her tenants' actions.

B. Community Council Recommendations:

(1) Bag Limits:

As stated in the report of March 9, 2000, it is anticipated that reducing the number of items allowed per collection day will not affect the majority of residents in the City of Toronto. It is anticipated that those residents who will be adversely affected by a six-bag limit do not regularly participate in the City's recycling program or put out illegal materials for collection (i.e., commercial waste).

Based on the item limit study undertaken in the Scarborough CCA, households put out approximately 2.15 items weekly. In addition, a phone survey undertaken in November 1999 for the purposes of evaluating summer twice-per-week collection, indicated that Scarborough residents felt that, on average, they put out 2.4 bags/containers on each collection day.

In the original study done for the purposes of this by-law, residents put out approximately 2.86 items weekly. Therefore, by setting a low but realistic item limit, it is anticipated that residents who normally place out less than six items will be further encouraged to increase their recycling and composting efforts and divert reusable items to a number of agencies located within the City. In addition, this item limit will allow staff the opportunity to identify households that may require additional blue/grey boxes and/or educational materials regarding recycling and other diversion options. Staff will also be able to identify locations that may be consistently putting out prohibited items such as trade waste for residential collection.

Approving an eight-item limit initially until all CCAs receive summer twice/week collection will ultimately cause confusion among residents when the bag limit is adjusted. While the North York CCA and some Toronto CCA residents are enjoying a higher level of service this summer, our studies have indicated that, on average, residents do not put out more than six items in total over the two collection days in each week. In addition, tonnage collected is generally 25 percent lower on the second day and only 47 percent of the residents typically use the second day. It is expected that the average resident will not abuse the twice-per-week collection system by placing more than six items out weekly.

(2) Central Point Collection:

As stated in the report entitled "Proposed Solid Waste Management Services Requirements for Developments and Redevelopments" from the General Manager, Solid Waste Management Services, dated March 9, 2000, to each Community Council, the proposed requirements recommend garbage and recycling collection services from central collection points (i.e., bulk lift collection or shared single point collection) at all new and applicable redevelopments where townhouses/rowhouses etc. face a private roadway. Factors that influenced the proposed

requirement include liability issues, problems associated with roadways not built or maintained to City standards, lack of by-law enforcement capabilities on private property and the requirement that garbage collected in rigid containers or bags be collected from the public portion of the street allowance. Should door-to-door collection be requested, it is recommended that developers propose to provide roads in the development that can be assumed by the City. In addition, the proposed requirements set out by Urban Planning and Development Services (UPDS) in the draft document entitled “Design Guidelines and Development Standards for Infill Housing” recommend that freehold housing be developed on existing public streets where possible, or alternatively, on newly created public streets that are not deadended.

While it is realized that infill townhouse locations are taxed at the same rate as single family homes, the elimination of single point collection at all existing locations is not possible due to the issues that were factored into the original decision to provide single point collection. Factors affecting the approvals included lack of appropriate storage facilities, private road widths and access issues. Many locations do not have storage in each individual dwelling unit, therefore, central storage facilities and collection points are critical. In addition, existing locations currently not receiving door-to-door collection do not have sufficient road widths that will allow our existing vehicles access onto the site. In addition to the narrow roads, these locations may not have sidewalks which provide for the safety of residents and children when vehicles are moving through the site. Access is also a critical factor to collection on these narrow private roadways due to parked cars and snow banks, thereby resulting in missed collections; and, as stated previously, we have no by-law enforcement capabilities on private property. For example, should a resident choose to store their garbage at the private road allowance, we cannot issue tickets or clean up orders.

These factors, in addition to the fact that service levels have not changed at these locations as a result of amalgamation, staff are recommending that the collection method at all existing locations serviced by the City remain status quo. It is important to note that this is not governed by the by-law.

(3) Grey/Green Box Set Out:

Currently, all CCAs, with the exception of the North York and East York CCAs, require that newspapers, magazines and catalogues be bagged and placed beside or on top of other loose paper in the grey/green box due to health and safety issues and litter concerns. Loose paper tends to create serious litter problems on windy days. Heavier boxes, due to overloading or storage in wet weather conditions, have created a cause for concern with regards to back injuries due to the deeper bend required to lift recycling boxes in comparison to garbage cans. An ergonomics study was undertaken in the former City of Toronto when the grey box was first introduced and based on recent correspondence from the City’s ergonomist, it is recommended that the set-out requirements in the proposed by-law be approved. Approval of all loose paper products in the grey/green box will compromise the City’s efforts to maintain a safe working environment and a clean city.

(4) Removal of Collection Services:

By changing the authority for ceasing solid waste collection from the Commissioner to City Council, the time frame for enforcing the by-law and the requirement of monthly reports to the Works Committee and City Council will be onerous on both staff and Council. Currently, in the Scarborough CCA, staff ensure that Councillors are made aware of locations in their Ward that may be removed from our collection service due to the refusal of the property manager to implement or maintain a recycling program for residents. As such, Councillors are made aware well in advance of any notification of removal of services and have sufficient time to contact the property manager or Solid Waste Management Services staff regarding the location.

Staff are recommending that this procedure be established across the City upon approval of the by-law. Councillors will be copied on all correspondence relating to the potential removal of services at any residential location due to the mandatory recycling provision or health and safety violations. After staff have provided copies of all relevant documentation to support the removal of services, the Councillor has the opportunity to review the situation. If the Councillor does not oppose our recommendation, the Commissioner will have the authority to discontinue services. However, if the Councillor wishes to have a location exempt from the by-law, staff are proposing that a report be provided to the Works Committee and Council in order to exempt the location from this by-law provision.

(5) Mandatory Recycling:

Staff have recommended that all single family and multiple family households be subject to the mandatory recycling by-law. While the by-law is critical to encouraging owners of multiple household residences to participate in the City's recycling program, it is also critical for addressing single family household residents who consistently do not recycle and are in constant contravention of the item limit. Staff are of the opinion that mandatory recycling is a powerful motivational tool. In addition, when fibre revenues increase significantly, some residents and property managers are willing to sell their paper to companies other than the City. In instances such as these, the City will realize a loss in revenues. Again, the mandatory recycling clause can be used to ensure we do not lose paper products to entrepreneurs during peak market prices. Staff are therefore recommending that the mandatory recycling clause remain as originally presented during the public consultation.

(6) Set Fines:

The proposed set fines that have been drafted and forwarded to the Legal Department for their review have been included as Attachment 3. Upon review and modification, where required, the proposed wording and fines will be submitted to the Ministry of the Attorney General for approval. However, the by-law must be approved by Council before the short form wording and suggested set fines are forwarded by the Legal Department to the Ministry. The Ministry has the opportunity to amend the set fines at that time.

(7) Public Education:

Solid Waste Management Services staff, in consultation with the Public Consultation and Community Outreach Unit, will create an appropriate public education plan to ensure that residents are made aware of any changes to their collection service as a result of the harmonized

by-law. The plan will include newspaper advertisements and flyers delivered in conjunction with annual solid waste collection calendars. In addition, when a residential location is in violation of an infraction that has changed as a result of the by-law, staff will provide an education package highlighting changes to the by-law on the first infraction, as opposed to fining the resident. However, staff will undertake the normal enforcement procedure on any subsequent offences.

C. Results of Stakeholder Consultation:

In addition to each Community Council reviewing and commenting on the proposed by-law, residents and other stakeholders were given the opportunity to provide feedback. All ratepayer groups in the City and approximately 200 property managers were provided through the mail or via facsimile, with information on the proposed by-law and an invitation to attend their local public meeting. All stakeholders were given the opportunity to provide feedback at any public meeting and through a 24-hour comment line and via e-mail.

The following table summarizes comments received from stakeholders through one of the above means:

| Comments | No. of Similar Responses | Solid Waste Management Services Recommendation |
|---|--------------------------|--|
| Elderly residents use the public litter bins for garbage disposal and, as such, should not be illegal. | 1 | The use of public litter bins is currently illegal across the City and must remain so due to the problems encountered with abuse. |
| Enforcement of the by-law of paramount importance to reduce unsightly garbage at the curb on non-collection days. | 1 | Solid Waste Management Services has increased the number of by-law enforcement officers to 25 (plus 2 supervisors) and will ticket all infractions that staff are aware of. |
| Increased enforcement required for people who dump household garbage in public litter bins. | 1 | The new by-law prohibits the use of public litter bins for household garbage. Enforcement staff regularly open bags left in the litter bins. However, tickets can only be issued if evidence is found. |
| Problems with automated bins in the North York CCA – unsightly. | 3 | A working committee made up of Councillors and staff is addressing the issue of automated bins and will recommend alternative methods of collection. |
| Lack of storage space a problem at some townhouses, therefore, twice-per-week garbage collection is necessary. | 1 | Staff have recommended criteria that will be used to determine if a multiple household residence receiving curbside garbage collection can be adjusted from twice per week to once per week. Locations with insufficient storage space will continue to receive twice-per-week collection. |

| Comments | No. of Similar Responses | Solid Waste Management Services Recommendation |
|---|--------------------------|--|
| Legislation should be in place to enforce the repair of electrical appliances as opposed to disposal. | 1 | Provincial/Federal mandate. |
| Concern of space requirements due to the mandatory recycling clause. | 1 | Staff assisted with identifying space and provided the cost of recycling containers. |
| Reduction in bag limit will result in more litter, dumping. | 1 | The majority of residents are in compliance with a six-item limit. |

D. Other:

As a result of an extensive review of the proposed by-law during the consultation phase, minor wording changes have been made. However, these will not affect the service levels and requirements originally presented during the consultation process, nor do they affect the purpose of the by-law. These changes allow for better enforcement capabilities.

Conclusions:

Based on comments received from all stakeholders during the public consultation process, staff are of the opinion that the attached by-law provides a fair and reasonable collection system to all residents of the City of Toronto. By making changes to bag limits or mandatory recycling, the City will be compromising its efforts to increase diversion and decrease the amount of unauthorized waste going to landfill.

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Attachments:

- (1) Residential Solid Waste Collection By-law.
- (2) Report to each Community Council entitled "Proposed Residential Solid Waste Collection By-law" (March 9, 2000).
- (3) Proposed Short Form Wording.

CITY OF TORONTO

BY-LAW No ****

To harmonize and regulate the handling and collection of Garbage and other Waste from Residential Properties within the City of Toronto

WHEREAS section 208.2 of the Municipal Act (the “Act”) authorizes a municipality to pass by-laws to establish, maintain and operate a waste management system; and

WHEREAS section 208.6 of the Act authorizes a municipality to pass by-laws to prohibit or regulate the use of any part of a waste management system; and

WHEREAS the handling and collection of Garbage and other Waste from Residential Properties within the City of Toronto has, to date, been regulated by by-laws enacted by the councils of the former Corporation of the City of Toronto, the Corporation of the City of North York, the Corporation of the City of Etobicoke, the Corporation of the City of York, the Corporation of the City of Scarborough and the Borough of East York (the “former municipalities”); and

WHEREAS it is desirable to consolidate and harmonize the waste collection by-laws of the former municipalities with respect to Residential Properties;

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

PART I - INTERPRETATION

1. Definitions

1.1 In this By-law and schedules forming part thereof, the following terms shall have the following respective meanings:

- (a) “Bulky Item” means a household item other than an item for which Special Collection Services are provided, which is larger than 1.2 metres in any one dimension or weighs in excess of 20 kilograms, including furniture of whatever size and weight as may be determined by the Commissioner;
- (b) “City” means the City of Toronto;
- (c) “City Council” means the Council for the City of Toronto;
- (d) “Collection Point” means the part of a property eligible to receive Services that has been designated by the Commissioner for the setting out and collection of Garbage, Recyclable Materials, Yard Waste and items eligible for Special Collection Services;

- (e) “Commissioner” means the Commissioner of the City’s Works and Emergency Services Department and includes his or her designate or successor, if any;
- (f) “Contamination” means the mixing of an item referred to in one subclause below with an item described in a different subclause:
 - (i) Recyclable Materials;
 - (ii) Garbage;
 - (iii) Yard Waste;
 - (iv) Restricted Items;
- (g) “Curbside Collection” means the collection of Garbage and Recyclable Materials in containers described in subsections 9.1 and 10.1 at a Collection Point which is at or near a curb;
- (h) “Daytime Collection Period” means a period of time during which the City provides Services which period commences at 7:00 a.m. on a specified day and concludes at 5:00 p.m. the same day;
- (i) “Department” means the City’s Works and Emergency Services Department;
- (j) “Dwelling Room” means a room used or designed for human habitation which has culinary or sanitary facilities, but does not include:
 - (i) a room in a Dwelling Unit or in a hotel, tourist or guest home;
 - (ii) a bathroom or kitchen; or
 - (iii) a windowless storage room that has a floor area of less than ten square metres;
- (k) “Dwelling Unit” means a living accommodation used or designed for habitation by one person or by two or more persons living together which consists of a room or suite of two or more rooms in which both culinary and sanitary facilities are provided for the exclusive use of the person or persons;
- (l) “Garbage” means waste other than Recyclable Materials, Yard Waste, items for which Special Collection Services are provided and Prohibited Waste;
- (m) “Garbage Collection Services” means those services provided by the City under this By-law for the removal of Garbage from Residential Property within the City;
- (n) “Garbage Container” means a container for setting out Garbage which meets the requirements contained in subsections 9.1 and 9.2;
- (o) “Household Residence” means a building containing Dwelling Rooms and/or fewer than eight Dwelling Units;
- (p) “Mechanical Collection” means the collection of Garbage and Recyclable Materials in containers described in subsections 9.2 and 10.2;

- (q) “Multiple Household Residence” means a building used mainly for residential purposes which contains eight or more Dwelling Units;
- (r) “Nighttime Collection Period” means a period of time during which the City provides Services which period commences at 8:00 p.m. on a specified day and concludes at 7:00 a.m. the next day;
- (s) “Owner” means an owner, occupant, lessee, tenant or any other person in charge or in control of a Residential Property in the City;
- (t) “Person with Disability” means a person who, in the opinion of his or her physician, is by reason of permanent or temporary disability, unable to comply with the requirements of this By-law with respect to setting out Regulation Containers at the appropriate Collection Point;
- (u) “Prohibited Waste” means the waste items referred to in Schedule “C” hereto;
- (v) “Recyclable Materials” means the waste items, other than Yard Waste, referred to in Schedule “B” hereto;
- (w) “Recycling Container” means a container for setting out Recyclable Materials which meets the requirements contained in subsections 10.1 and 10.2;
- (x) “Recycling Collection Services” means the Services provided by the City for the removal of Recyclable Materials from Residential Property within the City;
- (y) “Regulation Container” means a Garbage Container, a Recycling Container or a Yardwaste Container;
- (aa) “Regulation 347” means Regulation 347, R.R.O. 1990, under the *Environmental Protection Act*, as same may be amended or replaced from time to time;
- (bb) “Residential Property” means a Household Residence or a Multiple-Household Residence;
- (cc) “Services” means one or more of the services provided by the City under this By-law, including Garbage Collection Services, Recycling Collection Services, Yard Waste Collection Services and Special Collection Services;
- (dd) “Set Out” means the placement at a Collection Point of an item with respect to which the City provides Services;
- (ee) “Special Collection Services” means the services provided by the City under this By-law for the collection of items referred to in Schedule “A” hereto;
- (ff) “Specially Equipped Building” means a Multiple-Household Residence which has a stationary compactor unit and garbage container(s);

- (gg) “Street” means any public highway, road, street, lane, alley or square within the jurisdiction of the City;
- (hh) “Waste” means Garbage, Recyclable Materials, Yard Waste and Prohibited Waste;
- (ii) “Yard Waste” means those items referred to as yard waste in Schedule “B” hereto;
- (jj) “Yard Waste Collection Services” means those services provided by the City under this By-law for the removal of Yard Waste from Residential Property within the City; and
- (kk) “Yard Waste Container” means a container for setting out Yard Waste which meets the requirements contained in subsection 11.1.

1.2 The necessary grammatical changes required to make the provisions hereof apply to corporations, partnerships, trusts, and individuals, male or female, and to include the singular or plural meaning where the context so requires, shall in all cases be assumed as though fully expressed.

1.3 The insertion of headings and the division of this By-law into sections and subdivisions thereof is for convenience of reference only and shall not affect the interpretation thereof.

PART II - COLLECTION SERVICES

2. Eligibility for Services

2.1 Subject to the terms and conditions contained in this By-law and any directives issued by City Council from time to time, the City shall collect Garbage, Recyclable Materials, Yard Waste and items eligible for Special Collection Services from Residential Properties.

2.2 No Owner shall be eligible to receive Services unless the Owner complies with all relevant requirements contained in this By-law and in the City publication entitled “Requirements for Garbage and Recycling Collection Services at Developments and Redevelopments” as same may be amended from time to time.

2.3 The Commissioner may determine that Owners who do not participate fully in the City’s collection of Recyclable Materials or who sell or otherwise transfer Recyclable Materials to persons other than the City are not eligible to receive any Services.

3. Frequency of Garbage Collection Services

3.1 The City shall collect Garbage no more than once per week from Household Residences and Multiple Household Residences who receive Curbside Collection.

3.2 Notwithstanding the foregoing, City Council may direct the Commissioner to provide Garbage Collection Services twice per week to Household Residences and Multiple Household Residences who receive Curbside Collection subject to such terms and conditions as City Council deems appropriate.

3.3 The City shall collect Garbage no more than twice per week from Multiple Household Residences who receive Mechanical Collection.

4. Frequency of Recycling Collection Services

4.1 The City shall collect Recyclable Materials once every two weeks from Household Residences and Multiple Household Residences who receive Curbside Collection of Garbage.

4.2 The City shall collect Recyclable Materials no more than once per week from Multiple Household Residences who receive Mechanical Collection.

5. Frequency of Yard Waste Collection Services

5.1 The City shall collect Yard Waste from Household Residences and Multiple Household Residences approved by the Commissioner during the months of April, May, June, July, August, September, October and November on days specified by the Commissioner.

5.2 Notwithstanding subsection 5.1, if, in the opinion of the Commissioner, a Multiple Household Residence has a suitable location for on-site composting or if a private contractor is employed for the purposes of lawn and garden maintenance at the Multiple Household Residence, the Commissioner may elect not to provide Yard Waste Collection Services for the Multiple Household Residence.

6. Special Collection Services

6.1 The City shall provide Special Collection Services to an Owner with respect to the items referred to in Schedule “A” hereto provided that:

- (a) the Owner contacts the Department prior to setting out the item requiring Special Collection Services; and
- (b) the Owner complies with all directions of the Department with respect to the preparation of the affected item for setting out and collection.

6.2 An Owner shall ensure that the doors are removed from any appliance eligible to be collected under this section before setting out the appliance for collection.

6.3 Special Collection Services shall be provided by the City on a “first requested, first served” basis.

6.4 The Commissioner may refuse or limit the amount of Special Collection Services provided to an Owner.

7. Collection of Prohibited Waste

7.1 The City shall not collect Prohibited Waste.

7.2 No Owner shall set out Prohibited Waste for collection by the City, either on its own or mixed with any Waste with respect to which the City provides Services.

8. Collection Limits

8.1 No Owner of a Household Residence shall set out more than 6 Garbage Containers for collection.

8.2 There shall be no limit on the amount of Recyclable Materials or Yard Waste which may be set out by an Owner of a Household Residence provided that the Owner of the Household Residence complies with all relevant provisions of this By-law.

PART III - REQUIREMENTS FOR REGULATION CONTAINERS

9. Garbage Containers

9.1 Owners of Household Residences and Multiple Household Residences who receive Curbside Collection shall use a container described below for setting out Garbage:

- (a) a rigid container, in good working order with
 - (i) a capacity greater than 30 litres and less than 125 litres;
 - (ii) an external height no greater than 95 centimeters;
 - (iii) an internal width or diameter no greater than 60 centimeters;
 - (iv) a lid which may be easily and completely removed to facilitate collection;
 - (v) any device used to tie down the lid must be completely removed prior to collection; and,
 - (vi) handles must be set above the midpoint of the container; or
- (b) a plastic bag measuring approximately 66 centimeters by 90 centimeters and capable of supporting 20 kilograms when lifted.

9.2 Owners of Multiple Household Residences who receive Mechanical Collection shall use a container described below for setting out Garbage:

- (a) a properly covered watertight metal container, in sound and good working order with a capacity greater than of 1.76 cubic metres and less than 4.6 cubic metres which has a maximum weight of 1500 kilograms when full and is compatible with

the equipment used by the City for the provision of Garbage Collection Services;
or

- (b) any other container, in good working order designated by the Commissioner as acceptable for setting out Garbage.

10. Recycling Containers

10.1 Owners of Household Residence and Multiple Household Residences who receive Curbside Collection shall use a container described below for setting out Recyclable Materials:

- (a) a blue box or grey box which is provided by the City or which meets the requirements of the City; or
- (b) such other container provided by the City or designated by the Commissioner as acceptable for setting out Recyclable Materials.

10.2 Owners of Multiple Household Residences who receive Mechanical Collection shall use a container described below for setting out Recyclable Materials:

- (a) 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;
- (b) a fully covered, water-tight metal container with a capacity greater than 2.3 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
- (c) such other container, in good working order, provided by the City or designated by the Commissioner as acceptable for setting out Recyclable Materials.

11. Yard Waste Containers

11.1 Unless otherwise required under this By-law, Owners of Household Residences and Multiple Household Residences approved by the Commissioner shall use a container described below for setting out Yard Waste:

- (a) a rigid open container in good working order with:
 - (i) a capacity of not less than 20 litres nor more than 125 litres;
 - (ii) an external height no greater than 95 centimeters;
 - (iii) an internal width or diameter no greater than 60 centimeters;
 - (iv) capable of supporting 20 kilograms when lifted; and
 - (v) handles set above the midpoint of the container; or

- (b) a kraft paper bag constructed of wet strength kraft paper specifically designed for yard waste material and:
 - (i) with a height no greater than 90 centimetres and no less than 85 centimetres;
 - (ii) with a width of no greater than 41 centimetres and no less than 37 centimetres;
 - (iii) a depth of no greater than 31 centimetres and no less than 27 centimetres;
 - (iv) have the capability to be securely closed when filled; and
 - (v) be capable of supporting 20 kilograms when lifted; or
- (c) a clear plastic bag capable of supporting 20 kilograms when lifted.

11.2 Notwithstanding clause (c) of subsection 11.1, after March 1, 2001, no person shall set out Yard Waste in a clear plastic bag.

12. Multiple Household Residences

12.1 Owners of Multiple Household Residences shall provide, for the use of residents, sufficient separate Regulation Containers for Garbage, Recyclable Materials and Yard Waste, if the Multiple Household Residence receives Yard Waste Collection Services.

PART IV - SETTING OUT GARBAGE AND RECYCLABLE MATERIALS

13. General Requirements

13.1 No Owner shall set out Garbage, Recyclable Materials or Yard Waste for collection unless the Garbage, Recyclable Materials or Yard Waste is:

- (a) generated on the public or private portion of the property abutting the approved Collection Point;
- (b) placed as closed as possible to the edge of the roadway without obstructing the roadway or sidewalk;
- (c) free from Contamination; and
- (d) in appropriate Regulation Containers which are clean, well maintained, in good working order and filled to a height no greater than their sides.

13.2 Subject to subsection 13.3, no Owner shall set out, nor shall the City be obliged to collect, any item, other than a Bulky Item, which weighs in excess of 20 kg, whether such item be a bundle, in a Regulation Container or loose.

13.3 Subsection 13.2 does not apply to a Regulation Container described in clause (b) of subsection 9.2 and clause (b) of subsection 10.2.

13.4 Owners shall ensure that the space on a sidewalk or Street occupied by Garbage, Recyclable Materials or Yard Waste set out for collection does not exceed the frontage of the property.

14. Times for Setting Out Garbage and Recyclable Materials

14.1 An Owner who receives Services during a Daytime Collection Period shall ensure that:

- (a) Garbage, Recyclable Materials and Yard Waste are set out at the Collection Point no earlier than 8:00 p.m. on the day before collection and no later than 7:00 a.m. on the day of collection; and
- (b) empty Regulation Containers and uncollected Garbage, Recyclable Materials and Yard Waste are removed from the Collection Point no later than 10:00 p.m. on the day of collection.

14.2 An Owner who receives Services during a Nighttime Collection Period shall ensure that:

- (a) Garbage, Recyclable Materials and Yard Waste are set out at the Collection Point no earlier than 8:00 p.m., and no later than 11:00 p.m. on the first day of the Nighttime Collection Period; and
- (b) empty Regulation Containers and uncollected Garbage, Recyclable Materials and Yard Waste are removed from the Collection Point no later than 10:00 a.m. on the second day of the Nighttime Collection Period.

14.3 At any time other than a time described in subsections 14.1 and 14.2, Owners shall ensure that Garbage, Recyclable Materials and Yard Waste are stored on their premises and contained in a manner that protects same from rodents, vermin, pests and other disturbances.

14.4 Every Owner shall make his best efforts to set out Garbage, Recyclable Materials and Yard Waste on each day that the City provides Garbage Collection Services, Recycling Collection Services and Yard Waste Collection Services, as the case may be, and in no case shall an Owner fail to set out an item eligible for collection under in this By-law for more than one collection period.

15. Preparation of Recyclable Materials for Collection

15.1 Owners of Household Residences and Multiple Household Residences who receive Curbside Collection of Recyclable Materials shall sort and set out Recyclable Materials as follows:

- (a) the following items shall be placed inside a Recycling Container loose and free of plastic bags or any other wrapping:
 - (i) glass bottles and jars;
 - (ii) metal food and beverage cans;
 - (iii) plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1); and
 - (iv) aluminum foil trays.
- (b) the following materials shall be placed loose in a Recycling Container, separate from the items referred to in clause (a) of subsection 10.1:
 - (i) household paper;
 - (ii) paper egg cartons, rolls and bags;
 - (iii) gift wrap and cards; and
 - (iv) boxboard.
- (c) the following items shall not be placed in a Recycling Container, but shall be set out for collection in bags or bundles tied with string, not exceeding 20 kilograms in weight, and free of any wrapping:
 - (i) newspapers;
 - (ii) telephone directories;
 - (iii) magazines and catalogues; and
 - (iv) flattened clean, unwaxed corrugated cardboard, in bundles no larger than 75cm x 75cm x 30cm.

15.2 Owners of Multiple Household Residences who receive Mechanical Collection of recyclables shall place the following items loose in said containers, free of plastic bags or any other wrapping and separate from any other items:

- (a) household paper;

- (b) paper egg cartons, rolls and bags;
- (c) gift wrap and cards;
- (d) boxboard;
- (e) newspapers;
- (f) telephone directories;
- (g) magazines and catalogues; and
- (h) flattened clean, unwaxed corrugated cardboard, in bundles no larger than 75 cm x 75 cm x 30 cm .

15.3 Owners of Multiple Household Residences who receive Mechanical collection of Recyclables shall place the following items loose in said containers free of plastic bags or any other wrapping and separate from any other items including the items referred to in subsection 15.2:

- (a) glass bottles and jars;
- (b) metal food and beverage cans;
- (c) plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1); and
- (d) aluminum foil trays.

16. Preparation of Yard Waste for Collection

16.1 Owners of Household Residences and Multiple Household Residences who receive Yard Waste Collection Services shall sort and set out Yard Waste as follows:

- (a) plant cuttings, roots, weeds and leaves shall be set out in a Yardwaste Container;
- (b) hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter shall be tied in bundles no greater than 1.2 metres in length and 0.6 metres in diameter; and
- (c) Christmas trees shall be free of all tinsel, nails, ornaments and plastic bags.

17. Specially Equipped Buildings

17.1 Owners of Specially Equipped Buildings shall ensure that Garbage is packed by means of a stationary compactor unit.

17.2 The Commissioner may require the Owner of a Specially Equipped Building to provide appropriate access, storage facilities, compactor equipment, collection locations and facilities for the implementation and/or continued receipt of Services.

17.3 Garbage Containers shall be collected from Specially Equipped Buildings as often as may be considered necessary by the Commissioner and in the event that the Commissioner

determines that collection is required more than twice per week, the Owner shall arrange and pay for the extra collections.

18. Exemptions

18.1 Notwithstanding anything in this By-law, the Commissioner may exempt a Person With Disability who occupies a Dwelling Unit with an independent exterior entrance and who does not reside with an able-bodied person from the requirement to set out Garbage, Recyclable Materials and Yard Waste at the designated Collection Point provided that the Person with Disability completes all forms required by the Commissioner.

PART V - OFFENCES

19. Prohibited Acts

19.1 No person shall:

- (a) place, permit to be placed or permit to remain on or in any Street abutting the property which they own or occupy any Waste, except as expressly authorized by this By-law;
- (b) throw, cast or otherwise deposit or permit any contractor, agent or employee to throw, cast or otherwise deposit any Waste whatsoever on or in any Street or other public property, except as expressly authorized by this By-law;
- (c) pick over, interfere with, disturb, remove or scatter any Waste set out for collection unless authorized to do so by the Commissioner;
- (d) permit any animal owned by him or under his care or control to pick over, interfere with, disturb, remove or scatter any Waste set out for collection;
- (e) place Waste on public property for collection by a private agency, unless otherwise approved by the Commissioner;
- (f) deposit Waste generated on private property in Public Street Receptacles.

20. Charging of Expenses Against the Property

20.1 In this By-law where any person is directed or required to do any matter or thing within a specified period of time from the delivery of a written notice of non-compliance, in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense and such expense may be recovered in like manner as municipal taxes.

21. Penalties

21.1 Any person who commits an act prohibited under section 19 or contravenes any other provision of this By-law is guilty of an offence and upon conviction therefore:

- (a) is liable to a fine of not more than \$10,000.00 for a first offence and \$25,000.00 for any subsequent offence, except that where a corporation is convicted of an offence the maximum penalties shall be \$50,000.00 for the first offence and \$100,000.00 for any subsequent offence; and
- (b) is subject to the discontinuance of all services provided for in this By-law until the Householder or Owner demonstrates to the Commissioner that he or she is in compliance with this By-law.

21.2 In the event the Commissioner discontinues Services in accordance with subsection 21.1, the affected Owner shall obtain private collection services during the period in which the Services are discontinued, at the same or greater frequency at which the Services were provided prior to their discontinuance.

PART IV - GENERAL

22. Restrictions on City Collection

22.1 The City shall not make collections from, nor return Regulation Containers to any location which the Commissioner deems unreasonable, inefficient or dangerous to City employees.

22.2 No City employee shall enter any building, property or part of any building or property for the purpose of removing or returning any Regulation Container except as otherwise determined by the Commissioner.

22.3 Before any City employee enters a building, property or part of a building or property which the Commissioner has determined to be safe under subsection 22.2, the Owner shall enter into an agreement with the City to:

- (a) indemnify and keep indemnified the City against all actions, suits, claims and demands which may be brought against or made upon the City and its officers, employees and agents and against all loss, costs, charges, damages or expenses whatsoever which may be incurred, sustained or paid by the City in consequence of any employee of the City entering the building or part of it;
- (b) grant to the City full power and authority to settle any such actions, suits, claims and demands on such terms as the City may consider advisable; and
- (c) covenant and agree with the City to pay to the City on demand all moneys paid by the City pursuant to any such settlement and also such sum as shall represent the reasonable costs of the City or its solicitor in defending or settling any such actions, suits, claims or demands.

23. Powers and Duties of the Commissioner

23.1 The Commissioner shall:

- (a) determine the frequency and scheduling of the Services to be provided under this By-law;
- (b) designate the number and size of items allowable per collection, provided that the minimum number of acceptable items is never less than that set-out in subsections 8.1, 8.2, and 8.3 of this By-law;
- (c) designate Collection Points for Waste which is eligible for collection;
- (d) discontinue or refuse Services to an Owner whose property is, in the opinion of the Commissioner, unsafe for entry or egress by persons providing Services with respect to the physical layout, loading facilities and the method of handling Garbage and other Materials on the property;
- (e) where appropriate, require that the Owner of a Multiple-Household Residence distribute information relating to the Services to all individual Dwelling Units within the property;
- (f) provide information to the public with respect to the handling and disposal of Prohibited Waste;
- (g) provide information and services with respect to the diversion of Recyclable Materials from Garbage;
- (h) designate items to be included in Garbage, Recyclable Materials or Yard Waste Materials, as the case may be, and determine how same shall be collected;
- (i) in the event of inclement weather or other condition which renders the provision of the Services unsafe, suspend collection services in all or part of the City for a specified period of time; and
- (j) establish such other things as are necessary for the proper administration of this By-law.

24. Repeal

24.1 The following by-laws shall continue to be in effect, provided that in the event of a conflict between this By-law and a by-law referred to below, this By-law shall prevail.

Chapter 309, City of Toronto Municipal Code, as amended
Chapter 149, Etobicoke Municipal Code, as amended
By-law 1-86, as amended
By-law 2890-78, as amended
By-law 24478, as amended
By-law 21732, as amended

Mayor

Clerk

**SCHEDULE “A”
SPECIAL COLLECTION SERVICES**

1.1 The City shall provide Special Collection Services to Householders and Eligible Owners with respect to the following items:

- (a) refrigerators;
- (b) stoves;
- (c) freezers;
- (d) air conditioners;
- (e) dehumidifiers;
- (f) washing machines;
- (g) clothes dryers;
- (h) dishwashers;
- (i) barbecues;
- (j) large metal objects (e.g. aluminum door);
- (k) tires (maximum of 5); and
- (l) any other item designated by the Commissioner as eligible for Special Collection Services.

1.2 The Householder or Owner shall remove all doors from the appliances referred to above before they are set out for collection.

SCHEDULE “B”

1.1 The following items shall be deemed to be Recyclable Materials for the purposes of this By-law:

- (a) glass bottles and jars;
- (b) metal food and beverage cans;

- (c) plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneterapthalate (PET #1);
- (d) household paper (including junk mail, writing and computer paper and envelopes);
- (e) paper egg cartons, rolls and bags;
- (f) boxboard;
- (g) newspapers;
- (h) telephone directories;
- (i) magazines and catalogues; and
- (j) clean, unwaxed corrugated cardboard; and
- (k) any other item designated as a Recyclable Material by the Commissioner.

1.2 The following items shall be deemed to be Yard Waste for the purpose of this By-law:

- (a) plant cuttings, roots, weeds and leaves;
- (b) hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;
- (c) Christmas trees; and
- (d) any other item designated as Yard Waste by the Commissioner.

SCHEDULE "C" PROHIBITED WASTE

1.1 The following items shall be deemed to be Prohibited Waste for the purposes of this By-law:

- (a) acute hazardous waste chemical;
- (b) hazardous waste chemical;
- (c) corrosive waste;
- (d) hazardous industrial waste;
- (e) ignitable waste;
- (f) PCB waste;

- (g) radioactive waste;
- (h) reactive waste;
- (i) severely toxic waste;
- (j) leachate toxic waste;
- (k) pathological waste including biomedical waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous and anything designated as pathological waste by Regulation 347;
- (l) any household product, material or item labeled as “corrosive”, “toxic”, “reactive”, “explosive”, “oxidizing”, “poisonous infectious” or “flammable”, including but not limited to the following:
 - (i) pool or photographic chemicals;
 - (ii) laundry bleach;
 - (iii) drain, oven, toilet and carpet cleaning solutions;
 - (iv) paint thinner and paint remover;
 - (v) rat and mouse poison;
 - (vi) flea collars and powders;
 - (vii) insect killers;
 - (viii) moth balls;
 - (ix) weed killers;
 - (x) fungicides;
 - (xi) wood preservatives;
 - (xii) oil-based and latex paints;
 - (xiii) engine oil;
 - (xiv) brake and transmission fluid;

- (xv) antifreeze;
 - (xvi) automotive batteries;
 - (xvii) ni-cad rechargeable batteries;
 - (xviii) propane tanks;
 - (xix) other gas tanks, including lighters;
 - (xx) aerosol containers; and
 - (xxi) fire extinguishers;
- (m) waste generated as a result of construction, demolition or renovation, including but not limited to soil, plaster, drywall, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fibreglass or styrofoam), asbestos, urea formaldehyde;
 - (n) scrap wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 centimetres by 80 centimetres by 80 centimetres and free of all nails and staples, or as may otherwise be designated by the Commissioner;
 - (o) hay, straw, manure or animal excrement;
 - (p) any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
 - (q) sod;
 - (r) waste produced by a person or organization involved in the processing or fabrication of products;
 - (s) waste produced by a person or organization as a result of commercial or retail activity;
 - (t) any material which has become frozen to or otherwise attached to its Regulation Container which cannot be removed by shaking;
 - (u) broken glass, crockery and other sharp objects not packaged in a manner prevent injury to any person;
 - (v) designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Commissioner; and
 - (w) any other item or thing designated as Prohibited Waste by the Commissioner.

(Report dated March 9, 2000, from the General Manager,
Solid Waste Management Services,
addressed to each Community Council)

Purpose:

To provide each Community Council an opportunity to review and comment on the proposed Residential Solid Waste Collection By-law, prior to Council consideration.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that:

- (1) this report be received for information;
- (2) consultation with stakeholders be held at the next meeting of Community Council or, alternatively, at a separate open house; and
- (3) each Community Council notify the General Manager of Solid Waste Management Services of their preference with regards to Recommendation No. (2) to allow for appropriate planning; and
- (4) any comments be forwarded to the contact noted at the end of this report by May 12, 2000.

Background:

Since amalgamation, solid waste collection in the City of Toronto has been regulated by six separate by-laws. Due to fundamental differences in collection policies and enforcement procedures, the need for a harmonized solid waste collection by-law is essential.

The former solid waste collection by-laws deal with all services, however, due to the time required to properly research institutional and commercial eligibility issues and multiple household residential user fees, the draft by-law deals only with the curbside residential collection requirements. Solid Waste staff, in consultation with the Legal Department, have prepared a residential solid waste collection by-law that harmonizes collection policies and standardizes enforcement procedures across the City, while providing a fair and efficient collection system for our customers.

In conjunction with Community Council review, the proposed by-law is currently being presented to the public for comment. Upon completion of this consultation process, and approval by Council, all applicable portions of the six current by-laws will be repealed and replaced with the harmonized City of Toronto Residential Solid Waste Collection By-law. All

existing by-laws will remain in effect for the purposes of enforcing multiple household bin rental fees and commercial and institutional collection requirements. Following completion of the institutional and commercial issues, the approved residential by-law will be amended to encompass all services.

Comments:

The attached proposed by-law ensures that residents receive the same level of service across the City, provides a fair and efficient enforcement system and ensures that garbage and litter placed on public property is minimized.

The following summarizes key issues addressed in the proposed by-law that may affect the current service levels in each Community Council Area. In addition, Table 1 outlines the significant changes that will be realized in each Community Council Area due to the integration of services and restrictions recommended in the proposed by-law.

(a) Development and Redevelopment Requirements (Section 2.4):

This section deals with the requirements of all new developments and redevelopments to adhere to the solid waste requirements during the site plan approval process. This will ensure that all new and redevelopments plan for appropriate storage and collection locations. Adherence to this requirement will ensure that problems related to inadequate planning (including access issues) are addressed prior to construction and will ultimately allow for a smooth transition to city collection services. The draft document "Requirements for City of Toronto Garbage and Recycling Collection at Developments and Redevelopments" is presented for comment in a separate report on this agenda.

(b) Mandatory Recycling (Section 2.5):

This section deals with the ability of the City to withdraw waste management services to any single family or multiple household residence which does not participate fully in the City's recycling program. The purpose of this clause is two fold: (a) to encourage non-participating locations to participate in the City's recycling program; and, (b) to encourage locations which consistently put out contaminated materials for collection, to remove all contaminants prior to collection. The anticipated results will include an increase in multiple household recycling rates and an increase in revenues due to the additional materials generated combined with the absence of contaminants.

This clause is currently enforced under existing by-laws in Scarborough and Etobicoke. Generally, locations that are informed of this provision have chosen to participate in the City's recycling program. In addition, in February 1999, Council approved a staff recommendation that a mandatory recycling clause be included in any new waste management by-law.

(c) Frequency of Garbage Collection Services (Section 3):

This section summarizes the type and frequency of service provided to each class of property and includes a provision for summer twice-per-week collection.

Due to the importance of harmonizing service levels and encouraging waste reduction and recycling, the draft by-law stipulates that all locations receiving residential curbside garbage collection (including door-to-door and single point collection) will be eligible for once-per-week garbage collection unless there is a verifiable health risk associated with this frequency (i.e., limited storage space). This requirement will affect some multiple household locations, including townhouse locations and low and medium rise buildings. Multiple household locations currently receiving twice-per-week curbside collection have been enjoying an additional level of service not currently provided to other locations receiving curbside collection.

In addition, the provision of once-per-week collection at multiple household locations will reduce the number of potential days that garbage is placed at the curb. Currently, locations that receive twice-per-week collection potentially have garbage at the curb four days per week. Once-per-week collection will reduce that to a maximum of two days per week.

Prior to amalgamation, the Scarborough Community Council Area changed curbside garbage collection frequency at all multiple household locations from twice per week to once per week with no adverse affects on our customers. In addition, as a result of this change, many of the affected locations opted to participate in the City's recycling program. Locations that proved to have storage problems that could not be rectified still receive twice-per-week collection. Prior to enforcement of this clause, staff plan to recommend a policy that addresses issues associated with collection frequency such as storage space.

Approximately 653 multiple household locations in the City, with the majority located in the Toronto Community Council Area, receive twice-per-week curbside collection of garbage. It is estimated that, if all locations could easily be converted to once-per-week garbage collection, and once every other week recycling collection, an annual savings of almost \$250,000.00 may be realized.

Recycling collection frequency for multiple household locations will vary depending on the specific requirements of the building and whether the location receives curbside blue/grey box collection, cart collection or bulk lift collection. The minimum collection frequency for multiple household recycling is once every two weeks.

(d) Collection Limits (Section 8):

Section 8.1 limits the amount of items to be set out for residential curbside collection to a maximum of six per collection. Based on surveys done in various areas throughout the City, the average household puts out 2.86 items for collection on each collection day. Approximately 4 percent of the dwellings surveyed put out greater than six items on any collection day. Of these set outs, the average was approximately nine items with a maximum at one dwelling of 18. In many instances, these locations did not participate in the City's recycling program during the study period. Setting an item limit will encourage non-participating residents to recycle, encourage residents to reduce the amount of waste they generate, increase current recycling rates and encourage the use of backyard composters.

(f) Weight Limits (Section 13.2):

It is recognized that all former municipalities, with the exception of the former City of Toronto, had a weight limit of 23 kg. However, an ergonomic study completed by the former City of Toronto showed that it was problematic for collection staff to collect garbage containers that are heavier than 20 kg. Studies have shown that the average household puts out containers that are less than 20 kg and, based on those results, a change in the weight limit would not significantly affect the current services residents receive, nor the amount of containers set out.

(g) Times for Setting Out Garbage and Recyclables (Section 14):

In an attempt to harmonize set out times, both the desire to maintain clean, aesthetically pleasing streets and the current set out times were evaluated. While Scarborough, East York, Etobicoke and York stipulated earlier times, the proposed by-law recommends a “no earlier than 8 p.m. on the day before collection” set out time. This will effectively prohibit the setting out of garbage at the curb during the evening rush hour and avoid creating an unappealing streetscape, particularly during the summer months. It is assumed that the change in set out times will not create a significant hardship on residents and will ultimately provide for a cleaner community.

(h) Preparation of Recyclable Materials for Collection (Section 15):

Recyclable material set out requirements have not changed in each Community Council Area, with the exception of grey box set outs. Based on studies undertaken for the purposes of this proposed by-law, it was determined that the average weight per grey box set out filled with paper was approximately 25 lbs. However, 8 percent of the set outs were over 40 lbs., with an average weight of approximately 51 lbs. Heavier boxes, due to overloading or storage in wet weather conditions, have created a concern about back injuries related to the deeper bend required to lift recycling boxes in comparison to garbage cans. Based on an ergonomics study undertaken in the former City of Toronto when the grey box was first introduced, and recent correspondence from the City’s ergonomist, it is recommended that residents be required to bag newspapers and magazines before placing them beside the grey box.

The draft by-law reflects these recommendations, however, in an attempt to make the set out easier for residents, prevent paper from blowing out of the boxes, maintain or increase productivity and to ensure that staff are not exposed to back injuries, it is proposed that annual collection calendars advertise that residents be required to bag their newspapers and magazines and place the bags on top of the loose paper in the grey box. The collector then has the option of picking up the paper in one lift, depending on the weight, or remove individual bags.

(i) Prohibited Acts (Section 19):

This section summarizes such activities as illegal dumping and any other type of disturbance of garbage and materials placed at the curb. In particular, this section deals with littering and the abuse of public litter bins.

(j) Charging of Expenses Against the Property (Section 20):

This policy was practised in the former Cities of Scarborough and Etobicoke and allows By-law Enforcement Officers to add the cost of clean-up orders to individual property taxes. In addition to using this as a punitive measure, this ensures that the City recoups all costs for clean-ups, and in the case of a rented dwelling, the owner will ultimately be responsible for their tenants' actions. Previous practice has shown that this is a deterrent for those that abuse the collection services and are in constant contravention of the by-law.

Conclusions:

The proposed residential solid waste collection by-law has been developed to provide a fair and equitable collection system for our customers and also addresses opportunities for improved service delivery, increased efficiencies and increased waste diversion. Comments received from each Community Council, coupled with comments received from our customers, will be incorporated into the draft by-law prior to submission to the Works Committee in June 2000.

Contact:

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List of Attachments:

Table 1: Summary of Impacts on Community Council Areas
Draft Residential Solid Waste Collection By-law

Insert Table 1
Summary of Impacts on each Former Municipality

Attachment 3
CITY OF TORONTO BY-LAW NUMBER (To be determined)
PROPOSED SHORT FORM WORDING

| | <u>Section</u> | <u>Fine</u> | <u>Victim Fine Surcharge</u> |
|---|----------------|-------------|----------------------------------|
| 1. Failure to contact the Department prior to setting out Special Collection items | 6.1(a) | \$105.00 | \$25.00 |
| 2. Failure to remove doors from special collection item | 6.2 | 105.00 | 25.00 |
| 3. Setting out prohibited waste (for collection) | 7.1 | 105.00 | 25.00 |
| 4. Setting out more than six (6) garbage containers for collection | 8.1 | 105.00 | 25.00 |
| 5. Failure to set out garbage in regulation containers | 9.1 | 105.00 | 25.00 |
| 6. Failure to maintain regulation garbage container in good working order | 9.1(a) | 105.00 | 25.00 |
| 7. Failure to set out garbage in regulation containers (mechanical collection) | 9.2 | 105.00 | 25.00 |
| 8. Failure to set out recyclable material in regulation Container | 10.1 | 105.00 | 25.00 |
| 9. Failure to set out recyclable material in regulation container (mechanical collection) | 10.2 | 105.00 | 25.00 |
| 10. Failure to set out yard waste in regulation containers | 11.1 | 105.00 | 25.00 |
| 11. Failure to maintain yard waste container in good working order | 11.1(a) | 105.00 | 25.00 |
| 12. Failure to provide sufficient regulation containers | 12.1 | 105.00 | 25.00 |
| 13. Setting out (<u>Garbage, Recyclable, Yard Waste</u>) not generated on the private or public portion of the property | 13.1(a) | 105.00 | 25.00 |

| | <u>Section</u> | <u>Fine</u> | <u>Victim Fine Surcharge</u> |
|---|----------------|-------------|----------------------------------|
| 14. Setting out contaminated (<u>Garbage, Recyclable, Yard Waste</u>) | 13.1(b) | 105.00 | 25.00 |
| 15. Setting out regulation containers filled to a height greater than their sides | 13.1(c) | 105.00 | 25.00 |
| 16. Setting out item weighing more than 20 kg. | 13.2 | 105.00 | 25.00 |
| 18. Setting out (<u>Garbage, Recyclable Materials, Yard Waste</u>) prior to 8:00 p.m. on the day before collection | 14.1(a) | 105.00 | 25.00 |
| 19. Setting out (<u>Garbage, Recyclable Materials, Yard Waste</u>) after 7:00 a.m. on collection day | 14.1(a) | 105.00 | 25.00 |
| 20. Failure to remove (empty regulation container) | 14.1(b) | 105.00 | 25.00 |
| 21. Failure to remove uncollected (<u>Garbage, Recyclable Materials, Yard Waste</u>) prior to 10:00 p.m. on collection day | 14.1(b) | 105.00 | 25.00 |
| 22. Setting out (<u>Garbage, Recyclable Materials, Yard Waste</u>) prior to 8:00 p.m. on the first day of the nighttime collection period | 14.2(a) | 105.00 | 25.00 |
| 23. Setting out (<u>Garbage, Recyclable Materials, Yard Waste</u>) after 11:00 p.m. on the first day of the nighttime collection period | 14.2(a) | 105.00 | 25.00 |
| 24. Failure to remove empty regulation containers prior to 10:00 a.m. on the second day of the nighttime collection period | 14.2(b) | 105.00 | 25.00 |
| 25. Failure to remove uncollected (<u>Garbage, Recyclable Materials, Yard Waste</u>) prior to 10:00 a.m. on the second day of the nighttime collection period | 14.2(b) | 105.00 | 25.00 |
| 26. Failure to keep (<u>Garbage, Recyclable Materials, Yard Waste</u>) on the premises between collections | 14.3 | 105.00 | 25.00 |

| | <u>Section</u> | <u>Fine</u> | <u>Victim Fine Surcharge</u> |
|--|----------------|-------------|----------------------------------|
| 27. Failure to contain (<u>Garbage, Recyclable Materials, Yard Waste</u>) in a manner that protects the same from disturbances | 14.3 | 105.00 | 25.00 |
| 28. Failure to set out item eligible for collection for more than one collection period | 14.4 | 105.00 | 25.00 |
| 29. Setting out contaminated regulation recycling Receptacle | 15.1 | 105.00 | 25.00 |
| 30. Failure to bag or bundle all paper products and cartons | 15.1(c) | 105.00 | 25.00 |
| 31. Setting out contaminated regulation recycling receptacle (mechanical collection) | 15.2 | 105.00 | 25.00 |
| 32. Failure to place out _____ in bundles no greater than 1.2 metres by 0.6 metres | 16.1(d) | 105.00 | 25.00 |
| 33. Failure to remove _____ from Christmas tree set out for collection | 16.1(c) | 105.00 | 25.00 |
| 34. Failure to pack garbage by means of a stationary compactor unit | 17.1 | 105.00 | 25.00 |
| 35. Failure to provide _____ at a specially equipped building | 17.2 | 105.00 | 25.00 |
| 36. Failure to arrange for extra collections at a specially equipped building | 17.3 | 105.00 | 25.00 |
| 37. Permitting waste to remain on street | 19.1 | 105.00 | 25.00 |
| 38. Depositing or permitting anyone to deposit waste on or in any street or public property. | 19.1(b) | 105.00 | 25.00 |
| 39. Disturbing waste set out for collection | 19.1(c) | 105.00 | 25.00 |
| 40. Permitting an animal to disturb waste set out for collection | 19.1(d) | 105.00 | 25.00 |
| 41. Place waste on public property for | 19.1(e) | 105.00 | 25.00 |

| | <u>Section</u> | <u>Fine</u> | <u>Victim Fine Surcharge</u> |
|---|----------------|-------------|----------------------------------|
| collection by a private agency | | | |
| 42. Deposit waste generated on private property in a public street receptacle | 19.1(f) | 105.00 | 25.00 |

The Works Committee also submits the following communication (May 29, 2000) from the City Clerk (Toronto Community Council):

Recommendations:

The Toronto Community Council recommends that:

- (1) Section 2.5 of the proposed by-law attached to the report (March 9, 2000) from the General Manager, Solid Waste Management Services, be amended to read:

“2.5 The Commissioner may determine that Owners of multiple household residences who do not participate fully in the City’s collection of Recyclable Materials or who sell or otherwise transfer Recyclable Materials to persons other than the City are not eligible to receive any Services.”; and

- (2) a Schedule of set fines be submitted to Council prior to the adoption of the by-law.

The Toronto Community Council reports, for the information of the Works Committee, having requested the Commissioner of Works and Emergency Services to report to the Works Committee, at its meeting at which this matter will be considered:

- (1) in consultation with the City’s recycling firms, on the requirement that newspapers and magazines be bagged, given the concern of the Toronto Community Council that this requirement may reduce participation in recycling and make residents guilty of an offence for undertaking an activity which, in the past, was legal;
- (2) on adding a new section to the proposed by-law which would ensure the proper setting out of garbage and proper recycling of materials for buildings with two or more dwelling units with an absentee landlord.

Background:

The Toronto Community Council, on May 23, 2000, had before it a report (March 9, 2000) from the General Manager, Solid Waste Management Services, respecting the Proposed Residential Solid Waste Collection By-law.

The following persons appeared before the Toronto Community Council in connection with the foregoing matter:

- Mr. Chris Kawalec, Parkdale/Liberty Economic Development Committee; and
- Ms. Kyla Dixon-Muir, Toronto.

The Toronto Community Council's recommendations are noted above.

The Works Committee also submits the following communication (May 30, 2000) from the City Clerk (North York Community Council):

The North York Community Council, on May 23, 2000:

- (1) received the report (March 9, 2000) from the General Manager, Solid Waste Management Services, Works and Emergency Services; and
- (2) referred the following recommendations respecting the proposed Residential Solid Waste Collection By-law to the Works Committee for its consideration:
 - (a) that as single family homes, townhouses, semi-detached homes and multi-residential developments, other than apartment buildings, are all taxed at the same rate, they should all receive the same level of service for waste collection and curbside collection, and that central point collection be eliminated at all properties except those that may wish to retain central point collection;
 - (b) that Section 15.1(c) be amended to provide that only grey and green recycling boxes be used for the collection of the newspapers, telephone directories, magazines and catalogues, and that all references to the use of bags for the collection of paper be deleted; and
 - (c) the wording of the proposed Residential Solid Waste Collection By-law be amended to provide that the authority for the ceasing of solid waste collection be only at the discretion of City Council.

The North York Community Council also reports having requested the Commissioner, Works and Emergency Services to:

- (i) investigate and report on new vehicles and alternative methods that could be used in order to facilitate curbside collection in all townhouse developments and single family homes, including those on laneways and non-standard roadways; and
- (ii) bring a clean-up crew from downtown to the former City of North York area to undertake a one-time clean-up of litter, in areas where the flower pot bins are located.

Background:

The North York Community Council had before it the following reports:

- (March 9, 2000) from the General Manager, Solid Waste Management Services, Works and Emergency Services, providing each Community Council an opportunity to review and comment on the proposed Residential Solid Waste Collection By-law, prior to Council consideration and recommending that:
 - (1) this report be received for information;
 - (2) consultation with stakeholders be held at the next meeting of Community Council or, alternatively, at a separate open house;
 - (3) each Community Council notify the General Manager of Solid Waste Management Services of their preference with regards to Recommendation No. (2) to allow for appropriate planning; and
 - (4) any comments be forwarded to the contact noted at the end of this report by May 12, 2000; and
- (May 9, 2000) from the General Manager, Solid Waste Management Services, Works and Emergency Services, providing the North York Community Council with information requested as a result of the proposed Residential Solid Waste Collection By-law, and recommending that this report be received for information.

The following persons appeared before the North York Community Council in connection with the foregoing matter:

- Ms. Charlotte Nowack, who also filed a written submission, a copy of which is on file in the office of the City Clerk, North York Civic Centre.
- Mr. Jack Goldberg, on behalf of York Condominium Corporation No. 5;
- Ms. Thelma Davidson;
- Ms. Sara Schneider; and
- Mr. Samuel Wilkes, on behalf of York Condominium Corporation No. 175.

(Report dated May 9, 2000, from the
General Manager, Solid Waste Management Services,
addressed to the North York Community Council)

Purpose:

To provide the North York Community Council with information requested as a result of the proposed Residential Solid Waste Collection By-law.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting of March 23, 2000, North York Community Council requested the General Manager, Solid Waste Management Services, to submit a report for consideration at the May 23, 2000 meeting on the following specific issues relating to the proposed Residential Solid Waste Collection By-law:

- (a) the proposed Residential Solid Waste Collection By-law containing a provision that requires a minimum of three days between garbage pick-ups;
- (b) identifying high compliance/use areas of recycling and the cost of providing once-per-week recycling pick-ups in those areas;
- (c) providing previously requested information regarding the cost of instituting once-per-week recycling pick-up City-wide; and
- (d) providing a copy of the provincial regulations regarding the frequency of recycling pick-up in relation to the frequency of garbage pick-up.

Discussion:

(1) Minimum of Three Days Between Garbage Pick-ups:

Staff have reviewed the feasibility of including a provision in the proposed by-law that requires a minimum of three days between garbage pick-ups. This type of provision does not affect once-per-week garbage collection. However, with respect to twice-per-week garbage collection, a number of factors limit our ability to ensure that there will be a minimum of three days between garbage pick-ups. In Community Council Areas currently provided with curbside collection on a four consecutive day schedule (North York, Scarborough, East York), collecting garbage from the same collection area at least three days apart is not viable. The four

consecutive day schedule (Tuesday – Friday) was implemented to avoid shifting collection days on weeks with a statutory holiday on the Monday. In order to accommodate a three-day gap in these communities, collection would need to be scheduled on a Saturday or Sunday. This will create a disturbance in residential areas, and result in additional labour costs being incurred.

(2) High Recycling Compliance Areas:

Table 1 shows the recyclable tonnages collected in each calendar area in the North York CCA between January 1, 2000 and March 31, 2000.

| Calendar Area | Tonnes Collected January 2000 – March 2000 | Average Tonnes Collected Bi-Weekly | Average Kilograms Per Collection Per Household |
|---------------|--|------------------------------------|--|
| 2C | 757.12 | 126.18 | 10.9 |
| 1D | 636.60 | 106.32 | 9.6 |
| 1A | 669.74 | 111.62 | 9.4 |
| 1C | 619.54 | 103.36 | 8.6 |
| 1B | 639.67 | 106.61 | 8.2 |
| 2D | 434.77 | 72.46 | 6.9 |
| 2A | 385.12 | 64.18 | 6.8 |
| 2B | 524.05 | 87.34 | 6.5 |

As can be seen in Table 1, calendar areas 2C, 1A, 1B, 1C and 1D generate the highest amounts of recyclables.

The additional cost of providing once-per-week collection in high generation areas is dependent on the number of calendar areas receiving additional services and the associated number of vehicles and labour required. As such, it is not possible at this time to provide an actual dollar figure associated with providing additional services to specific areas.

(3) Cost of Once-per-Week Recycling Collection City-wide:

As stated in the November 1, 1999, staff report to North York Community Council, the estimated additional operating cost to increase the level of recycling pick-up city wide from once every second week to once per week is \$2.5 million per year. This does not include the capital cost requirements for new vehicles. The total estimated operating cost for providing once-per-week recycling is \$15 million per year. The additional driving time required for once-per-week collection would also increase vehicle emissions and associated greenhouse gas emissions.

(4) Provincial Regulations:

The Provincial Regulations pertaining to Blue Box waste management systems has been included as Attachment “A”. Clause 7(5) deals specifically with the frequency of recyclable collection in relation to garbage collection which requires that recycling collection to occur at one half the frequency of garbage collection. Based on the current summer twice-per-week policy in the Toronto CCA, recycling continues to be collected bi-weekly, or at one-fourth the

frequency of garbage collection. Ministry of the Environment staff have confirmed that this practice does not appear to conflict with the EPA regulation.

In addition, the Ministry of the Environment in a consultation paper dated June 2, 1998 entitled “Draft Regulation – General – Waste Management”, promulgated under the EPA, proposes that only bi-weekly recycling collection will be required under the provincial regulation regardless of the frequency of garbage collection. However, to date, there has been no notice given with respect to when the draft regulation will be passed.

Conclusions:

This report addresses the issues raised at North York Community Council regarding the proposed Residential Solid Waste Collection By-law.

Contact:

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List of Attachments:

- (1) Ontario Regulation 101/94 – Part II: Systems Required in Municipalities – Blue Box Waste Management System.

Councillor Sherene Shaw, Scarborough Agincourt, appeared before the Works Committee in connection with the foregoing matter, and requested that she be recorded as being opposed to the foregoing Residential Solid Waste Collection By-law.

(A copy of the draft Residential Solid Waste Collection By-law appended to the report dated March 9, 2000, from the General Manager, Solid Waste Management Services, to each Community Council, and of the attachment to the report dated May 9, 2000, from the General Manager, Solid Waste Management Services, to the North York Community Council, has been forwarded to all Members of Council with the agenda for the Works Committee meeting of July 12, 2000, and a copy thereof is on file in the office of the City Clerk.)

(City Council on August 1, 2, 3 and 4, 2000, had before it, during consideration of the foregoing Clause, the following report (July 25, 2000) from the Commissioner of Works and Emergency Services:

Purpose:

To provide Council with an update on the staff investigation of alternative methods for curbside collection at townhouse developments, as requested by North York Community Council.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting on May 23, 2000, North York Community Council requested the Commissioner of Works and Emergency Services to “investigate and report on new vehicles and alternative methods that could be used in order to facilitate curbside collection in all townhouse developments and single family homes, including those on laneways and non-standard roadways”.

In addition, at its meeting on July 18, 2000, North York Community Council requested that the above report “be forwarded and dealt with by City Council at the same time as the Proposed Residential Solid Waste Collection By-law which is scheduled to be considered by City Council at its meeting to be held on August 1, 2, and 3, 2000”.

Comments:

While a report has been requested at the same time as the proposed Residential Solid Waste Collection By-law, it is important to note that the proposed by-law does not govern the type of collection at townhouses (or any other type of developments). Only the frequency, based on the approved type of collection, is governed by the proposed by-law.

In an effort to research possible alternatives to the current collection system at townhouse locations not receiving door to door collection, staff are currently conducting site visits to review the existing situation and identify collection options. To ensure that a recommended alternative collection system will not negatively impact the solid waste collection operation or budget restrictions, staff require additional time to evaluate other municipal experiences, potential costs of the collection system and liability issues.

As this issue is not critical to Council approval of the proposed by-law, staff are continuing to research any potential curbside collection system alternatives for all townhouse locations not currently serviced door to door and will provide a report, with recommendations, to a future Works Committee. It is expected that the review will be completed by September 2000.

Conclusion

Upon completion of the review and analysis of an alternative curbside collection system at all townhouse locations, a report will be forwarded to Works Committee in September 2000.

Contact:

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Attachment:

1. Correspondence from Linda McIlwain, Senior Ergonomics Consultant)

(City Council also had before it, during consideration of the foregoing Clause, the following report (July 27, 2000) from the Commissioner of Works and Emergency Services:

Purpose:

To provide Council with information relating to the collection of grey boxes and bi-weekly recycling collection for multiple household residences.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that:

- (1) the Residential Solid Waste Collection By-law require the use of plastic bags for the collection of newspaper, magazines and catalogues;
- (2) the protocol outlined in the report to the Works Committee from the Commissioner of Works and Emergency Services dated June 28, 2000, be approved; and
- (3) in the event that Recommendation No. (2) is not approved, the following amendments be made to the proposed by-law:
 - (i) in Section 3.1, the word “more” be changed to “less” so that the amended Section 3.1 would read “The City shall collect Garbage no less than once per week from Household Residences and Multiple Household Residences who receive Curbside Collection”; and

- (ii) in Section 4.1, the word “more” be changed to “less” so that the amended Section 4.1 would read “The City shall collect Recyclable Materials no less than once every two weeks from Household Residences and Multiple Household Residences who receive Curbside Collection of Garbage.”

Background:

At its meeting on July 12, 2000, the Works Committee requested the Commissioner of Works and Emergency Services to submit a report directly to Council for its meeting on August 1, 2000, on the issues relating to weight and storage space, respectively, on the following motion:

“That the following be deleted from the proposed by-law:

- (1) the requirement for the use of plastic bags for the collection of paper; and
- (2) the reference to bi-weekly recycling collection for multiple household residences.”

Comments:

- (a) Grey Box Set Out Requirements:

Staff have recommended, as outlined in Section 15.1 of the proposed by-law, that newspapers, magazines and catalogues be placed in shopping bags and placed beside the grey box (green box in the North York Community Council Area). All other paper and boxboard can be placed loose in the grey box.

This recommendation is based on a review of existing policies in each Community Council Area (CCA), in addition to a recommendation from the City’s ergonomics consultant. Litter concerns were the basis for the Etobicoke and York CCA’s policies. In addition, during the first year of green box collection in the former City of North York, staff received numerous complaints due to litter as a result of loose paper in the green box. Since then, staff in the North York CCA have advised residents in all promotional material that paper products should be bagged. The City’s ergonomic consultant has stated that the lifting of overloaded grey boxes is problematic due to the deeper bend required to lift recycling boxes in comparison to garbage cans. As such, the weight of the grey box was directly related to the policy of the Scarborough and Toronto CCA’s. Correspondence from Linda McIlwain, Senior Ergonomics Consultant is attached (Attachment 1).

In addition to the ergonomics consultant’s recommendation, it is important to note that under Section 25.(2) of the Ontario Occupation Health and Safety Act (OHS) “an employer shall take every precaution reasonable in the circumstances for the protection of a worker”. In addition, Section 27.(2) states that a Supervisor responsible for recycling collection “shall advise a worker of the existence of any potential or actual danger to the health and safety of the worker of which the supervisor is aware”. As such, under Part V of the OHS, a worker has the right to refuse or to stop work where their health and safety is jeopardized.

While it is recommended that paper other than newspapers, magazines and catalogues be placed loose in the grey/green box, staff are cognisant of the litter concerns of those CCAs that asked residents to bag all paper. Therefore, all promotional material will state that residents should place their bagged material on top of their loose paper products. Collection staff will have the option of collecting the box if it is within the safe weight limit, or removing the bags individually prior to emptying the grey/green box.

(b) Frequency of Recycling Collection at Multiple Household Residential Locations:

As discussed in the report from the Commissioner of Works and Emergency Services, dated June 28, 2000, to the Works Committee, staff have recommended that multiple household locations receiving twice per week curbside garbage collection (defined in the by-law as a location that receives collection via a rear loading collection vehicle) be reviewed to determine if these locations have sufficient storage space to accommodate once per week garbage collection. In some cases, locations may have been originally designed to accommodate less frequent collection. The protocol for this review is presented in the above-mentioned report. It should be noted that the storage space required in the protocol (1.2 cubic metres) is a guideline only and staff will exercise flexibility when reviewing locations and take into account factors such as recycling or separate areas for larger items.

In conjunction with any rationalization of garbage collection service, staff have proposed that, at locations that receive weekly garbage collection service, recycling collection be provided once every other week (or in the case of the Toronto CCA, alternating weekly collection of fibre and containers). Staff will only recommend a change in service levels if there is sufficient space available to accommodate any need for additional recycling containers.

This recommendation to change service frequency is not meant to hamper current recycling efforts. Collection of both garbage and recyclables at multiple household locations can easily be integrated into current single family residential collection routes. This integration will reduce CO2 emissions from our fleet, vehicle traffic and reduce the potential for accidents involving staff and the public by eliminating up to four (4) different vehicles weekly in each residential neighbourhood.

In the event Council chooses not to approve the staff recommendation or protocol, the by-law must be adjusted accordingly. However, the reference to bi-weekly recycling collection for multiple household locations must remain in the by-law as a number of locations receive blue box collection bi-weekly. (Please refer to Recommendation No. 3.)

Conclusion:

In an effort to keep the City clean and provide a safe work environment, the collection of newspapers, magazines and catalogues should be facilitated by placing them in grocery bags on top of other loose paper in the grey/green box or, alternatively, place them beside the grey/green box. In addition, by integrating the multiple household curbside collection routes with the single family household collection routes, truck traffic safety will be increased and environmental impacts will be reduced.

Contact:

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Senior Analyst, Policy Development
Solid Waste Management Services
Works and Emergency Services
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Attachment:

1. Correspondence from Linda McIlwain, Senior Ergonomics Consultant)

(City Council also had before it, during consideration of the foregoing Clause, a communication (July 14, 2000) from Mr. Glenn Napier, forwarding comments with respect to the proposed Solid Waste Collection By-law.)

The Works Committee also submits the following report (January 23, 2001) from the Commissioner of Works and Emergency Services, entitled “Set Fines and Clean-Up Orders”:

Purpose:

To provide revised fines and clarification of the short form wording associated with the proposed residential collection by-law.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendations:

It is recommended that:

- (1) Section 19 of the proposed Residential Solid Waste Collection By-law, presented to Council in the report dated June 28, 2000, from the Commissioner of Works and Emergency Services, be amended, for the purposes of facilitating the short form wording only, to include the following two sub-clauses:
 - 19.1 No person shall:
 - 19.1 (g) set out any waste for collection unless it is in appropriate Regulation Containers as specified in this By-law;

- 19.1 (h) set out any waste in a Regulation Container that is not in good working order;
- (2) the revised set fines provided as Attachment 2 in this report replace the original set fines presented to Council in the report dated June 28, 2000, from the Commissioner of Works and Emergency Services entitled "Residential Solid Waste Collection By-law";
 - (3) upon approval of the proposed Residential Solid Waste Collection by-law, the Legal Services Division be authorized to forward the fine schedule to the Ministry of the Attorney General for approval;
 - (4) following receipt of approval from the Ministry of the Attorney General, staff be directed to apply the fine schedule as part of the residential by-law enforcement procedure; and
 - (5) following approval of the proposed Residential Solid Waste Collection By-law, staff be authorized to issue clean-up orders for material that is deemed, by a By-law Enforcement Officer, to be offensive to the public or attractive to animals and collect the cost in a like manner as taxes.

Background:

In August 2000, staff presented the proposed Residential Solid Waste Collection By-law to Council for approval. Council referred it back to the Works Committee for further review. As such, the proposed by-law is presented in a separate Works Committee report on this agenda.

The proposed by-law includes recommended short form wording and associated set fines. Following review of the by-law by the Works Committee on July 12, 2000, various media sources publicized aspects of the short form wording and set fines. Unfortunately, in some instances, the short form wording was taken out of context and presented to the public inaccurately. In addition, residents and Councillors felt that the recommended fine of \$105.00 plus a \$25.00 provincial victim surcharge for all set fines was not appropriate for all offences.

This report provides clarification of the proposed short form wording and revisions to some of the set fines to vary them in accordance with the severity of the infraction.

Comments:

The proposed by-law sets the requirements that residents must follow in order to ensure that their garbage is collected and also to ensure the safety of collection workers and other residents, in addition to setting guidelines that would keep our City clean. The requirements set in the proposed by-law do not differ significantly from any of the existing six by-laws currently enforced in the City. However, how financial penalties are applied under each by-law does differ significantly.

In the Toronto Community Council Area (CCA), set fines are already in place for infractions. In the other CCAs, a Part III Summons is issued to the resident and a Justice of the Peace will decide, in court, the amount of the fine. As well, the Scarborough and Etobicoke CCAs have the

ability under existing by-laws to recover costs for the municipal clean-up of improperly set out garbage by adding the costs directly onto the taxes of the property owner.

In an attempt to harmonize the enforcement procedure and simplify the process for both the resident and enforcement staff, proposed set fines have been included as part of the proposed by-law. Currently, if a Part III Summons is issued, the resident is required to appear in court. However, the issuance of a ticket with a set fine does not require the resident to appear in court, unless they choose to oppose it.

By-law enforcement focuses on the most serious infractions. To October 2000, 240 by-law infraction fines or clean-up orders were issued to both single family and multiple family residential properties, primarily for waste left at the curb for extended periods of time. In addition, 40 by-law infraction fines were issued to residents who had been identified as dumping their waste on other properties. These offenders or locations represent less than one percent of the total single family and multiple family residential units the City provides service to.

Based on current practices and depending on the severity of the infraction, education provided directly by staff usually removes the need for further warnings or tickets for the offence in question. For example, if a household exceeds the item limit, staff will visit the resident and explain why we limit collection to a set number of items. In the majority of instances, residents are content to comply. However, if a resident put out hazardous materials for collection, a warning with a requirement to remove them immediately would be issued. If necessary, a ticket and/or municipal clean-up order would be issued as soon as possible.

Some Councillors have raised concerns about the proposed “short form wording” associated with the set fines. This wording was taken directly from the by-law and abbreviated in order to provide a short and consolidated set of infractions that allows the issuance of tickets. In many cases, this wording does not fully describe the offence. However, the ticket does identify the Section of the by-law that has been contravened and can be referred to for clarification.

In an attempt to facilitate the short form wording and provide a more concise list of infractions, staff have modified Section 19 of the proposed by-law to include the following two additional sub-clauses:

- 19.1 No person shall:
- 19.1(g) set out any waste for collection unless it is in appropriate Regulation Containers as specified in this By-law;
- 19.1(h) set out any waste in a Regulation Container that is not in good working order.

These sub-clauses merge seven similar clauses that fall under different sections of the by-law. The creation of these sub-clauses has reduced the proposed short form wording to allow for more practical enforcement. It is important to note that the inclusion of these two sub-clauses does not change the scope or intent of the originally submitted by-law.

Attachment 1 provides clarification of each of the proposed offences, in addition to revised set fines that more closely match the current set fines issued in the boundaries of the former City of Toronto. Set fines have remained at \$105.00 in instances where the public or environment is at risk or where maintaining a clean streetscape will be severely compromised. Set fines for less serious infractions (i.e., failure to use Regulation Containers) have been lowered to \$55.00.

Attachment 2 provides the revised short wording, including any adjustments to individual set fines, and is intended to replace the original short form wording included with the proposed by-law that is presented in a separate Works Committee report on this agenda.

Following approval by Council of the proposed by-law, the Legal Services Division is required to forward the short form wording to the Ministry of the Attorney General for approval. Changes may be made at this level. During the time the wording is with the Ministry, enforcement officers will continue to apply the existing financial penalties in each of the boundaries of the former municipalities for any serious contravention of the by-law.

In addition to applying set fines to infractions, the City has the ability, through Section 326 of the Municipal Act, to clean-up the right of way abutting a residential property and recover those costs in a like manner as taxes. This policy was practised in the former cities of Scarborough and Etobicoke and allows the City to add the cost of clean-up to individual property taxes. In addition to using this as a punitive measure, this ensures that the City recoups all costs for any inspection and clean-up. This option is very important in cases where the resident has ignored repeated warnings, including fines, to clean up excess waste left at the curb for extended periods of time. In the case of a rented dwelling, the owner will ultimately be responsible for their tenants' actions. Previous practice has shown that this is a deterrent for those that abuse the collection services and are in constant contravention of the by-law, in addition to ensuring that offensive material is removed from the street allowance.

It is proposed that if the By-law Enforcement Officer inspects a site where a violation of the Residential Solid Waste Collection By-law is observed and the material is deemed offensive to the public or attractive to animals, then the officer will issue a notice to the location providing 24 hours in which the property owner is to resolve the violation. If the violation still exists after the prescribed period of time, the City will collect the material and the property owner will be charged, in a like manner as taxes, the following:

- (a) \$50.00 inspection fee;
- (b) \$25.00 administration fee;
- (c) cost of collecting and disposing of the material based on the current hourly rate of the vehicle and staff; and
- (d) all appropriate taxes.

Conclusions:

As is evident by the amount and types of calls received by staff from residents due to the media coverage of the proposed harmonized Residential Solid Waste Collection By-law before the Works Committee in July 2000, the majority of residents in the City are not aware that by-laws governing the set out of material and enforcement procedures currently exist in each of their communities. As such, these residents have probably not contravened serious aspects of their

community by-law. Therefore, the implementation of the harmonized set fines and clean-up orders in the proposed by-law will likely not create a significant rise in infractions, as enforcement activity will continue to focus only on the most serious infractions.

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Attachment 1

Clarification of Proposed Short Form Wording

| | Proposed Short Form Wording (Section of By-law) | Clarification and Typical Enforcement Trigger (1) | Proposed Fine* |
|---|--|---|----------------|
| 1 | Setting out Prohibited Waste (for collection) (7.1) | Prohibited waste may be hazardous to the public or the environment and is not eligible for municipal collection. A notice requesting immediate compliance will be issued. If not, a fine or a clean-up order will be issued immediately. | \$105.00 |
| 2 | Failure to remove doors from Special Collection Item (6.2) | Doors have been left on item(s) (i.e., refrigerator) that may be deemed dangerous to the public. A notice requesting immediate compliance will be issued. If not, a fine or clean-up order will be issued immediately. | \$105.00 |
| 3 | Failure to set out (<u>Garbage, Recyclable Materials, Yard Waste</u>) in Regulation Containers (19.1(g)) | Waste or recyclables is placed in an unauthorized container or placed loose at the curb. Waste or recyclables not in regulation containers will not be collected and a notice outlining the requirements of the by-law will be issued. Failure to remove improperly placed out material and repeat occurrences will generate a fine. | \$55.00 |
| 4 | Failure to maintain Regulation Container in good working order (19.1(h)) | Regulation container is a hazard to staff and/or the public or cannot hold contents appropriately. Container will not be emptied and a notice requesting compliance will be issued. The material will not be collected until a suitable container is used. Failure to remove non-regulation container and repeat occurrences will generate a fine. | \$105.00 |
| 5 | Failure to provide sufficient Regulation Containers (12.1) | Owners of multiple household locations are required to ensure that there are sufficient containers for the use of all residents between collections. The property management or owner will be issued a notice requesting compliance. If the owner/manager chooses not to comply, a fine or the removal of collection services will be issued. | \$55.00 |
| 6 | Setting out (<u>Garbage,</u> | Material generated elsewhere (i.e., | \$105.00 |

| | Proposed Short Form Wording (Section of By-law) | Clarification and Typical Enforcement Trigger (1) | Proposed Fine* |
|---|--|---|----------------|
| | <u>Recyclable Materials, Yard Waste</u>) not generated on the private or public portion of the property (13.1(a)) | commercial establishment, residence outside the City boundary, etc.) has been placed at the curb for collection. Materials not generated on the private or public portion of the property will not be collected. A notice requesting that only household waste material generated at the residence may be placed out for collection. A fine will be issued if the resident chooses not to remove the uncollected items and at any time there is a recurrence following the initial notice. | |
| 7 | Setting out Contaminated (<u>Garbage, Recyclable Materials, Yard Waste</u>) (13.1(b)) | Material set out for collection is contaminated with another material (i.e., recyclables contaminated with garbage). Material will not be collected. A notice requesting compliance and the appropriate educational literature will be issued. Materials will not be collected until contaminants are removed. A fine may be issued where the contaminated material is not removed and where continued non-compliance is found. In the case of multiple household locations, we may exercise the option of discontinuing all services if the situation is severe (i.e., contaminated bin continues to contaminate vehicle loads). | \$105.00 |
| 8 | Setting out Regulation Containers filled to a height greater than their sides (13.1(c)) | Materials in Regulation Containers are overflowing and may be a nuisance or a health hazard for staff and/or the public. Unless there is an immediate safety concern to the public, the containers will not be emptied. A notice will be issued requesting compliance. A fine may be issued where uncollected material is left and for continued non-compliance. | \$55.00 |
| 9 | Setting out item weighing more than 20 kg. (13.2) | Any item or container, other than a bulky item must weigh less than 20 kg. | \$55.00 |

| | Proposed Short Form Wording (Section of By-law) | Clarification and Typical Enforcement Trigger (1) | Proposed Fine* |
|----|---|--|----------------|
| | | The container or item will not be collected and a fine will only be issued where the overweight container is not removed following receipt of the notification. The container or item will be collected the following scheduled collection day if the weight requirements have been met. A fine may also be issued in cases where the overweight container results in an injury to collection staff. | |
| 10 | Failure to remove empty Regulation Container – Daytime Collection (14.1(b)) | Resident leaves empty containers at the curb for an extended period of time. Containers left out at the curb longer than 24 hours following collection will generate a notice. A fine will be issued if compliance requirements of the notice are not met. | \$55.00 |
| 11 | Failure to remove empty Regulation Container – Nighttime Collection (14.2(b)) | Resident leaves empty containers at the curb for an extended period of time. Containers left out at the curb longer than 24 hours following collection will generate a notice. A fine will be issued if the compliance requirements of the notice are not met. | \$55.00 |
| 12 | Failure to keep (<u>Garbage, Recyclable Materials, Yard Waste</u>) on the premises between collections (14.3) | All materials must be stored on private property between collections. A notice will be issued if materials are found stored or placed out on public property during times of non-collection. A fine or clean-up order will be issued if compliance requirements of the notice are not met. | \$105.00 |
| 13 | Failure to bag or bundle newspapers, magazines or cardboard (15.1(c)) | Cardboard has not been flattened and bundled and/or newspapers and magazines have not been bagged and have the potential to create litter problems in the neighbourhood. Staff will collect to alleviate a potential litter problem. Notification and the appropriate educational materials will be issued. Only in instances of continuous disregard for the requirements will a fine be issued. | \$55.00 |
| 14 | Failure to place out carpet, wood or other long, loose material in bundles no greater than | Carpet, wood or other long, loose material that has not been broken down into the specified size to fit into a collection vehicle | \$55.00 |

| | Proposed Short Form Wording (Section of By-law) | Clarification and Typical Enforcement Trigger (1) | Proposed Fine* |
|----|---|--|----------------|
| | 1.2 metres by 0.6 metres (16.1(d)) | and/or has not been properly bundled will not be collected. A notice will be issued requesting the material be cut and bundled to the appropriate size for collection on the next scheduled collection day. Failure to remove improperly placed out material and repeat offences will generate a fine. | |
| 15 | Permitting Waste to remain on Street (19.1(a)) | Owner/management company or resident has allowed waste to be placed or has allowed waste to remain on or in the street abutting the property they own or occupy (i.e., excess garbage, contractor waste, etc.). A notice will be issued requesting compliance. A ticket or clean-up order will be issued if there is no compliance. | \$105.00 |
| 16 | Depositing or permitting anyone to deposit Waste on or in any Street (19.1(b)) | A fine may be issued to any person observed placing garbage, litter or materials on the street except as authorized within this by-law. | \$105.00 |
| 17 | Disturbing Waste set out for collection (19.1(c)) | No person is permitted to pick over, remove or scatter waste set out for collection. Anyone observed doing so will be fined. | \$105.00 |
| 18 | Place Waste on public property for collection by a private agency (19.1(e)) | Commercial, industrial and other locations not eligible for City collection place waste at the curb for collection by a private collection company. These locations must make appropriate arrangements to have their garbage or other materials collected on private property from bulk containers or by other means. A notice and a request to clean up will be issued against the location owner/tenant. Subsequent infractions will generate a fine. | \$105.00 |
| 19 | Deposit Waste generated on private property in a public street receptacle (19.1(f)) | Only litter type materials may be deposited in a public litter container. Many areas within the City experience overflowing containers due to residents and owners of businesses placing their household or commercial waste in litter containers. Anyone found to be using the litter containers inappropriately will be issued a warning. Subsequent offences will generate a fine. | \$105.00 |

* The proposed fine does not include the Provincial Victim Surcharge.

- (1) In most cases, the collection crew will leave the material in question. At that point, staff will educate the resident regarding the infraction. If the infraction occurs again, a notice/request to rectify the situation will be issued. If a resident chooses not to comply or contravenes the by-law in the same way again, a fine or clean-up order will then be issued, based on the situation.

Attachment 2

City of Toronto By-Law Number (To be determined)
 Proposed Short Form Wording

| | Short Form Wording | Section | Fine (\$) | Victim Fine Surcharge (\$) |
|----|---|---------|-----------|----------------------------|
| 1 | Setting out Prohibited Waste (for collection) | 7.1 | 105.00 | 25.00 |
| 2 | Failure to remove doors from Special Collection Item | 6.2 | 105.00 | 25.00 |
| 3 | Failure to set out (<u>Garbage, Recyclable Materials, Yard Waste</u>) in Regulation Containers | 19.1(g) | 55.00 | 25.00 |
| 4 | Failure to maintain Regulation Container in good working order | 19.1(h) | 105.00 | 25.00 |
| 5 | Failure to provide sufficient Regulation Containers | 12.1 | 55.00 | 25.00 |
| 6 | Setting out (<u>Garbage, Recyclable Materials, Yard Waste</u>) not generated on the private or public portion of the property | 13.1(a) | 105.00 | 25.00 |
| 7 | Setting out Contaminated (<u>Garbage, Recyclable, Yard Waste</u>) | 13.1(b) | 105.00 | 25.00 |
| 8 | Setting out Regulation Containers filled to a height greater than their sides | 13.1(c) | 55.00 | 25.00 |
| 9 | Setting out item weighing more than 20 kg. | 13.2 | 55.00 | 25.00 |
| 10 | Failure to remove empty Regulation Container – Daytime Collection | 14.1(b) | 55.00 | 25.00 |
| 11 | Failure to remove empty Regulation Container – Nighttime Collection | 14.2(b) | 55.00 | 25.00 |

| | Short Form Wording | Section | Fine (\$) | Victim Fine Surcharge (\$) |
|----|--|---------|--------------|----------------------------------|
| 12 | Failure to keep (<u>Garbage, Recyclable Materials, Yard Waste</u>) on the premises between collections | 14.3 | 105.00 | 25.00 |
| 13 | Failure to bag or bundle newspapers, magazines, cardboard | 15.1(c) | 55.00 | 25.00 |
| 14 | Failure to place out (_____) in bundles no greater than 1.2 metres by 0.6 metres | 16.1(d) | 105.00 | 25.00 |
| 15 | Permitting Waste to remain on Street | 19.1 | 105.00 | 25.00 |
| 16 | Depositing or permitting anyone to deposit Waste on or in any Street. | 19.1(b) | 105.00 | 25.00 |
| 17 | Disturbing Waste set out for collection | 19.1(c) | 105.00 | 25.00 |
| 18 | Place Waste on public property for collection by a private agency | 19.1(e) | 105.00 | 25.00 |
| 19 | Deposit Waste generated on private property in a public street receptacle | 19.1(f) | 105.00 | 25.00 |

The Works Committee also submits the following report (January 24, 2001) from the Commissioner of Works and Emergency Services, entitled “Options for Household Hazardous Waste Containers above the Collection Item Limit”:

Purpose:

To provide the Works Committee with options that address household waste quantities that exceed the garbage collection item limit.

Financial Implications and Impact statement:

It is projected that sales of tag for garbage items over the set out limit will generate as estimated \$1.28 million in revenue per year, beginning in 2002. The four item set out limit recommended for 2003 is projected to increase waste diversion by 10,000 tonnes per year, representing an increase in our residential waste diversion rate of 1 percent annually.

Recommendations:

It is recommended that:

- (1) Section 8.1 of the proposed Residential Solid Waste Collection By-law be deleted and replaced with the following Section 8.1:

“No owner who receives Curbside Collection shall set out for collection any combination of Garbage Containers and/or Bulky Items which exceeds six (6) in number”;
- (2) residents be directed to continue to use the existing options available to them to deal with garbage in excess of the collection item limit;
- (3) effective January 1, 2002, residents receiving curbside waste collection who wish to have extra items collected may purchase tags from the City at a cost of \$3.00 each, which must be affixed to each item in excess of the set out limit;
- (4) staff report back before the end of 2001 on the production, promotion and distribution of the special tags, including all associated costs;
- (5) an item limit per household and fee schedule be implemented as follows:
 - (i) 2001 - No more than six (6) garbage items shall be collected weekly;
 - (ii) January 1, 2002 - No more than five (5) garbage items shall be collected weekly unless tags, provided at a cost of \$3.00 each, are affixed to each item above the limit;
 - (iii) January 1, 2003 – No more than four (4) garbage items shall be collected weekly unless tags, provided at a cost of \$3.00 each, are affixed to each item above the limit;
 - (iv) beginning in 2001, grace periods will be provided whereby the item limit will be increased by 2 bags per household per week in the last two weeks of December of each year, in the week following the Thanksgiving long weekend and the week following the Victoria Day long weekend; and
 - (v) item limits, cost of tags and provision of grace periods for 2004 and beyond will be reviewed in 2003;
- (6) staff be authorized to amend the Residential Solid Waste Collection By-law to include the requirement to purchase tags for items over the set out limit and the item limit implementation schedule;
- (7) staff review the charge of \$3.00 per collection item following the first 12 months of implementation and from time to time following that, to determine the actual use of the

- service and adjust the charge, up or down, with the approval of Council, to ensure that all associated costs related to the service are recovered; and
- (8) upon approval of the Solid Waste Collection By-law, clean-up orders will be issued at locations that choose not to use any of the approved options.

Background:

At its meeting of May 23, 2000, Scarborough Community Council requested the General Manager, Solid Waste Management Services, to submit a report for consideration at the July 18, 2000 meeting, respecting a policy to accommodate exceptional circumstances, such as house cleaning or moving house situations, which may result in more than the maximum number of items being placed at the curb for collection. A preliminary report dated June 30, 2000, for the information of Community Council was provided. This report outlined options available that would create equity among residents and encourage reduction, reuse and recycling.

Comments:

Currently, each Community Council Area in the City of Toronto has a different collection item limit for household garbage, ranging from six containers per collection to an unlimited number. A collection item limit sets a reasonable level of service that is provided by the tax base and emphasizes that the collection service is not limitless. Based on field studies, the majority of residents strongly believe and actively practice the 3Rs and consistently put out less than three containers per week. These residents should not be penalized for their commitment by providing an unlimited service to residents who choose not to participate in the many diversion programs available to them, or who abuse the residential collection system by placing commercial or industrial waste out for collection.

The proposed by-law, presented in a separate Works Committee report on this agenda, contains a provision for the municipal collection of a maximum of six regulation containers each collection day. In an effort to facilitate the reduction of reusable items placed at the curb for collection, staff are recommending that Section 8.1 that deals with the collection item limit be changed from:

8.1 “No owner of a household residence shall set out more than 6 Garbage Containers for collection”.

to

8.1 “No owner who receives Curbside Collection shall set out for collection any combination of Garbage Containers and/or Bulky Items which exceeds 6 in number”.

It is expected that this change will encourage residents to increase waste diversion activity without requiring major behaviour change.

There have been concerns raised that residents will generate garbage above the six item limit during move outs/move ins or spring/fall clean-ups. Existing options, in addition to proposed options for residents who have additional household garbage, are discussed below.

I. Existing Options:

(a) Storage of Additional Garbage:

Historical trends show that the heaviest months for residential garbage set out are in the spring and in the fall. During these periods, increased amounts of garbage are put out for collection due to additional cleaning undertaken by residents. To avoid exceeding the item limit, residents can choose to store their garbage over a number of collection days and put out the maximum each week until their spring cleaning or moving waste is gone.

(b) Reuse Options:

Residents should be encouraged to arrange for the reuse of any appropriate item, either by donation to a non-profit organization or through consignment, garage sales, etc. The reuse of appropriate items is of particular importance with the impending closure of the Keele Valley Landfill Site. At that point in time, disposal costs will increase significantly and residents moving or doing special clean-ups should be strongly encouraged to reuse or recycle all appropriate items.

(c) One Tonne Disposal Exemption:

The City has in place an annual one tonne waste disposal exemption to assist residents with renovation waste and illegally dumped material that is not collected as part of the regular curbside collection program. In 1999, residents brought 4,974 loads of waste, amounting to approximately 1,650 tonnes, to City transfer stations. In an effort to further accommodate the proposed collection item limit, staff have expanded the scope of this service to include housecleaning and moving waste.

This option encourages residents to apply, through Solid Waste Management Services, for an annual disposal exemption when their waste exceeds the collection limits. Following approval of their application, residents have the opportunity to dispose of their housecleaning or moving waste, free of charge, at any City transfer station and at any time during the year, up to the one tonne limit.

(d) Collection and Disposal of the Additional Items by the Private Sector:

There are many private companies and/or handy persons who advertise their disposal services across the City. These services include the clean-up and/or disposal of spring cleaning or moving waste for a fee. Residents may choose this option in addition to, or in lieu of, the options presented in this report.

II. Additional Recommended Options:

(a) Increasing the Item Limit During Peak Seasons:

Staff, in the past, have not encouraged or promoted the waiving of the item limit due to: (a) the anticipated abuse of the collection service; and (b) the fact that existing staff and

resources would be unable to accommodate the influx of the garbage, particularly during the peak generation periods. This would result in increased labour costs and significantly delayed collections. In addition, the daily planning of staff and fleet requirements would be problematic due to the extreme fluctuations of increased waste. By maintaining a set collection item limit, the solid waste collection operation has been able to plan appropriately and maintain a consistent level of service to all residents.

Waiving the item limit does not encourage the 3Rs, encourages abuse of the service and increases the costs of the collection program in an effort to service a small portion of residents.

However, staff are aware of increases in residential garbage generation during the spring, fall and during the holiday season. It is proposed that the item limit be increased by two items during the week following the Victoria Day weekend, during the week following the Thanksgiving weekend and during the last two weeks in December. These three grace periods will provide residents with four collections whereby they can place two additional items out for collection without being required to use the alternative options provided in Section I. Setting defined grace periods will allow staff to appropriately plan for increases in the tonnages collected, will continue to encourage waste reduction and recycling and will discourage abuse.

(b) Collection of Extra Items for a Service Fee:

Section 208.6 of The Municipal Act allows a municipality, through the use of a by-law, to establish fees for the use of any part of a waste management system and/or to encourage the reduction, reuse and recycling of waste.

As stated previously, waiving the item limit will significantly strain our resources and encourage abuse. However, staff are aware that residents may occasionally generate items in excess of the limit and choose not to use the existing options available to them. It is proposed that the City provide additional collection services for this excess garbage, whereby the resident would purchase special tags that would have to be placed on the additional items requiring collection. This service fee system will discourage residents from abusing the collection service, provide an equitable base level of service to all residents and provide a curbside collection option in addition to the existing options available.

It is expected that the financial charge associated with extra items will encourage residents to review their consumption and disposal habits. It is also important to note that with the inclusion of polycoat cartons, aerosol cans and empty paint cans in the blue box program as of March 2001, the volume of garbage generated by residents should decrease if they are participating fully in the City's recycling program, as well as taking advantage of subsidized composters and utilizing the services of many reuse agencies.

Experience from other jurisdictions shows that aggressive bag limits coupled with service fees above the bag limit result in a reduction in garbage generated and an increase in recycling activity. The City of Barrie (two free collection item limit) and the City of

Orillia (40 free tags per year) experienced decreases of up to 39 percent in the amount of waste going to landfill and increases of up to 34 percent in recycling rates. A six collection item limit will not have the same impact but will send a message to residents that the disposal of excessive amounts of waste must be paid directly by the generator. A summary of experiences of other municipalities that have implemented bag limits and/or service fees is included in Attachment A.

Table 1 shows a breakdown of the estimated costs of providing the garbage collection and disposal service and the proposed cost to the resident.

Table 1 – Summary of Proposed Cost per Additional Container

| Type of Cost Incurred | Estimated Cost | Estimated Cost/Item | Comments |
|---|------------------|---------------------|--|
| Collection | \$66.78/tonne | \$ 1.34 | Based on 20 kgs per container |
| Transfer | \$10.00/tonne | \$ 0.20 | Based on 20 kgs per container |
| Disposal | \$50.75/tonne | \$ 1.02 | Based on 20 kgs per container |
| Administration and Distribution | \$180,000/year | \$ 0.36 | Assumes the sale of 500,000 tags annually* |
| Annual Promotion | \$15,000.00/year | \$ 0.03 | Assumes the sale of 500,000 tags annually* |
| Cost per Tag | \$0.06 each | \$ 0.05 | |
| Total Estimated Cost per Additional Container | - | \$ 3.00 | - |

* Assumes each single family residential location will require one tag per year.

Based on the breakdown of the actual costs to collect additional items above the limit, it is recommended that residents who need to set out items above the limit purchase tags from the City for \$3.00 each and affix one to each additional item they wish to have collected. Tags will be available for purchase at Civic Centres and other City locations.

Due to the time required to establish the tag system, it is proposed that this option be made available, in conjunction with the existing options, beginning January 1, 2002. Residents should be encouraged to use all existing options until the tag system is available.

Although illegal dumping is always a concern when garbage service fees are introduced, most communities that have implemented such a program have noticed very little increase in this activity. In addition to the City providing a substantial service with the collection of six collection items free of charge, the inclusion of polycoat containers, paint cans and aerosol containers in the blue box will minimize residual waste further. It is anticipated that a fee for additional garbage will not affect the current potential for illegal dumping.

In an effort to continue to encourage waste reduction and recycling, it is recommended that the item limit be lowered gradually over time. As such, the following is the proposed implementation schedule for setting item limits in 2001, 2002 and 2003.

| Date | Proposed Policy |
|-----------------|---|
| 2001 | Garbage item limit set at 6 per household per collection with 3 grace periods per year. Residents be encouraged to use existing options for disposal of items in excess of 6. Clean-up orders may be issued for continued by-law infractions. |
| January 1, 2002 | Garbage item limit set at 5 per household per collection with 3 grace periods per year. Residents may use existing options or affix tags, provided at a cost of \$3.00 each, to any item above 5. Clean-up orders may be issued for continued by-law infractions. |
| January 1, 2003 | Garbage item limit set at 4 per household per collection with 3 grace periods per year. Residents may use existing options or affix tags, provided at a cost of \$3.00 each, to any item above 4. Clean-up orders may be issued for continued by-law infractions. |

(c) Clean-Up Orders Under the By-law:

Staff are aware of the potential abuse of the item limit resulting from residents choosing to place unlimited amounts of garbage at the curb without purchasing appropriate tags. The Municipal Act allows the City, through the proposed Solid Waste Collection By-law, to issue clean-up orders for materials placed out inappropriately. Following written notices requesting the property owner or tenant to clean up the boulevard, the cost of any City clean-up as a result of abuse or contravention of the by-law is charged directly to the taxes of the owner of the property. In most cases, the cost of the clean-up will exceed the cost of tags. As a result, there will be a financial incentive to the resident to utilize existing options or purchase tags rather than having a clean-up order issued against their property.

It is extremely important to note that, in an attempt to keep our neighbourhoods clean, the City must use a financial incentive to discourage residents from abusing the system. Currently, both the Scarborough and Etobicoke Community Council Areas issue clean-up orders following multiple warnings and charge it directly to the property taxes.

Conclusions:

With the impending closure of the Keele Valley Landfill Site, and the resulting media attention associated with the City's new disposal contract, residents are very conscious of the need to reduce, reuse and recycle. Placing a reasonable limit on the number of items a household may place out for municipal collection will encourage waste diversion activity. This report recommends the item limit be set at six per household per week in 2001 and reduced to five in 2002 and four in 2003, and that three grace periods be established in the spring, fall and at year-end to accommodate extra items. For disposal of items over the limit, households may utilize the one tonne exemption policy at the City's transfer stations, procure the services of the

private sector for the removal and disposal of excess garbage or, starting in January 2002, purchase tags from the City for \$3.00 and affix to them all items placed out for municipal collection that are over the item limit.

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Attachment A

Other Municipal Experience with Service Fees and Item Limits

| Municipality | Current "Free" Container Limit | Charge for Additional Containers Above the Limit | Comments |
|------------------|--------------------------------|--|---|
| Vancouver, BC | 2 | \$1.50 or \$145/year subscription for 2 additional containers and an additional blue box | |
| Victoria, BC | 1 | \$3.00 | |
| Los Angeles, CA | 60 gallons | US \$5.00/month for each additional 30 gallons | |
| Philadelphia, PN | 4 containers | Private collection required | |
| Nanaimo, BC | 1 container | \$2.00 | |
| St. Louis, MS | N/A | US \$15.00 per cubic yard of clean-up/moving garbage | |
| Austin, TX | Fee for all supplied carts | US \$2.00 for bags not fitting in the carts | |
| Hamilton, ON | 4 | \$1.00 (proposed) | Anticipated to go to Council for approval in January 2002 |
| Langley, BC | 2 | \$1.10 | |
| Orillia, ON | 40 free tags/year | \$1.50 | |
| Town of Markham | 3 | Tags are free of charge but must be picked up at a central location | |
| City of Barrie | 2 | \$1.00 | |
| Region of Peel | 3 | Tags free of charge but | Anticipated to go to |

| Municipality | Current "Free" Container Limit | Charge for Additional Containers Above the Limit | Comments |
|--------------|--------------------------------|--|--------------------------------------|
| | | must be picked up at a central location (proposed) | Council for approval in January 2002 |
| Seattle, WA | None | Monthly fees for carts | |

The Works Committee also submits the following report (January 23, 2001) from the Commissioner of Works and Emergency Services, entitled "Mandatory Recycling at Existing Multiple Household Residential Locations where the City Provides Collection Services":

Purpose:

To highlight Section 2.3 of the proposed Residential Solid Waste Collection By-law that will make recycling mandatory at all existing and new multiple household residential locations where the City provides collection services. This will assist the City in achieving its diversion targets.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, Council requested the Commissioner of Works and Emergency Services to submit a report to the Works Committee on "a by-law for mandatory recycling for existing apartment buildings".

Comments:

Section 2.3 of the proposed Residential Solid Waste Collection By-law, presented in a separate Works Committee report on this agenda, deals with the ability of the City to withdraw waste management services from any multiple household residence which does not participate fully in the City's recycling program:

"2.3 The Commissioner may determine that Owners who do not participate fully in the City's collection of Recyclable Materials or who sell or otherwise transfer Recyclable Materials to persons other than the City are not eligible to receive any Services."

The purpose of this clause is two fold: (a) to encourage non-participating locations to participate in the City's recycling program; and (b) to encourage locations which consistently put out

contaminated materials for collection, to remove all contaminants prior to collection. The anticipated results will include an increase in multiple household recycling rates and an increase in revenues due to the additional materials generated combined with the absence of contaminants.

This clause is currently enforced under existing by-laws in Scarborough and Etobicoke. Generally, existing multiple household residential locations that are informed of this provision have chosen to participate in the City's recycling program.

Conclusions:

In an attempt to improve diversion rates among multiple household residential locations, staff have included a mandatory recycling clause for all existing and new locations.

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The Works Committee also submits the following extract from the communication (February 5, 2001) from Councillor Howard Moscoe, Ward 15 – Eglinton-Lawrence:

I regret that other commitments prevent me from attending the Works Committee meeting on Wednesday, February 7, 2001.

I would request that you consider some amendments to programs that are being proposed that affect residents of my ward.

I would ask that you consider incorporating some changes that will save me having to hold these items at Council.

Proposed Residential Solid Waste Collection By-law

Should you choose to adopt this by-law I would suggest some modifications. Item 3(C) sets out options for household waste containers above the collection limit. In clause (iv) there are increased limits proposed for the last two weeks in December of each year, in the week following the Thanksgiving long weekend and the week following the Victoria Day long weekend. The reasons are obvious. I would ask that you add "and in the two weeks during Passover in designated areas of the City." Prior to Passover, Orthodox Jewish households rid the house of non-Passover foods. The specific designated areas of the City can be worked out with the Commissioner on an individual ward basis.

I would also suggest that you add a further amendment “and the week following Ramadan in designated areas of the City.”

Councillor Sandra Bussin, Ward 32 – Beaches-East York, appeared before the Works Committee in connection with the foregoing matter.

(City Council on March 6, 7 and 8, 2001, had before it, during consideration of the foregoing Clause, a communication (February 7, 2001) from Ms. Ann M. Nutter, expressing her concerns with respect to the proposed Residential Solid Waste Collection By-law.)

(City Council at its regular meeting held on April 23, 24, 25, 26, 27, and its special meeting held on April 30, May 1 and 2, 2001, had before it, during consideration of the foregoing Clause, the following communication (March 28, 2001) from the City Clerk:

Recommendations:

The Works Committee:

- (1) *recommends the adoption of Recommendation No. (2) embodied in the report dated March 12, 2001, from the Commissioner of Works and Emergency Services entitled “Improving Waste Diversion in Apartments”, viz:*

“that section 2.3 of the Proposed Residential Solid Waste Collection By-law be amended to include a requirement that apartment building owners post signs with specific recycling instructions in various designated locations of their building”; and

- (2) *reports, for the information of Council, having directed that the report dated March 15, 2001, from the Commissioner of Works and Emergency Services entitled “Approved Bag Limit Program in the Region of Peel”, be forwarded to Council for consideration with the Proposed Residential Solid Waste Collection By-law.*

The Works Committee further reports having:

- (1) *requested the Commissioner of Works and Emergency Services to:*
 - (i) *review the success of the Onandoga County Program and its implications for Toronto’s waste diversion efforts;*
 - (ii) *review the recycling pilot project at 35 Shoreham Drive, North York, and report back on its findings to the Committee; and*
 - (iii) *report to the Waste Diversion Task Force 2010 on the resources required to undertake a waste audit of all apartments; and*
- (2) *referred the communication (March 27, 2001) from the Greater Toronto Apartment Association to the Waste Diversion Task Force 2010.*

Background:

The Works Committee at its meeting on March 28, 2001 had before it a report (March 12, 2001) from the Commissioner of Works and Emergency Services, entitled “Improving Waste Diversion in Apartments”, providing an update on the results of a pilot project that tested methods of increasing participation in two apartment dwellings in the Etobicoke Community Council area; and recommending that:

- (1) this report be forwarded to the April 24, 25 and 26, 2001 Council meeting to be considered at the same time as the report entitled “Proposed Residential Solid Waste Collection By-law”; and*
- (2) by the approval of this report, section 2.3 of the Proposed Residential Solid Waste Collection By-law be amended to include a requirement that apartment building owners post signs with specific recycling instructions in various designated locations of their building.*

The Committee also had before it a report (March 15, 2001) from the Commissioner of Works and Emergency Services, entitled “Approved Bag Limit Program in the Region of Peel”, providing an overview of the phased-in three waste bag/container limit and user fee program approved by the Region of Peel; advising that the three-bag limit will come into effect on June 1, 2001, and will be voluntary for all residents until February 2002, when staff will enforce the bag limit and any extra bags will require an appropriate tag; noting that as the Region of Peel has begun an aggressive campaign to reduce waste, the City may wish, as its neighbour, to review its opportunities to reduce waste with an item limit below the current proposed limit of six; and recommending that this report be received for information.

The Committee also had before it a communication (March 27, 2001) from Mr. Brad Butt, Executive Director, Greater Toronto Apartment Association, expressing interest in initiatives to increase waste diversion in high-rise multi-family buildings.)

*(Report dated March 12, 2001, entitled
“Improving Waste Diversion in Apartments”, from the
Commissioner of Works and Emergency Services)*

Purpose:

The purpose of this report is to identify means of increasing recycling in apartments, and to provide an update on the results of a pilot project that tested methods of increasing participation in two apartment dwellings in the Etobicoke Community Council Area.

Financial Implications and Impact Statement:

There are no financial implications resulting from the report.

Recommendations:

It is recommended that:

- (1) this report be forwarded to the April 24, 25 and 26, 2001 Council meeting to be considered at the same time as the report entitled “Proposed Residential Solid Waste Collection By-law”; and*
- (2) by the approval of this report, section 2.3 of the Proposed Residential Solid Waste Collection By-law be amended to include a requirement that apartment building owners post signs with specific recycling instructions in various designated locations of their building.*

Background:

At its meeting of February 7, 2001, the Works Committee requested the Commissioner of Works and Emergency Services to “submit a report to the Works Committee on means of encouraging source separation in each multi-unit residential building.” Previously, at its meeting of September 13, 2000, the Works Committee directed the Commissioner of Works and Emergency Services to report on “the implementation of a grant program for source separation devices for apartment buildings, for the 2001 budget, in the context of the pilot project” and “the request by Ms. Chung in her deputation with respect to taking buildings off the grid.”

Comments:

In an attempt to increase recovery of recyclable materials in apartments, a pilot project involving two buildings in the Etobicoke community was conducted in 1999/2000. The project was sponsored by the Ontario Waste Diversion Organization, the Canadian Soft Drink Association, and the Clorox Company of Canada. The purpose of the project was to investigate whether residents would find it easier and more convenient to use plastic bags to store and deposit their recyclables and thus increase participation rates. Existing apartment recycling programs require residents to separate recyclables into two separate streams (fibre and container materials) and place them into separate recycling bins or carts without plastic bags. Garbage is generally taken to a garbage room on each floor and put down a chute.

The two buildings participating in the pilot were of similar size and demographics. The bag-based recycling pilot project started the week of November 22, 1999, and finished at the end of May 2000. The residents of one of the buildings, 2 Triburnham Place, were provided with a three-month supply of blue, see-through recycling bags and were instructed to mix all their recyclable containers and fibre together in the bag and then put the bag down the garbage chute. Material sent down the chute system was taken to a special facility to separate the recyclables in blue bags from the rest of the garbage. Residents were told that in order to continue to participate in the recycling program once their supply of bags ran out, they would be required to purchase additional bags which were made available at three small retailers located in close proximity to the building. Residents of this building received intensive, personal door-to-door communication about how to participate in the project. It was thought that allowing residents to commingle fibre and container materials together in plastic bags and allowing them to deposit

recyclables down the chute would maximize the convenience of recycling and thereby would increase the participation and recycling rate.

Residents in the second building, located at 210 Markland Drive, were informed that they could use any plastic bag (i.e., grocery bags) to mix all their recyclable containers and fibre together. They were still required to bring their recyclables down to the central recycling bin; however, they were allowed to place the bagged recyclables into one bin instead of being required to separate into a paper and container stream as is currently required. The building's recycling carts were replaced with larger bulk lift containers. Residents of this building received a minimal level of written communication materials without the personal door-to-door communication.

The results of the pilot were somewhat surprising. The overall diversion rate at 2 Triburnham Place, which had received a high level of intensive communication, along with the maximum convenience of being able to put their recyclables in special bags down the chute with their regular garbage, saw a decrease of seven percent. The building at 210 Markland Drive which had received minimal communication and where residents were allowed to commingle their fibre and container materials using their choice of bags, while still having to bring their materials down to a central container, saw an increase to their overall diversion rate of 30.8 percent.

The results of the project at 2 Triburnham along with the survey responses indicate that the residents rejected the idea of purchasing bags to be able to recycle. The results of the project at 210 Markland are encouraging. Allowing residents to commingle materials and use bags of their choice appears to have had a positive effect. Another finding was that adding recycling capacity by increasing the size of the recycling containers also boosted recovery. The positive results at 210 Markland were achieved with minimal communication and education support.

More detailed findings are available in the full report written by Enviro RIS and McConnell Weaver. The executive summary is attached to this report. The complete report is available through the Policy and Planning section of Solid Waste Management Services. Persons interested in obtaining a copy may contact Renee Dello at 416-392-5806.

Recovery rates in apartments can also potentially be increased by making the system more convenient, without the use of bags, for example retrofitting an apartment building with an automated chute system on each floor as opposed to requiring individuals to bring all their recyclables to bins located outside or in the basement. Subject to budget approval, an apartment pilot will be conducted in three multi-unit residential high-rise buildings to test the feasibility of an automated chute system in two buildings and a "designated day" system in another building.

The "designated day" system would test the impact on recycling of allowing residents to deposit down the chute, fibre and container materials on designated days and garbage the remainder of the time. For example: garbage on Tuesdays, Wednesdays, Fridays, Saturdays and Sundays, container materials on Mondays, and fibre materials on Thursdays.

The automated chute project will test the impact on recycling levels by giving residents the convenience of depositing garbage, recyclable materials and organic materials down the building's chute at any time.

With respect to a grant program for source separation devices for apartment buildings, such as the automated chute systems, we recommend that such a program not be initiated at this time due to budget constraints. The cost of an automated chute system is approximately \$40,000 per building, and grants of any significant amount made available to all apartment owners would impact our budget.

Promotion and public education is also an effective tool to increase recovery rates in apartment buildings. Currently, we produce special promotional materials for apartment buildings such as “We Recycle” reminder cards, stickers for the recycling bins, and posters. “Waste Watch” is delivered to apartment buildings twice a year; however, it is not delivered directly to individual apartment units. In order to improve communication efforts to apartments, we are planning, subject to budget approval, on hiring casual staff in 2001 for outreach to targeted buildings, to review recycling performance, meet with building superintendents, distribute communication materials, install improved signage, and recommend system improvements.

Building management co-operation is critical to the success of existing programs and the implementation of programs in apartments not currently serviced by Blue Box collection. Findings from a previous pilot project undertaken by the Works Department show that apartment buildings that achieved diversion rates of 20 percent or more had co-operative building managers and/or superintendents and residents who owned or shared ownership such as in condominiums and housing co-ops (i.e., residents were longer term dwellers).

In many cases, the buildings’ residents are keen to recycle, but run into a barrier with an unwilling building superintendent. A mandatory recycling by-law would act as an incentive for building managers who were previously reluctant to implement recycling programs. At its meeting on February 7, 2001, the Works Committee approved the Residential Solid Waste Collection By-law, which includes mandatory recycling. The by-law will be going to Council for final approval on April 24, 25, and 26, 2001. If passed, it will allow the City to increase participation rates, particularly in the multi-family household residential sector. Provincial 3Rs regulations require owners of apartment buildings with more than six units to provide recycling services; however, these regulations are not enforced.

We have also investigated New York City’s “Superintendent’s Recycling Handbook” as suggested by the Works Committee. The Handbook” is distributed to assist buildings in setting up and maintaining recycling programs. The estimated cost to develop and produce a similar handbook for Toronto would be \$10,000, which has not been budgeted for.

Not only is recycling mandatory in New York, it is also mandatory for the building’s owner/landlord to post signs with specific recycling instructions in various designated locations within the building. The Residential Solid Waste Collection By-law, within which Section 2.3 includes mandatory recycling, is before Council at its meeting in April. By way of this report, it is requested that the Residential Solid Waste Collection By-law be amended to include a requirement that signs be posted in each building listing the materials accepted in the recycling program, and providing instructions on how to prepare the materials and where to place them for collection.

In addition to adding convenience and increasing communications, another element in increasing waste diversion from apartments is mixed waste processing. The Mixed Waste Recycling and Organics Processing Facility at Dufferin Transfer Station will test mixed waste processing with feedstock from apartment buildings. The test will occur in conjunction with the existing Blue Box program. The mixed waste will be made up of items that end up in the garbage after recycling, including organic waste and recyclable material that is not put into the Blue Box. Consequently, added diversion will be achieved by capturing the organic material and some of the remaining Blue Box material.

With respect to taking apartment buildings off the grid, we feel that the City's proposed new garbage by-law which recommends that multi-unit residential buildings with City garbage collection be required to operate a recycling program is preferable to discontinuing waste collection from all apartment buildings. Should a property owner or manager not implement a suitable recycling program, the by-law would give staff the authority to discontinue waste collection from that building.

Conclusions:

The results of the bag based pilot project were surprising and unexpected. It was anticipated that 2 Triburnham with its program of maximum convenience and maximum communications would see an increase in the diversion rate instead of a decrease. The results show that the residents were resistant to purchasing bags for recycling, being accustomed as they are to reusing their grocery bags for garbage at no additional cost.

The results from 210 Markland show that by allowing residents to commingle fibre and container materials into one stream, to use whatever bag they wish and increasing the recycling container capacity may boost recovery. These improvements did not require intensive communication and were available with a simple cost-effective education program. Thus, the results indicate that we should investigate the possible benefits of a single stream, fully commingled recycling program for apartment buildings and the associated processing implications.

Subject to budget approval, we will also be testing automated chute and "designated day" recycling systems. However, due to budget constraints we recommend against a grant program for source separation devices for apartment buildings.

Promotion and education is also effective in increasing recovery rates, and we are planning to hire casual staff to undertake outreach to targeted buildings, subject to budget approval.

A regulation such as mandatory recycling is also critical to successful implementation of recycling in all apartment buildings. Making the posting of promotional communication materials in designated areas in apartment buildings mandatory is also an option, as seen in the New York "Superintendent's Recycling Handbook."

Additionally, mixed waste processing will be tested as a method to increase waste diversion from apartment buildings, once the Mixed Waste Recycling and Organics Processing Facility is operational at our Dufferin Transfer Station.

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(A copy of the Executive Summary referred to in the foregoing report has been forwarded to all Members of Council with the agenda for the Works Committee meeting of March 28, 2001, and a copy thereof is on file in the office of the City Clerk.)

*(Report dated March 15, 2001, entitled
“Approved Bag Limit in the Region of Peel” from the
Commissioner of Works and Emergency Services)*

Purpose:

To provide the Works Committee and Council with an overview of the three-phase bag limit program in the Region of Peel.

Financial Implications and Impact Statement:

There are no financial implications as a result of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

At its February 7, 2001 meeting, the Works Committee had before it the proposed Residential Solid Waste Collection By-law that included a six waste item limit clause for residences that receive collection at the curb. There has been some debate over the item limit and user fees in the City of Toronto and whether residents would be able to accommodate a lower limit. Staff felt it prudent to provide the Committee and Council with bag limit and user fee developments in surrounding communities.

Comments:

The Council of the Region of Peel, at its March 8, 2001 meeting, approved a phased-in three waste bag/container limit and user fee program. The bag limit and user fee program will be implemented in three phases to allow residents the opportunity to familiarize themselves with the program. The following is a summary of the 3 phases:

Phase 1 (June 1, 2001 – February 1, 2002):

The three-bag limit will come into effect on June 1, 2001 and will be voluntary for all residents in the Region. Additional bags will be collected during this period. However, an intensive communications and education program outlining the phased-in program will be held during this period.

Phase 2 (February 2, 2002 – September 1, 2002):

Staff will enforce the bag limit during this period, and in order to receive collection, any extra bags will require an appropriate tag. These tags will be made available at all municipal facilities at no cost. Regional staff believe that the inconvenience of having to travel significant distances to get free tags will be incentive for residents to reduce their waste. The Town of Markham currently has this type of program in place.

Phase 3 (September 1, 2002):

Beginning September 1, 2002, tags will be made available at retail outlets throughout the Region at a cost of approximately \$1.00 each. All untagged bags above the limit will not be collected. The \$1.00 charge is not based on full cost recovery.

It is important to note that the Region of Peel three-bag limit will only deal with waste in bags or containers. The City of Toronto six-item limit encompasses both waste in bags/containers but also bulky items (mattresses, sofas, chairs, etc.). However, bulky items make up a negligible amount of the tonnages collected at curbside in the City. That, combined with an average waste bag/container set out rate of 2.86 items weekly, would not result in the majority of residents putting out more than three–four items weekly. In addition, residents should be encouraged to utilize reuse options for bulky items in good condition.

Conclusions:

The Region of Peel has begun an aggressive campaign to reduce waste, and as its neighbour, the City may wish to review its opportunities to reduce waste with an item limit below the current proposed limit of six.

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(City Council also had before it, during consideration of the foregoing Clause, a communication (February 7, 2001) from Ms. Ann M. Nutter expressing her concerns with respect to the proposed Residential Solid Waste Collection By-law.)

(City Council also had before it, during consideration of the foregoing Clause, a communication (undated) from Mr. John C. Wood, J & W Enterprises, submitting comments with respect to the Proposed Residential Solid Waste Collection By-law.)