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CHAPTER 841, WASTE COLLECTION, COMMERCIAL PROPERTIES

**Chapter 841**

**WASTE COLLECTION, COMMERCIAL PROPERTIES**

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[History: Adopted by the Council of the City of Toronto 2002-06-20 by By-law No. 575-2002.<sup>1</sup> Amendments noted where applicable.]

General References

Fees and charges - See Ch. 441.  
Waste materials - See Ch. 623, Art. I.  
Property standards - See Ch. 629.  
Abandoned refrigerators and other appliances - See Ch. 659.  
Waste collection, private properties - See Ch. 844.  
*City of Toronto Act, 2006* - See S.O. 2006, c.11.  
*Environmental Protection Act* - See R.S.O. 1990, c. E.19.

ARTICLE I  
**Definitions; Interpretation**

**§ 841-1. Definitions.**

[Amended 2009-04-30 by By-law No. 491-2009<sup>2</sup>; 2009-10-27 by By-law No. 1073-2009<sup>3</sup>; 2012-06-08 by By-law No. 773-2012<sup>4</sup>; 2012-11-29 by By-law No. 1593-2012<sup>5</sup>; 2015-02-11 by By-law No. 226-2015<sup>6</sup>; 2015-06-12 by By-law No. 603-2015]

As used in this chapter, the following terms have the meanings indicated:

APPLICATION - The submission made to the City by a collections customer or exempt tipping customer to demonstrate eligibility to receive the fee waiver pursuant to this chapter.

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<sup>1</sup> Editor's Note: This by-law was passed under the authority of section 208.2, section 208.6, paragraph 82 of section 210 and section 220.1 of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law provided that the following by-laws shall continue to be in effect, provided that, in the event of a conflict between Ch. 841 and a by-law referred to below, Ch. 841 shall prevail: Toronto, Ch. 309, as amended; Etobicoke, Ch. 149, as amended; East York By-law No. 1-86, as amended; York By-law No. 2890-78, as amended; Scarborough By-law No. 24478, as amended; North York By-law No. 21732, as amended. This by-law came into force on September 1, 2002.

<sup>2</sup> Editor's Note: The former definitions of "Commissioner" and "Department" were repealed April 30, 2009 by By-law No. 491-2009. This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>3</sup> Editor's Note: By-law No. 1073-2009 added the definitions for "Garbage Bin" and "Recycling Bin" and came into force November 1, 2009.

<sup>4</sup> Editor's Note: The former definitions of "Institutional Property" and "Mechanical Collection" were deleted June 8, 2012 by By-law No. 773-2012. This by-law also amended the definitions for "Collection Point", "Commercial Property", "Garbage Collection Services", "Organics Collection Services", "Owner", "Recycling Collection Services" and "Specially Equipped Building" and added the definitions for "Eligible Non-residential Property", "Front End Collection" and "Non-residential Property". This by-law came into force July 1, 2012.

<sup>5</sup> By-law No. 1593-2012 added the definitions for "Application Period", "Collections Customer", "Diversion Programs", "Donated Items", "Donated Items Waste Audit", "Donated Items Reduced Rate", "Donated Items Reduced Rate Program", "Education Program Requirement", "Effective date of Service", "Income Tax Act", "Information Gathering", "Open to the Community", "Overpayments", "Reduced Rate Non-residential Property", "Reduced Rate Period", "Regular Program", "Retroactive Period", "Tipping Customer" and "Winter 'Out of Cold' Type Programs". By-law No. 1593-2012 and came into force January 1, 2013.

<sup>6</sup> Editor's Note: The former definitions of "Donated Items", "Donated Items Waste Audit", "Donated Items Reduced Rate", "Donated Items Reduced Rate Program", "Effective Date of Service", "Open to the Community", "Overpayments", "Reduced Rate Non-Residential Property", "Reduced Rate Period", "Regular Program", "Retroactive Period", "Tipping Customer" and "Winter 'Out of Cold' Type Programs" were deleted February 11, 2015 by By-law No. 226-2015. This by-law also amended the definitions for "Application Period", "Education Program Requirement" and "Information Gathering" and added the definitions for "Application", "Charitable Organization", "Charity Dumping Authorization Slip", "Customer", "Eligibility Letter", "Exempt Tipping Customer", "Fee Waiver", "Fee Waiver Period", "Removal Letter", "Spot Waste Inspections", "Tipping Ratio" and "Waste Audit".

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**APPLICATION PERIOD** - The time period that commences when a collections customer or exempt tipping customer submits to the City a complete application for the fee waiver and that terminates on the date that the City issues an eligibility letter.

**BULKY ITEM** - An item which is larger than 1.2 metres in any one dimension or weighs in excess of 20 kilograms, including furniture or white goods of whatever size and weight as may be determined by the General Manager.

**BUSINESS IMPROVEMENT AREA** - An area designated as an improvement area by a by-law passed under the *City of Toronto Act, 2006*, or a predecessor legislation.

**CHARITABLE ORGANIZATION** - An organization which is a registered charity, as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation that has a registration number issued by the Canada Revenue Agency, or successor agency.

**CHARITY DUMPING AUTHORIZATION SLIP** - A dumping authorization slip that must be presented by the exempt tipping customer approved to use Toronto's Transfer Station for loads of waste (garbage, recyclables and tires). Charity Dumping Authorization slips must be provided with each load that is disposed of at Toronto's Transfer Stations.

**CITY AUTHORIZED BAG** - A specially marked garbage bag acquired by the City and distributed through City authorized distributors.

**CITY AUTHORIZED TAG** - A specially marked tag acquired by the City and distributed through City authorized distributors.

**COLLECTION POINT** - The part of an eligible commercial property or an eligible non-residential property that has been designated by the General Manager for the setting out and collection of garbage, recyclable materials and organic materials.

**COLLECTIONS CUSTOMER** - A customer receiving collection services.

**COMMERCIAL PROPERTY** - A property used for retail, service, commercial, recreational or entertainment purposes or for offices and includes property which is not residential property, industrial property or non-residential property.

**CONTAMINATION** - The mixing of an item referred to in the list below with a different item described in the list below:

- A. Recyclable materials.
- B. Garbage.
- C. Organic materials.
- D. Yard waste.
- E. Prohibited waste.

**CURBSIDE COLLECTION** - The collection of garbage, recyclable materials and organic materials in the appropriate containers described in Article III, at a collection point which is at or near a curb.

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**CUSTOMER** - An owner, occupant, lessee, tenant or any other person in charge or in control of an eligible non-residential property.

**DAYTIME COLLECTION PERIOD** - 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 6:00 p.m. the same day.

**DIVERSION PROGRAMS** - The City's collection and processing of source separated organics, recyclables and any other materials that the General Manager of Solid Waste Management Services designates pursuant to § 841-21I.

**DIVISION** - The City's Solid Waste Management Services Division.

**DWELLING ROOM** - A room used or designed for human habitation which has culinary or sanitary facilities, but does not include:

- A. A room in a dwelling unit or in a hotel, tourist or guest home;
- B. A bathroom or kitchen; or
- C. A windowless storage room that has a floor area of less than ten square metres.

**DWELLING UNIT** - 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.

**EDUCATION PROGRAM REQUIREMENT** - Providing the donors, members and/or service recipients of charitable organizations with information about:

- A. The City's diversion program instructions to prevent contamination, environmentally sound re-use and disposal issues; and
- B. How the charitable organization is complying with such measures in its own operations.

**ELIGIBILITY LETTER** - A letter sent from the City to the collection customer or exempt tipping customer that has submitted an application for the fee waiver to indicate whether such customer is eligible for the fee waiver and, where such customer is eligible, the date on which the fee waiver will begin to apply. The Eligibility Letter also may contain recommendations that direct the customer to modify his or her current waste management practices to maintain eligibility for the fee waiver.

**ELIGIBLE COMMERCIAL PROPERTY** - A commercial property or the commercial portion of a mixed residential/commercial property within the City which meets the requirements contained in § 841-3A or C, to which the City provides services.

**ELIGIBLE NON-RESIDENTIAL PROPERTY** - A non-residential property within the City which meets the requirements contained in § 841-3A or C.1, to which the City provides services.

**EXEMPT TIPPING CUSTOMER** - A charitable organization customer that the City exempted from tipping fees at the City's transfer stations prior to July 1, 2012.

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**FEE WAIVER** - A complete waiver of all collection and tipping fees for Toronto generated waste applicable to a qualifying customer pursuant to this chapter and Chapter 441, Fees and Charges but not including any applicable fees for bins.

**FEE WAIVER PERIOD** - The time period during which an eligible customer receives the fee waiver. The time period commences on the date specified in the eligibility letter and continues so long as the customer does not receive a removal letter or City Council does not modify or repeal this program or any other applicable City by-law. Continued receipt of the fee waiver may be subject to periodic review.

**FRONT END COLLECTION** - The collection of garbage, recyclable materials and organic materials in the appropriate containers described in Article III.

**GARBAGE** - Waste other than recyclable materials, organic materials, yard waste, bulky items, and prohibited waste.

**GARBAGE BIN** - A container owned by the City and made available to an owner of a mixed residential/commercial property who receives residential curbside collection for garbage as described in § 844-10.1.

**GARBAGE COLLECTION SERVICES** - Those services provided by the City under this chapter for the removal of garbage from eligible commercial properties and eligible non-residential properties within the City.

**GARBAGE CONTAINER** - A container for setting out garbage which meets the requirements contained in § 841-7.

**GENERAL MANAGER** - The General Manager of the Division, or his or her designate.

**GROUND FLOOR AREA** - The total area of a building between the outside faces of the exterior walls of the storey which is at ground level excluding patios, verandas, garages and porches.

**INCOME TAX ACT** - Federal Income Tax Act, R.S.C., 1985, c. 1 (5th Supp.).

**INDUSTRIAL PROPERTY** - A property zoned for industrial use under the City's zoning by-laws or assessed as such for the purpose of municipal property tax assessment.

**INFORMATION GATHERING** - Information and document requests and related inquiries made by the City staff (including but not limited to staff from the Solid Waste Management Services Division and the Social Development Finance and Administration Division) to a customer applying to receive or an eligible customer receiving a fee waiver to confirm compliance with the eligibility criteria in § 841-6J(1) and/or the ongoing participation requirements in § 841-6J(2).

**MIXED RESIDENTIAL/COMMERCIAL PROPERTIES** - Eligible commercial properties that contain dwelling rooms or dwelling units.

**NIGHT-TIME COLLECTION PERIOD** - A period of time which commences at 9:00 p.m. on a specified day and concludes at 7:00 a.m. the next day during which the City provides services.

**NON-RESIDENTIAL PROPERTY** - A property which is listed in Schedule F at the end of this chapter and which is not a property which is run by a City agency, board, commission or

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division, and is not a school, as defined by Chapter 442, Fees and Charges, Administration of, that is subject to the existing school board rate.

ORGANIC MATERIALS - The waste items referred to in Schedule B at the end of this chapter.

ORGANICS COLLECTION SERVICES - The services provided by the City for the removal of organic materials from an eligible commercial property or an eligible non-residential property in the City.

ORGANICS CONTAINER - A container for setting out organic material which meets the requirements set out in § 841-9.

OWNER - An owner, occupant, lessee, tenant or any other person in charge or in control of an eligible commercial property or an eligible non-residential property.

PROHIBITED WASTE - The waste items referred to in Schedule C at the end of this chapter.

RECYCLABLE MATERIALS - The waste items referred to in Schedule A at the end of this chapter.

RECYCLING BIN - A container owned by the City and made available to an owner of a mixed residential/commercial property who receives residential curbside collection for recycling as described in § 844-10.1.

RECYCLING COLLECTION SERVICES - The services provided by the City for the removal of recyclable materials from an eligible commercial property or an eligible non-residential property within the City.

RECYCLING CONTAINER - A container for setting out recyclable materials which meets the requirements contained in § 841-8.

REGULATION CONTAINER - A garbage container, a recycling container or an organics container.

REGULATION 347 - Regulation 347, R.R.O. 1990, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as same may be amended or replaced from time to time.

REMOVAL LETTER - A letter sent from the City to the customer indicating that the customer is no longer eligible to receive the fee waiver as of a certain date and until the end of the calendar year because of a failure to comply with §§ 841-6(J)(1) and/or (2). The removal letter also may indicate that the customer can apply again for the fee waiver beginning in the following calendar year.

SERVICES - One or more of the services provided by the City under this chapter, including garbage collection services, recycling collection services and organics collection services.

SET OUT - The placement at a collection point of an item with respect to which the City provides services.

SPECIALLY EQUIPPED BUILDING - An eligible commercial property or an eligible non-residential property which has a stationary compactor unit and garbage container(s) and recycling container(s).

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SPOT WASTE INSPECTIONS - Unannounced inspections of organics, garbage and/or recyclables placed at curbside for collection that is conducted by City staff in accordance with the process set forth in the Solid Waste Charity Fee Waiver Guidelines to determine whether the customer can continue to receive the fee waiver based on the following factors:

- A. Participating in applicable diversion programs;
- B. Satisfying applicable Eligibility Letter recommendations;
- C. Confirming that waste set out for collection is predominantly from Toronto sources.

STREET - Any public highway, road, street, lane, alley or square within the jurisdiction of the City.

TIPPING RATIO - A ratio of the portion of the tipping generated from non-Toronto sources to the total tipping tonnes, as determined periodically by negotiations between the General Manager, or his or her delegate(s), and the exempt tipping customer(s) in accordance with the Solid Waste Management Services Division Fee Waiver Guidelines.

WASTE - Garbage, recyclable materials, organic materials and prohibited waste.

WASTE AUDIT - Scheduled inspection of the waste practices of a customer that has applied for or is receiving the fee waiver, conducted by City staff in accordance with the process set forth in the Solid Waste Charity Fee Waiver Guidelines and that forms part of the determination of whether the customer is eligible to receive or to continue to receive the Fee Waiver. The inspection will confirm that such waste practices comply with:

- A. Applicable diversion programs;
- B. The education program requirement;
- C. Applicable requirements set forth in this chapter and Chapter 442, Fees and Charges, Administration of, and Chapter 846, Waste Transfer Stations;
- D. Recommendations contained in a customer's Eligibility Letter, where applicable; and
- E. The requirement to demonstrate that waste set out for collection is predominantly from Toronto sources.

YARD WASTE - The items referred to as yard waste in Schedule B at the end of Chapter 844, Waste Collection, Residential Properties.

**§ 841-2. Interpretation.**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>7</sup>]**

Any term referred to in Subsections A to J and Subsection L(13) of Schedule C at the end of this chapter shall have the same meaning as set out in Chapter 681, Sewers.

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<sup>7</sup> Editor's Note: By-law No. 491-2009 comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.



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ARTICLE II  
**Collection Services**

**§ 841-3. Eligibility for services.**

- A. Subject to the terms and conditions contained in this chapter and any directives issued by City Council from time to time, the City may provide collection services to commercial properties and non-residential properties that are: **[Amended 2012-06-08 by By-law No. 773-2012<sup>8</sup>]**
- (1) Not industrial properties; and which:
- (a) Have a ground floor area not exceeding 500 square metres and with fewer than four above-ground storeys; or
- (b) Are located in mixed residential/commercial properties or in plazas and malls where the residential area of the plaza or mall is at least one-third of the total area, and with fewer than four above-ground storeys.
- B. For the purposes of Subsection A, a storey of a building is considered to be at ground level if its floor is not more than one metre below street level.
- C. Despite Subsection A, commercial properties that do not meet the requirements set out in Subsections A(1)(a) and A(1)(b) that have a ground floor area not exceeding 1,250 square metres and received City collection services prior to March 8, 2002, shall be eligible to receive services, subject to the terms and conditions contained in this chapter.
- C.1 Despite Subsection A, non-residential properties that do not meet the requirements set out in Subsections A(1)(a) and A(1)(b) who received uninterrupted City collection services prior to July 1, 2012 shall be eligible to receive collection services, subject to the terms and conditions contained in this chapter. **[Added 2012-06-08 by By-law No. 773-2012<sup>9</sup>]**
- C.2 Owners of new non-residential properties that meet the requirements set out in Subsections A(1)(a) and A(1)(b) must apply in the prescribed form to the General Manager for approval of services. **[Added 2012-06-08 by By-law No. 773-2012<sup>10</sup>]**
- D. Subject to the terms and conditions contained in this chapter and any directives issued by City Council or the General Manager from time to time, the City shall collect garbage, recyclable materials and organic materials from eligible commercial properties and eligible non-residential properties. **[Amended 2009-04-30 by By-law No. 491-2009<sup>11</sup>; amended 2012-06-08 by By-law No. 773-2012<sup>12</sup>]**

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<sup>8</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>9</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>10</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>11</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>12</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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- E. No owner shall be eligible to receive services unless the owner has paid in full all fees for garbage or organics collection services as required under this chapter.
- F. The City shall not collect waste from a commercial property or a non-residential property which does not meet the requirements of Subsection A, C or C.1. **[Amended 2012-06-08 by By-law No. 773-2012<sup>13</sup>]**
- G. The City shall not, under this chapter, provide services to collect bulky items or yard waste.
- H. Every owner shall ensure that specific recycling and organics collection instructions are posted in locations at the property as designated by the General Manager. **[Amended 2009-04-30 by By-law No. 491-2009<sup>14</sup>]**
- I. No owner shall be eligible to receive or to continue to receive services: **[Amended 2009-04-30 by By-law No. 491-2009<sup>15</sup>]**
- (1) Unless the owner arranges, to the satisfaction of the General Manager, for recycling collection services and complies with all relevant requirements set out in the City publication entitled "Requirements for Garbage and Recycling Collection Services at Developments and Redevelopments" as same may be amended or replaced from time to time; or
- (2) Where the owner, without the authorization of the General Manager, sells or otherwise transfers recyclable materials to persons other than the City.
- J. No owner shall be eligible to receive or to continue to receive services unless the owner sets out for collection all waste in respect of which the City provides services to the owner and the owner complies with all relevant requirements contained in this chapter. **[Added 2003-05-23 by By-law No. 447-2003]**
- K. Reserved<sup>16</sup>
- L. Organics collection services will only be offered to owners of mixed residential/commercial properties where there is adequate storage for the organics container, as determined by the General Manager. **[Added 2009-10-27 by By-law No. 1073-2009<sup>17</sup>]**

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<sup>13</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>14</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>15</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>16</sup> Section 841-3K was added May 23, 2003 by By-law No. 447-2003 and deleted by By-law No. 773-2012 which came into force July 1, 2012.

<sup>17</sup> Editor's Note: By-law No. 1073-2009 came into force November 1, 2009.

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**§ 841-4. Frequency of waste collection services.**

[Amended 2009-04-30 by By-law No. 491-2009<sup>18</sup>; amended 2012-06-08 by By-law No. 773-2012<sup>19</sup>]

- A. The City shall collect garbage, recyclable materials and organic materials from eligible commercial properties and eligible non-residential properties no more than once per week.
- B. Despite Subsection A, garbage, recyclable materials and organic materials may be collected no more than twice per week from eligible commercial properties and eligible non-residential properties located within the following areas and as identified in Schedule E at the end of this chapter:
  - (1) Established business improvement areas;
  - (2) Established night-time collection routes;
  - (3) Streets fronting on the Yonge and the Bloor/Danforth Subway lines;
  - (4) Lake Shore Boulevard, west of the Humber River; and
  - (5) Kingston Road.
- C. Despite Subsection B, subject to the General Manager's approval, organic materials may be collected up to seven times per week from eligible commercial properties and eligible non-residential properties which receive services during a night-time collection period and where an efficient collection route can be established.

**§ 841-5. Collection of prohibited waste.**

- A. The City shall not collect prohibited waste.
- B. 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.

**§ 841-6. Fees; penalties for unpaid bills and cheques not honoured.**

- A. Every owner shall pay the City a fee for the collection, transfer and disposal of garbage at the rate set by the City from time to time.
- B. Owners receiving curbside garbage collection services shall purchase City authorized bags at the rate set out in Chapter 441, Fees and Charges. [Amended 2006-09-27 by By-law No. 1056-2006]
- C. Owners receiving curbside garbage collection services shall purchase, at the rate set out in Chapter 441, Fees and Charges, City authorized tags which shall be affixed to garbage

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<sup>18</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>19</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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which is required to be bundled pursuant to this chapter. **[Amended 2006-09-27 by By-law No. 1056-2006]**

- C.1 Owners receiving curbside garbage collection services using regulation containers other than City authorized bags or City authorized tags shall be charged a fee based on frequency of collection at the rate set out in Chapter 441, Fees and Charges. **[Added 2012-06-08 by By-law No. 773-2012<sup>20</sup>]**
- C.2 Eligible non-residential properties receiving curbside collection services will be provided with regulation containers by the City, other than City authorized bags or City authorized tags, at no additional cost pursuant to § 814-10.2. **[Added 2012-06-08 by By-law No. 773-2012<sup>21</sup>]**
- D. Owners receiving front end garbage collection services shall be charged a fee based on the per cubic yard volume of garbage collected, at the rate set out in Chapter 441, Fees and Charges. **[Amended 2006-09-27 by By-law No. 1056-2006; amended 2012-06-08 by By-law No. 773-2012<sup>22</sup>]**
- E. Owners receiving organics collection services, pursuant to § 841-4C, at a frequency greater than once per week shall be charged an annual fee for the increased organics collection at the appropriate rate set out in Chapter 441, Fees and Charges. **[Amended 2006-09-27 by By-law No. 1056-2006; 2011-12-01 by By-law No. 1421-2011<sup>23</sup>]**
- F. Owners receiving curbside collection services shall prepay all costs and fees required pursuant to § 841-6. **[Amended 2012-06-08 by By-law No. 773-2012<sup>24</sup>]**
- F.1 Owners receiving front end collection services will be billed for all costs and fees required pursuant to § 841-6 on the utility bill issued pursuant to Article III of Chapter 849, Waste and Sewage Services and Utility Bill. **[Added 2012-06-08 by By-law No. 773-2012<sup>25</sup>]**
- G. In the event a fee required under this chapter is not paid, a penalty of 1.25% shall be added on the unpaid amount of the fee on the first day after the fee payment due date, and a further \$1.25% interest charge shall be added on the first day of each additional month thereafter in which the fee remains outstanding.
- H. (Reserved)<sup>26</sup>
- I. Despite § 841-6(A) to (G), all collection fees applicable to eligible non-residential properties shall be phased in over a four year period as follows: **[Added 2012-06-08 by By-law No. 773-2012<sup>27</sup>]**

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<sup>20</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>21</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>22</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>23</sup> Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

<sup>24</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>25</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>26</sup> Editor's Note: Former § 841-6H, which previously contained a fee for a dishonoured cheque, was repealed September 27, 2006 by By-law No. 1056-2006. See now Ch. 441, Fees and Charges.

<sup>27</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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- (1) Beginning on July 1, 2012, twenty-five (25) percent of applicable collection fees will be charged to eligible non-residential properties;
- (2) Beginning on January 1, 2013, fifty (50) percent of applicable collection fees will be charged to eligible non-residential properties;
- (3) Beginning on January 1, 2014, seventy-five (75) percent of applicable collection fees will be charged to eligible non-residential properties; and
- (4) Beginning on January 1, 2015, one hundred (100) percent of applicable collection fees will be charged to eligible non-residential properties.

J. A customer that satisfies the eligibility criteria in Subsection (1) and that complies with the ongoing participation requirements in Subsection (2) will receive a fee waiver, as confirmed in an eligibility letter. Such customer that no longer satisfies the eligibility criteria in Subsection (1) or no longer complies with the ongoing participation requirements in Subsection (2) will no longer receive a fee waiver, as confirmed in a removal letter. **[Added 2012-11-29 by By-law No. 1593-2012<sup>28</sup>; amended 2015-02-11 by By-law No. 226-2015]**

(1) Eligibility Criteria

At all times during the application period and the fee waiver period, the customer must satisfy the following criteria:

- (a) Waste removal/disposal status.

The customer must be:

[1] A non-residential property; and

[2] Either

[a] A collections customer that complies with all applicable sections of this chapter and Chapter 442, Fees and Charges, Administration of; or

[b] An exempt tipping customer that complies with all applicable subsections of Chapters 442, Fees and Charges, Administration of, and 846, Waste Transfer Stations.

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<sup>28</sup> Editor's Note: By-law No. 1593-2012 came into force January 1, 2013.

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(b) Organizational status.

The customer must provide satisfactory evidence that it is a charitable organization in good standing.

(c) Application information.

The customer must provide the information requested in the application unless the Executive Director, Social Development Finance and Administration or his or her delegate(s) or unless the General Manager, Solid Waste Management Services or his or her delegate(s), indicates otherwise.

(2) Ongoing participation requirements.

To continue to receive the fee waiver the eligible customer must satisfy the following ongoing participation requirements:

- (a) Participate in all applicable diversion programs as verified by spot waste inspections, waste audits and/or information gathering, except that eligible exempt tipping customers are exempt from this requirement;
- (b) Comply with the education program requirement, as verified by waste audits and/or information gathering;
- (c) Comply with all applicable sections of this chapter and Chapter 846, Waste Transfer Stations, as verified by spot waste inspections, waste audits and/or information gathering;
- (d) Update existing application information and/or provide additional related information, as requested through information gathering; and
- (e) Demonstrate that waste is predominantly from Toronto sources, as verified as follows:
  - [1] For collection customers, as part of a spot waste inspection or waste audit;  
or
  - [2] For exempt tipping customers, by written, signed declaration submitted to City staff, provided, however, that if the customer has an approved tipping ratio, then such exempt tipping customer must pay that portion of the applicable commercial rate as set forth in Chapter 441, Fees and Charges, equal to the tipping ratio.

(3) Determinations.

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- (a) The General Manager or his or her delegate(s) shall use the application, information gathering, spot waste inspections and/or waste audits to determine whether the customer:
- [1] Satisfies the waste/disposal status requirements set forth in § 841-6J(1)(a);
  - [2] Continues to satisfy the waste/disposal status requirements set forth in § 841-6J(1)(a);
  - [3] Continues to satisfy the ongoing participation requirements set forth in § 841-6J(2); or
  - [4] Should be removed from the program with or without the opportunity to reapply in the next calendar year.
- (b) The Executive Director, Social Development Finance and Administration, or his or her delegate(s) shall use the application and/or information gathering to determine whether the customer:
- [1] Satisfies the organization status requirements set forth in § 841-6J(1)(b);
  - [2] Continues to satisfy the organization status requirement set forth in § 841-6J(1)(b); or
  - [3] Should be removed from the program with or without the opportunity to reapply in the next calendar year.
- (4) The General Manager or his or her delegate(s) shall administer the fee waiver for eligible customers and negotiate and apply the tipping ratio, where applicable.

**§ 841-6.1. Mixed residential/commercial property collection fees.**

**[Added 2009-10-27 by By-law No. 1073-2009<sup>29</sup>]**

- A. Despite § 841-6, an owner of a mixed residential/commercial property receiving curbside collection and participating in the bin program as set out in § 841-10.1 shall pay the applicable curbside collection fee based on the quantity and size of garbage bins as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.
- B. For the first year during which this section is in force, the curbside collection fees will be prorated on a daily basis.
- C. When the owner of a mixed residential/commercial property who receives curbside collection requests a garbage bin exchange under § 841-10.1M, requests an additional garbage bin, or when there is a change in ownership of a residential property, the curbside collection fees under Subsection A will be prorated on a daily basis.

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<sup>29</sup> Editor's Note: By-law No. 1073-2009 came into force November 1, 2009.

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- D. Despite Subsection A, if an owner of a mixed residential/commercial property who receives curbside collection uses a specialized in-home compactor to reduce its garbage volume and, as a result, uses a smaller-sized garbage bin, the General Manager reserves the right to increase the curbside collection fees for the mixed residential/commercial property to a larger-sized garbage bin to compensate for the compaction, as the curbside collection fees are based on the collection of un-compacted garbage.
- E. The City will bill each owner of a mixed residential/commercial property, who receives curbside collection, the curbside collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

**§ 841-6.2. Mixed residential/commercial property collection rebates.**

[Added 2009-10-27 by By-law No. 1073-2009<sup>30</sup>]

- A. The City will rebate to an owner of a mixed residential/commercial property the annual amount of \$209 in the form of a credit on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.
- B. The rebate amount in Subsection A will be prorated based on the appropriate billing frequency as set out in § 849-30 of Chapter 849, Water and Sewage Services and Utility Bill, to reflect the appropriate portion of a full-year rebate amount.
- C. If the rebate in Subsection A represents a credit on the utility bill as set out in Article VIII of Chapter 849, Water and Sewer Services and Utility Bill, the credit will be applied to any applicable fees related to water and sewage services that appear on the utility bill in accordance with Chapter 849, Water and Sewage Services and Utility Bill.

**§ 841-6.3. Mixed residential/commercial property due date.**

[Added 2009-10-27 by By-law No. 1073-2009<sup>31</sup>]

- A. The Deputy City Manager and Chief Financial Officer shall include a due date on the utility bill sent to an owner under Article III of Chapter 849, Water and Sewage Services and Utility Bill, and his or her agent, if applicable, which will designate the date on or before which the amounts in respect of the curbside collection fee to be paid by the owner of the mixed residential/commercial property shall be paid to the City.
- B. In the event that the owner of the mixed residential/commercial property or his or her agent, if applicable, fails to pay the amount due on or before the due date, a late payment charge will be applied on the outstanding curbside collection fees to the utility bill as more specifically set out in § 441-5 of Chapter 441, Fees and Charges.
- C. The due date shall be set at the discretion of the Deputy City Manager and Chief Financial Officer, but in no event shall it be any sooner than 21 calendar days from the date the bill is issued.

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<sup>30</sup> Editor's Note: This by-law came into force November 1, 2009.

<sup>31</sup> Editor's Note: This by-law came into force November 1, 2009.



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**§ 841-6.4 Mixed residential/commercial property bag-only collection fee.**

**[Added 2011-03-09 by By-law No. 389-2011<sup>32</sup>]**

- A. An owner of a mixed residential/commercial property receiving curbside collection and who use garbage tags under § 841-7C shall pay the bag-only curbside collection fee based on the collection frequency as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, in addition to the fees paid for garbage tags as described in § 841-6C.
- B. The City will bill each owner under Subsection A the bag-only curbside collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

ARTICLE III  
**Requirements for Regulation Containers**

**§ 841-7. Garbage containers.**

**[Amended 2009-04-30 by By-law No. 491-2009;<sup>33</sup> 2009-10-27 by By-law No. 1073-2009<sup>34</sup>]**

- A. Subject to Subsections B and C, an owner who receives curbside collection services shall use a container described below for setting out garbage: **[Amended 2012-06-08 by By-law No. 773-2012<sup>35</sup>]**
  - (1) A City-authorized bag;
  - (2) Any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a City authorized tag is affixed to each bag;
  - (3) A 360 litre plastic bin equipped with wheels which is compatible with the equipment used by the City for the provision of garbage collection services; or
  - (4) Any other container, in good working order provided by the City or designated by the General Manager as acceptable for setting out garbage.
- A.1 Subject to Subsections B and C, an owner who receives front end collection services shall use a container described below for setting out garbage: **[Added 2012-06-08 by By-law No. 773-2012<sup>36</sup>]**
  - (1) A properly covered watertight container, in sound and good working order, with a capacity greater than 0.75 cubic metre and less than 4.6 cubic metres which has a

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<sup>32</sup> Editor's Note: Section 5 of By-law No. 389-2011 provided that this section came into force March 1, 2011.

<sup>33</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines in Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>34</sup> Editor's Note: This by-law came into force November 1, 2009.

<sup>35</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>36</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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maximum weight of 1,500 kilograms when full and is compatible with the equipment used by the City for the provision of garbage collection services; or

- (2) Any other container, in good working order designated by the General Manager as acceptable for setting out garbage.
- B. An owner of mixed residential/commercial property who is participating in the bin program as described in § 841-10.1 shall use a container described below for setting out garbage:
- (1) One or more garbage bins as provided to the owner by the City under § 841-10.1; or
  - (2) If an owner has excess garbage that cannot fit within the City-provided garbage bin(s) under Subsection A(1), an owner may use any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a City-authorized tag is affixed to each bag; or
  - (3) Such other container provided by the City or designated by the General Manager as acceptable for setting out garbage.
- C. An owner of a mixed residential/commercial property who has chosen not to participate in the bin program as described in § 841-10.1 or failed to make a bin selection under § 841-10.1B shall use any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a City-authorized tag is affixed to each bag for setting out garbage.

**§ 841-8. Recycling containers.**

**[Amended 2009-04-30 by By-law No. 491-2009;<sup>37</sup> amended 2009-10-27 by By-law No. 1073-2009<sup>38</sup>]**

- A. Subject to Subsections B and C, an owner who receives curbside collection services shall use a container described below for setting out recyclable materials: **[Amended 2012-06-08 by By-law No. 773-2012<sup>39</sup>]**
- (1) A 360 litre plastic bin equipped with wheels which is compatible with the equipment used by the City for the provision of recycling collection services; or
  - (2) Such other container, in good working order provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.
- A.1 Subject to Subsections B and C, an owner who receives front end collection services shall use a container described below for setting out recyclable materials: **[Added 2012-06-08 by By-law No. 773-2012<sup>40</sup>]**

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<sup>37</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines in Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>38</sup> Editor's Note: This by-law came into force November 1, 2009.

<sup>39</sup> Editor's Note: By-law No. 773-2012 came into effect July 1, 2012.

<sup>40</sup> Editor's Note: By-law No. 773-2012 came into effect July 1, 2012.

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- (1) A properly covered watertight container, in sound and good working order, with a capacity greater than 0.75 cubic metre and less than 4.6 cubic metres which has a maximum weight of 1,500 kilograms when full and is compatible with the equipment used by the City for the provision of garbage collection services; or
  - (2) Any other container, in good working order designated by the General Manager as acceptable for setting out recyclable materials.
- B. An owner of mixed residential/commercial property who is participating in the bin program as described in § 841-10.1 shall use a container described below for setting out recyclable materials:
- (1) One or more recycling bins provided to the owner by the City under § 841-10.1; or
  - (2) Such other container, in good working order, provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.
- C. An owner of a mixed residential/commercial property who has chosen not to participate in the bin program as described in § 841-10.1 or failed to make a bin selection under § 841-10.1B shall use a translucent plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted for setting out recyclable materials.

**§ 841-9. Organics containers.**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>41</sup>]**

An owner shall use a container described below for setting out organic materials:

- A. A 120-litre plastic bin which is compatible with the equipment used by the City for the provision of organics collection services.
- B. Such other container designated by the General Manager as acceptable for setting out organic materials which is compatible with the equipment used by the City for the provision of organics collection services.
- C. Despite Subsection A, an owner of a non-residential property who receives curbside collection services may also use one or more organics bins provided by the City under § 841-10.2 for setting out organic materials. **[Added 2012-06-08 by By-law No. 773-2012<sup>42</sup>]**

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<sup>41</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>42</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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**§ 841-10. Residential/commercial mixed use properties.**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>43</sup>]**

Owners of mixed residential/commercial properties shall provide, for the use by residents, sufficient separate regulation containers for garbage, recyclable materials and organic materials, if the mixed residential/commercial properties receive organic collection services.

**§ 841-10.1. Bin program for mixed residential/commercial properties.**

**[Added 2009-10-27 by By-law No. 1073-2009<sup>44</sup>]**

- A. The City will provide owners of mixed residential/commercial properties, who choose to have the mixed residential/commercial property's dwelling rooms or the dwelling units participate in the bin program, with garbage and recycling bins as set out in this section.
- B. Owners of mixed residential/commercial properties may choose the size and quantity of garbage and recycling bins for the property, but if no choice is made, owners will not participate in the bin program for collection of garbage and recyclable materials;
- C. Owners of mixed residential/commercial properties may choose to have the entire property, both the commercial and residential portion, participate in the bin program.
- D. Owners of residential properties may request additional recycling bins from the Division.
- E. The General Manager may, in his or her discretion, determine whether to provide additional recycling bins as requested by an owner under Subsection D.
- F. The size of garbage and recycling bins available to choose from are:
  - (1) Small - approximately 75 litres capacity;
  - (2) Medium - approximately 120 litres capacity;
  - (3) Large - approximately 240 litres capacity; and
  - (4) Extra-large - approximately 360 litres capacity.
- G. The garbage and recycling bins remain the property of the City at all times.
- H. Each owner to whom a garbage and a recycling bin is issued shall keep the garbage and recycling bins in good condition, and not in a condition that is noxious, offensive or dangerous to public health.
- I. Each owner shall return either the garbage bin or the recycling bin or both to the City upon request.
- J. If either a garbage bin or a recycling bin is damaged, the owner to whom the bin is issued may make a request to the Division to repair the bin at no cost to the owner.

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<sup>43</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>44</sup> Editor's Note: This by-law came into force November 1, 2009.

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- K. If either a garbage bin or a recycling bin is lost or stolen, the owner shall contact the Division to issue a new garbage bin or recycling bin as appropriate.
- L. The owner shall pay the fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for the replacement of the lost or stolen bin.
- M. Each owner to whom a garbage bin or a recycling bin is provided may exchange the bin for a different size by making a request to the Division and paying the applicable bin exchange fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.

**§ 841-10.2. Provision of bins to non-residential properties.**

[Added 2012-06-08 by By-law No. 773-2012<sup>45</sup>]

- A. The City will provide owners of non-residential properties who receive curbside collection services and who use bins with garbage, recycling and organics bins as set out in this section.
- B. Owners of non-residential properties will be provided with garbage and recycling bins with an approximate capacity of 95 gallons.
- C. Owners of non-residential properties may choose the size of organic bins for the property.
- D. The size of organics bins available to choose from are:
  - (1) Small - approximately 13 gallon capacity; or
  - (2) Large - approximately 35 gallon capacity.
- E. The General Manager will, in his or her discretion, determine the quantity of bins required by a non-residential property.
- F. Owners of non-residential properties may request additional recycling bins or organics bins from the Division.
- G. The General Manager may, in his or her discretion, determine whether to provide additional recycling bins or organics bins as requested by an owner under Subsection F.
- H. Reserved<sup>46</sup>

ARTICLE IV

**Setting Out Garbage, Recyclable Materials and Organic Materials**

**§ 841-11. General requirements.**

- A. No owner shall set out garbage, recyclable materials or organic materials for collection unless the garbage, recyclable material or organic material is:
  - (1) Generated on the public or private portion of the property abutting the approved collection point;

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<sup>45</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>46</sup> Editor's Note: Subsection H was deleted February 11, 2015 by By-law No. 226-2015.

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- (2) Placed as close as possible to the edge of the roadway without obstructing the roadway or sidewalk;
  - (3) Free from contamination; and
  - (4) In appropriate regulation containers which are clean, well maintained, in good working order and filled to a height no greater than their sides.
- B. Subject to Subsection C, no owner shall set out, nor shall the City be obliged to collect, any item which weighs in excess of 20 kilograms, whether such item be a bundle, in a regulation container or loose. **[Amended 2009-04-30 by By-law No. 491-2009<sup>47</sup>]**
- C. Subsection B does not apply to regulation containers described in §§ 841-7A(2), A(3), A(4) and B(1), 841-8A(2), A(3) and B(1) and 841-9A. **[Amended 2009-04-30 by By-law No. 491-2009;<sup>48</sup> 2009-10-27 by By-law No. 1073-2009<sup>49</sup>]**
- D. Owners shall ensure that the space on a sidewalk or street occupied by garbage, recyclable materials or organic materials set out for collection does not exceed the frontage of the property. **[Amended 2009-04-30 by By-law No. 491-2009<sup>50</sup>]**
- E. At all times, owners shall cleanly sweep and keep free from obstruction, by waste, litter and other encumbrances, the sidewalks in front of and about the premises.
- F. An owner of a mixed residential/commercial property, participating in the bin program described under § 841-10.1 shall not fill a garbage bin or recycling bin: **[Added 2009-10-27 by By-law No. 1073-2009<sup>51</sup>]**
- (1) To a gross weight that exceeds the weight limit for the bin in the following table:

<b>Garbage Bin/Recycling Bin Size</b>	<b>Weight Limit</b>
Small (approx. 75 litres)	30 kg
Medium (approx. 120 litres)	50 kg
Large (approx. 240 litres)	100 kg
Extra-large (approx. 360 litres)	150 kg

- (2) To the extent that the lid does not close.

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<sup>47</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>48</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines in Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>49</sup> Editor's Note: This by-law comes into force November 1, 2009.

<sup>50</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>51</sup> Editor's Note: This by-law comes into force November 1, 2009.

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**§ 841-12. Times for setting out garbage, recyclable materials and organic materials.**

- A. An owner who receives services during a daytime collection period shall ensure that:
- (1) Garbage, recyclable materials and organic materials 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
  - (2) Empty regulation containers and uncollected garbage, recyclable materials and organic materials are removed from the collection point no later than 10:00 p.m. on the day of collection. **[Amended 2009-04-30 by By-law No. 491-2009<sup>52</sup>]**
- B. An owner who receives services during a night-time collection period shall ensure that: **[Amended 2009-04-30 by By-law No. 491-2009<sup>53</sup>]**
- (1) Garbage, recyclable materials and organic materials are set out at the collection point no earlier than 6:00 p.m. and no later than 9:00 p.m. on the first day of the night-time collection period;
  - (2) Despite Subsection B(1), with respect to a night-time collection period which begins on a Friday or Saturday, organic materials shall not be placed out for collection prior to 12:01 a.m. on the second day of the night-time collection period unless otherwise permitted by the General Manager; and
  - (3) Empty regulation containers and uncollected garbage, recyclable materials and organic materials are removed from the collection point no later than 5:00 a.m. on the second day of the night-time collection period.
- C. At any time period other than a time period described in Subsections A, B and E, owners shall ensure that garbage, recyclable materials and organic materials are stored on their premises and contained in a manner that protects same from rodents, vermin, pests and other disturbances. **[Amended 2003-05-23 by By-law No. 400-2003<sup>54</sup>]**
- D. Every owner shall make his or her best efforts to set out garbage, recyclable materials and organic materials on each day that the City provides garbage collection services, recycling collection services and organics collection services, as the case may be, and in no case shall an owner fail to set out an item eligible for collection under this chapter for more than one collection period. **[Amended 2009-04-30 by By-law No. 491-2009<sup>55</sup>]**
- E. Despite Subsections A(1) and B(1), the owner of a commercial property which closes for business prior to 8:00 p.m. shall set out garbage, recyclable materials and organic materials

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<sup>52</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>53</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>54</sup> Editor's Note: This by-law also repealed By-law No. 260-2003, adopted April 16, 2003.

<sup>55</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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at the collection point no earlier than the time at which the commercial property closes for business, provided that the owner shall not, under any circumstance, set out garbage, recyclable materials and organic materials at the collection point prior to 6:00 p.m. on the day before collection if the owner receives services during a daytime collection period or prior to 6:00 p.m. on the first day of a nighttime collection period if the owner receives services during a nighttime collection period. [Added 2003-05-23 by By-law No. 400-2003<sup>56</sup>]

**§ 841-13. Preparation of recyclable materials for collection.**

[Amended 2009-04-30 by By-law No. 491-2009<sup>57</sup>]

- A. Owners who receive recycling collection services shall set out the recyclable materials listed in Schedule A to this chapter, loose and free of plastic bags or any other wrapping in the appropriate recycling container.
- B. Despite Subsection A, owners who receive curbside collection shall set out for collection flattened clean, unwaxed corrugated cardboard, in bundles no larger than 75 X 75 X 30 centimetres and not exceeding 20 kilograms in weight, tied with string and free of any wrapping or containers.

**§ 841-14. Preparation of organic materials for collection.**

Owners who receive organics collection services shall sort and set out organic materials as follows:

- A. Organic materials shall be set out in an organics container; and
- B. Organic materials shall be set out free of liquid waste, plastic containers, twist ties and other contaminants.

**§ 841-15. Specially equipped buildings.**

- A. Owners of specially equipped buildings shall ensure that garbage is packed by means of a stationary compactor unit.
- B. Owners of specially equipped buildings shall ensure that their stationary compactor units are at all times in good working order.
- C. The General Manager may require the owner of a specially equipped building to provide appropriate access storage facilities, compactor equipment, collection locations and

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<sup>56</sup> Editor's Note: This by-law also repealed By-law No. 260-2003, adopted April 16, 2003.

<sup>57</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.



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facilities for the implementation and/or continued receipt of services. [Amended 2009-04-30 by By-law No. 491-2009<sup>58</sup>]

- D. Garbage shall be collected from specially equipped buildings as often as may be considered necessary by the General Manager. [Amended 2009-04-30 by By-law No. 491-2009<sup>59</sup>]

ARTICLE V  
**Prohibited Acts; Charging Expenses Against Property; Penalties**

**§ 841-16. Prohibited acts.**

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 chapter;
- 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 chapter; [Amended 2009-04-30 by By-law No. 491-2009<sup>60</sup>]
- C. Pick over, interfere with, disturb, remove or scatter any waste set out for collection unless authorized to do so by the General Manager; [Amended 2009-04-30 by By-law No. 491-2009<sup>61</sup>]
- D. Permit any animal owned by him or her or under his or her 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 General Manager; [Amended 2009-04-30 by By-law No. 491-2009<sup>62</sup>]
- F. Deposit waste generated on private property in public street receptacles; [Amended 2009-04-30 by By-law No. 491-2009<sup>63</sup>]

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<sup>58</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>59</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>60</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>61</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>62</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>63</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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- G. Set out any waste for collection unless it is in an appropriate regulation container as specified in this chapter; or
- H. Set out any waste in a regulation container that is not in good working order.

**§ 841-17. Charging of expenses against the property.**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>64</sup>]**

In this chapter, 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 the person's expense, and the City may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes.

**§ 841-18. Offences.**

Any person who contravenes any provision of this chapter is guilty of an offence and, upon conviction therefor, is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, except that, where a corporation is convicted of an offence, the maximum penalties shall be \$50,000 for the first offence and \$100,000 for any subsequent offence.

**§ 841-19. Discontinuance of service.**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>65</sup>]**

- A. In the event that an owner fails to comply with the provisions of this chapter and as a result the General Manager discontinues services, 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.
- B. The General Manager may reinstitute services upon the owner demonstrating to the satisfaction of the General Manager that the owner will be in compliance with the provisions of this chapter.

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<sup>64</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

<sup>65</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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ARTICLE VI

**Restrictions on City Collection; Powers and Duties of General Manager**  
[Amended 2009-04-30 by By-law No. 491-2009<sup>66</sup>]

**§ 841-20. Restrictions on City collection.**

- A. The City shall not make collections from, nor return regulation containers to, any location which the General Manager deems unreasonable, inefficient or dangerous to City employees.
- B. 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 determined by the General Manager.
- C. Before any City employee enters the building, property or part of any building or property which the General Manager has determined to be safe under Subsection B, the owner shall enter into an agreement with the City to:
  - (1) 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, the property, or part of it;
  - (2) 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
  - (3) 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.

**§ 841-21. Powers and duties of General Manager.**

The General Manager shall:

- A. Determine the frequency and scheduling of the services to be provided under this chapter;
- B. Establish night-time collection routes;
- C. Designate collection points for waste which is eligible for collection;
- D. Designate the size of items allowable for collection;
- E. Discontinue or refuse services to an owner whose property is, in the opinion of the General Manager, 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 waste on the property;

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<sup>66</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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- F. Where appropriate, require that the owner of an eligible commercial property or an eligible non-residential property distribute information relating to the services to all individual businesses and dwelling units within the property; [**Amended 2012-06-08 by By-law No. 773-2012**<sup>67</sup>
- G. Determine which commercial properties or non-residential properties require more than once per week organics collection services for reasons of health or safety; [**Amended 2012-06-08 by By-law No. 773-2012**<sup>68</sup>
- H. Provide information to the public with respect to the handling and disposal of prohibited waste;
- I. Provide information and services with respect to the diversion of recyclable materials and organic materials from garbage;
- J. 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
- K. Establish such other things as are necessary for the proper administration of this chapter.

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<sup>67</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

<sup>68</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.

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**SCHEDULE A**

**RECYCLABLE MATERIALS**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>69</sup>]**

The following items shall be deemed to be recyclable materials for the purposes of this chapter:

- A. Glass bottles and jars;
- B. Metal food and beverage cans;
- C. Plastic bottles and jugs made of high-density polyethylene (HDPE #2) or polyethyleneteraphalate (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;
- J. Clean, unwaxed corrugated cardboard;
- K. Aluminum foil trays;
- L. Polycoat milk and juice cartons;
- M. Aseptic drink boxes;
- N. Empty paint cans;
- O. Empty aerosol cans;
- P. Plastic food jars, tubs and lids;
- Q. Spiral-wound containers (for example, orange juice, dough and potato chip containers);
- R. Paper gift wrap and cards; and
- S. Any other item designated as a recyclable material by the General Manager.

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<sup>69</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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**SCHEDULE B**

**ORGANIC MATERIALS**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>70</sup>]**

The following items shall be deemed to be organic materials for the purposes of this chapter:

- A. Fruits and vegetable scraps;
- B. Pasta and bread;
- C. Meat and fish products;
- D. Egg shells;
- E. Coffee grinds and filters;
- F. Tea bags;
- G. Candy and confectionery products;
- H. Soiled paper fibre food packaging (i.e., microwave popcorn bags, meat wrap, ice cream carton);
- I. Houseplants, including plant material and soil (no pots or baskets);
- J. All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;
- K. Diapers and sanitary products;
- L. Animal waste, litter or bedding; and
- M. Any other item designated as organic waste by the General Manager.

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<sup>70</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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**SCHEDULE C**

**PROHIBITED WASTE**

**[Amended 2009-04-30 by By-law No. 491-2009<sup>71</sup>]**

The following items shall be deemed to be prohibited waste for the purposes of this chapter:

- A. Acute hazardous waste chemicals;
- B. Hazardous waste chemicals;
- C. Combustible liquids;
- D. Hazardous industrial waste;
- E. Ignitable waste;
- F. PCBs;
- G. Waste radioactive prescribed substances;
- H. Reactive waste;
- I. Severely toxic waste;
- J. Waste disposal site leachate;
- 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 under the *Environmental Protection Act*, as same may be amended or replaced from time to time;
- L. Any product, material or item labelled as "corrosive," "toxic," "reactive," "explosive," "oxidizing," "poisonous," "infectious" or "flammable," including but not limited to the following:
  - (1) Pool or photographic chemicals;
  - (2) Laundry bleach;
  - (3) Drain, oven, toilet and carpet cleaning solutions;
  - (4) Paint thinner and paint remover;
  - (5) Rat and mouse poison;
  - (6) Flea collars and powders;
  - (7) Insect killers;

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<sup>71</sup> Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the *Provincial Offences Act*. Set fine approval was received February 1, 2010.

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- (8) Moth-balls;
  - (9) Weed killers;
  - (10) Fungicides;
  - (11) Wood preservatives;
  - (12) Oil-based and latex paints and primers;
  - (13) Fuels;
  - (14) Brake and transmission fluid;
  - (15) Antifreeze;
  - (16) Automotive batteries;
  - (17) Ni-cad rechargeable batteries;
  - (18) Propane tanks;
  - (19) Other gas tanks, including lighters;
  - (20) Aerosol containers;
  - (21) Fire extinguishers; and
  - (22) Corrosive waste as defined under Regulation 347 under the *Environmental Protection Act*, as same may be amended or replaced from time to time;
- 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. Waxed cardboard, unless it is cut, broken and securely tied into bundles no larger than 120 x 80 x 80 centimetres;
- O. Scrap wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 x 80 x 80 centimetres and free of all nails and staples, or as may otherwise be designated by the General Manager;
- P. Hay, straw, animal waste or manure;
- Q. Any waste in liquid form, including but not limited to swill or other organic matter not properly drained and securely wrapped;
- R. Sod, grass, grass clippings;
- S. Waste produced by a person or organization involved in the processing or fabrication of products;
- T. Any material which has become frozen to or otherwise attached to its regulation container which cannot be removed by shaking;



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- U. Broken glass, crockery and other sharp objects not packaged in a manner to 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 General Manager;
- W. Tires; and
- X. Any other item or thing designated as prohibited waste by the General Manager.

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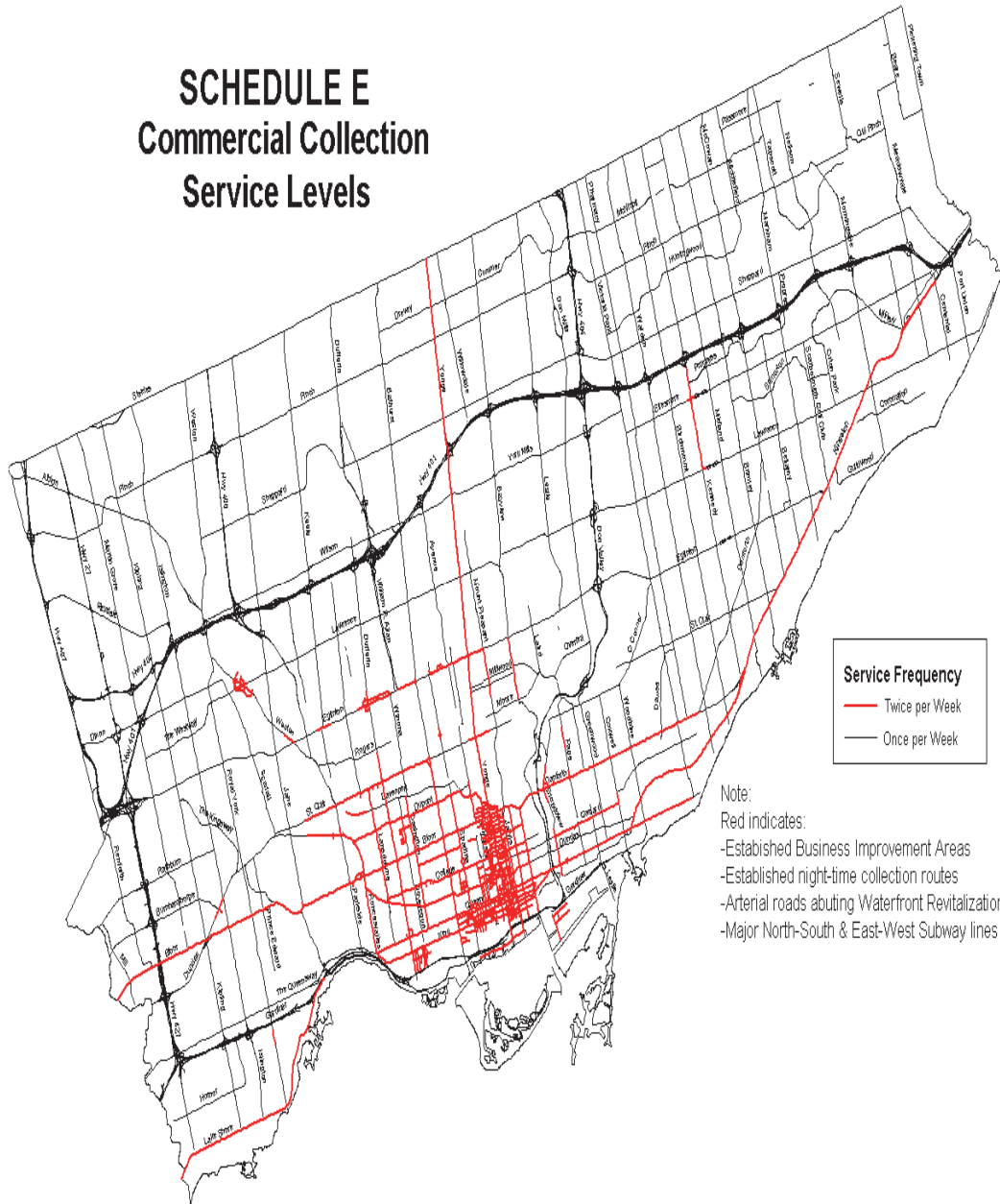
**SCHEDULE D<sup>72</sup>**  
**(Reserved)**

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<sup>72</sup> Editor's Note: Former Schedule D to Ch. 841, Commercial Collection Fees, was repealed September 27, 2006 by By-law No. 1056-2006. See now Ch. 441, Fees and Charges.

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**SCHEDULE E**  
**Commercial Collection**  
**Service Levels**



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**SCHEDULE F**

**NON-RESIDENTIAL PROPERTIES**  
**[Added 2012-06-08 by By-law No. 773-2012<sup>73</sup>]**

The following property types shall be deemed to be non-residential properties for the purposes of this chapter:

- A. Profit and non-profit nursing or retirement homes;
- B. Hospitals;
- C. Educational Facilities, meaning properties that provide educational courses to the public but do not otherwise fall into the definitions of Schools under Chapter 442, Fees and Charges, Administration of;
- D. Educational Residences;
- E. Places of Worship;
- F. City-owned property which is exempt from property taxation;
- G. Property owned and operated by a registered charity;
- H. Properties that provide community support services (social service organizations);
- I. Private and non-profit Day Cares;
- J. Non-profit cultural centres;
- K. Shelters and housing run by non-profit or charitable organizations;
- L. Properties operated by non-profit or charitable agencies as an arts organization, museums or archives;
- M. Properties operated by non-profit or charitable agencies as a thrift store or reuse centres; and
- N. Embassies.

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<sup>73</sup> Editor's Note: By-law No. 773-2012 came into force July 1, 2012.