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CHAPTER 844, WASTE COLLECTION, RESIDENTIAL PROPERTIES

Chapter 844

WASTE COLLECTION, RESIDENTIAL PROPERTIES

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[History: Adopted by the Council of the City of Toronto 2009-04-30 by By-law No. 491-2009.¹ Amendments noted where applicable.]

General References

Abandoned refrigerators and other appliances - See Ch. 659.

Fees and charges- See Ch. 441.

Property maintenance - See Ch. 629.

Waste collection, private properties - See Ch. 844.

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Condominium Act, 1998 - See 1998, c. 19.

Co-operative Corporations Act - See R.S.O. 1990, c. C.35

Environmental Protection Act - see R.S.O. 1990, c. E.19.

Residential Tenancies Act, 2006 - See S.O. 2006, c. 17.

Waste Diversion Act, 2002 - See S.O. 2002, c. 6.

ARTICLE I
Definitions; Interpretation

§ 844-1. Definitions.

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

BULKY ITEM - A household item other than electronic waste, household hazardous waste or white or metal goods, 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 General Manager. [Amended 2013-04-04 by By-law No. 473-2013]

CITY AUTHORIZED BAG - A specially marked garbage bag acquired by the City and distributed through City authorized distributors. [Added 2013-04-04 by By-law No. 473-2013]

COLLECTION POINT - The part of a property eligible to receive services that has been designated by the General Manager for the setting out and collection of garbage, recyclable materials, organic materials, yard waste and items eligible for special collection services.

¹ Editor's Note: This by-law was passed under the authority of section 8 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11. This by-law repealed former Ch. 844, Waste Collection, Residential Properties, adopted 2001-04-27 by By-law No. 235-2001, as amended. 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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COMPACTED GARBAGE - Garbage that has been compacted in accordance with § 844-21A. **[Added 2013-04-04 by By-law No. 473-2013]**

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. Yard waste.
- D. Prohibited waste.
- E. Organic materials.

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. **[Amended 2015-06-12 by By-law No. 603-2015]**

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 10 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.

ELECTRONIC WASTE - The waste items, other than household hazardous waste and white or metal goods, referred to in Schedule A at the end of this chapter. **[Added 2013-04-04 by By-law No. 473-2013]**

GARBAGE - Waste other than recyclable materials, organic materials, yard waste, items for which special collection services are provided and prohibited waste.

GARBAGE BIN - A container owned by the City and made available to an owner who receives residential curbside collection as described in § 844-15.

GARBAGE COLLECTION SERVICES - The services provided by the City under this chapter for the removal of garbage from residential properties within the City.

GARBAGE CONTAINER - A container for setting out garbage which meets the requirements contained in § 844-10A or B.

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GARBAGE TAG - A specially marked tag designed for owners of household residences to put out garbage for collection as described in § 844-10 and available to owners in accordance with § 844-32.

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

HOUSEHOLD HAZARDOUS WASTE - The waste items, other than electronic waste and white or metal goods, referred to in Schedule A at the end of this chapter. **[Added 2013-04-04 by By-law No. 473-2013]**

HOUSEHOLD RESIDENCE - A building containing dwelling rooms and/or fewer than nine dwelling units.

MULTIPLE HOUSEHOLD RESIDENCE - A building used mainly for residential purposes which contains nine or more dwelling units.

NIGHT-TIME COLLECTION PERIOD - A period of time during which the City provides services, which period commences at 9:00 p.m. on a specified day and concludes at 7:00 a.m. the next day. **[Amended 2015-06-12 by By-law No. 603-2015]**

OFFICER: **[Added 2010-05-12 by By-law No. 478-2010]**

- A. A City employee whose duties include the enforcement of this chapter; and
- B. For the purposes of the enforcement of Article VIII, includes the General Manager.

ORGANIC COLLECTION SERVICES - The services provided by the City for the removal of organic materials from residential properties in the City.

ORGANIC MATERIALS - The items, other than recyclable materials and yard waste, referred to in Schedule B at the end of this chapter.

ORGANICS CONTAINER - A container for setting out organic materials which meets the requirements set out in § 844-13.

OWNER - An owner, occupant, lessee, tenant or any other person in charge or in control of a residential property in the City.

PERSON WITH DISABILITY - 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 chapter with respect to setting out regulation containers at the appropriate collection point.

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

RECYCLABLE MATERIALS - The waste items, other than yard waste and organic materials, referred to in Schedule B at the end of this chapter.

RECYCLING BIN - A container owned by the City and made available to an owner who receives residential curbside collection as described in § 844-15.

RECYCLING COLLECTION SERVICES - The services provided by the City for the removal of recyclable materials from residential properties within the City.

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RECYCLING CONTAINER - A container for setting out recyclable materials which meets the requirements contained in § 844-11A or B.

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

REGULATION 393 - O. Reg. 393/04, under the *Waste Diversion Act, 2002*, as may be amended from time to time. **[Added 2013-04-04 by By-law No. 473-2013]**

REGULATION 542 - O. Reg. 542/06, under the *Waste Diversion Act, 2002*, as may be amended from time to time. **[Added 2013-04-04 by By-law No. 473-2013]**

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

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

RESIDENTIAL FRONT-END COLLECTION - The collection of garbage and recyclable materials in the appropriate regulation containers described in §§ 844-10B and 844-11B. **[Amended 2013-04-04 by By-law No. 473-2013]**

RESIDENTIAL FRONT-END COLLECTION FEES - The fees imposed under § 844-29 on an owner who receives residential front-end collection services. **[Amended 2013-04-04 by By-law No. 473-2013]**

RESIDENTIAL CURBSIDE COLLECTION - The collection of garbage, recyclable materials, organic materials and yard waste in the appropriate regulation containers described in §§ 844-10A, 844-11A, 844-12 and 844-13, at a collection point that is at or near a curb.

RESIDENTIAL CURBSIDE COLLECTION FEES - The fees imposed under § 844-28 on an owner who receives residential curbside collection.

RESIDENTIAL PROPERTY - A household residence or a multiple household residence.

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

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

SPECIAL COLLECTION SERVICES - The services provided by the City under this chapter for the collection of bulky items, electronic waste, household hazardous waste and white or metal goods. **[Amended 2013-04-04 by By-law No. 473-2013]**

SPECIALLY EQUIPPED BUILDING - A multiple household residence which has a compactor unit and garbage container(s). **[Amended 2013-04-04 by By-law No. 473-2013]**

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

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SUBSCRIPTION PROPERTY - A household residence, with seven or eight dwelling units, or a multiple-household residence that due to its design cannot store the appropriate regulation containers, described in §§ 844-10B and 844-11B, for residential bulk collection and must receive an increased frequency of residential curbside collection using the regulation containers described in §§ 844-10C and 844-11C. **[Added 2009-08-06 by By-law No. 717-2009²; amended 2011-12-01 by By-law No. 1421-2011³]**

WASTE - Garbage, recyclable materials, organic materials, items for which special collection services are provided, yard waste and prohibited waste. **[Amended 2013-04-04 by By-law No. 473-2013]**

WHITE OR METAL GOODS - The waste items, other than electronic waste and household hazardous waste, referred to in Schedule A at the end of this chapter. **[Added 2013-04-04 by By-law No. 473-2013]**

UN-COMPACTED GARBAGE - Garbage that has not been compacted. **[Added 2013-04-04 by By-law No. 473-2013]**

YARD WASTE - The waste items, other than recyclable materials and organics materials referred to in Schedule B at the end of this chapter.

YARD WASTE COLLECTION SERVICES - The services provided by the City under this chapter for the removal of yard waste from residential properties within the City.

YARD WASTE CONTAINER - A container for setting out yard waste which meets the requirements contained in § 844-12A.

§ 844-2. Interpretation.

Any term referred to in Subsections A to J of Schedule C at the end of this chapter shall have the same meaning as set out in Regulation 347.

ARTICLE II
Collection Services

§ 844-3. Eligibility for services.

- A. 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, organic waste, yard waste and items eligible for special collection services from residential properties.
- B. No owner shall be eligible to receive or continue to receive services unless the owner complies with all relevant requirements contained in this chapter and in the city publication entitled 'City of Toronto Requirements for Garbage, Recycling and Organics Collection

² Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

³ By-law No. 1421-2011 came into force January 1, 2012.

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Services for New Developments and Redevelopments' as same may be amended from time to time. **[Amended 2013-04-04 by By-law No. 473-2013]**

- C. Every owner of a multiple household residence shall ensure that specific recycling and organics instructions for residents are posted in locations at the multiple household residence as designated by the General Manager.
- D. The General Manager may determine that owners who do not participate fully in the City's collection of recyclable materials or organic materials or who sell or otherwise transfer recyclable materials or organic materials to persons other than the City are not eligible to receive any services.
- E. 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.
- F. An owner may opt out of receiving all of the services provided by the Division, if the owner provides notice to the Division, in a form satisfactory to the General Manager, setting out an effective date the services are to end.
- G. If an owner opts out of all of the services in accordance with Subsection F, the applicable residential curbside collection fees or residential front-end collection fees in §§ 844-28 and 844-29, respectively, will be charged to the owner up to the effective date of the end of the services. **[Amended 2013-04-04 by By-law No. 473-2013]**
- H. If an owner opts out of all of the services in accordance with Subsection F, the applicable annual garbage rebate in § 844-30 will be prorated to the effective date of the end of the services.
- I. If an owner opts out of all of the services in accordance with Subsection F, the owner will not be eligible for the applicable annual garbage rebate in § 844-30 beyond the effective date of the end of the services.

§ 844-4. Frequency of garbage collection services.

- A. The City shall collect garbage from residential properties who receive residential curbside collection no more than once every two weeks. **[Amended 2013-04-04 by By-law No. 473-2013]**
- B. Despite Subsection A, City Council may direct the General Manager to provide garbage collection services twice per week to residential properties who receive residential curbside collection subject to such terms and conditions as City Council deems appropriate.
- C. The City shall collect garbage no more than twice per week from residential properties who receive residential front-end collection. **[Amended 2013-04-04 by By-law No. 473-2013]**

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- D. Despite Subsection A, the City shall collect garbage from subscription properties bi-weekly, weekly or twice weekly as determined by the General Manager. [Added 2009-08-06 by By-law No. 717-2009⁴; amended 2011-12-01 by By-law No. 1421-2011⁵]
- E. Owners of subscription properties may request the General Manager to change the frequency of garbage collection, as set out in Subsection D, if the General Manager determines it is appropriate. [Added 2009-08-06 by By-law No. 717-2009⁶; amended 2011-12-01 by By-law No. 1421-2011⁷]

§ 844-5. Frequency of recycling collection services.

- A. The City shall collect recyclable materials once every two weeks from residential properties that receive residential curbside collection of garbage.
- B. The City shall collect recyclable materials no more than once per week from residential properties that receive residential front-end collection unless otherwise approved by the General Manager. [Amended 2013-04-04 by By-law No. 473-2013]
 - (1) Owners of residential properties who receive residential front-end collection services may request the General Manager to change the frequency of collection for recyclable materials set out in Subsection B. [Added 2013-04-04 by By-law No. 473-2013]
- C. The City shall collect recyclable materials from subscription properties on the same collection frequency as determined under § 844-4D. [Added 2009-08-06 by By-law No. 717-2009⁸]

§ 844-6. Frequency of yard waste collection services.

- A. The City shall collect yard waste from household residences and multiple household residences approved by the General Manager once every two weeks during the months of March, April, May, June, July, August, September, October, November and December on days specified by the General Manager.
- B. The City shall collect Christmas trees from household residences and multiple household residences approved by the General Manager during the month of January on scheduled garbage days specified by the General Manager.
- C. Despite Subsection A, if, in the opinion of the General Manager, 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

⁴ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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

⁵ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

⁶ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

⁷ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

⁸ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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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residence, the General Manager may elect not to provide yard waste collection services to the multiple household residence.

§ 844-7. Frequency of organics collection services.

- A. The City shall collect organic materials from residential properties who receive residential curbside collection, once per week, on days specified by the General Manager.
- B. The City shall collect organic materials from residential properties who receive residential front-end collection, once per week, on days specified by the General Manager. **[Amended 2013-04-04 by By-law No. 473-2013]**

§ 844-8. Special collection services.

[Amended 2013-04-04 by By-law No. 473-2013]

- A. The City shall provide special collection services to an owner of a residential property who receives residential front-end collection with respect to bulky items and the items referred to in Schedule A of this chapter, provided that:
 - (1) The owner contacts the Division prior to setting out the item requiring special collection services; and
 - (2) The owner complies with all directions of the Division with respect to the preparation of the special collection item for setting out and collection.
- B. The City shall provide special collection services to an owner of a residential property who receives residential curbside collection with respect to household hazardous waste, provided that:
 - (1) The owner contacts the Division prior to setting out the household hazardous waste; and
 - (2) The owner complies with all directions of the Division with respect to the preparation of the household hazardous waste for setting out and collection.
- C. The City shall provide special collection services to an owner of a residential property who receives residential curbside collection with respect to bulky items, electronic waste and white or metal goods, provided that:
 - (1) The owner shall comply with the general requirements for setting out items for which special collection services are provided, as described in § 844-16;
 - (2) The owner shall use a container described below for setting out electronic waste items which weigh less than 20 kilograms;

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- (a) A rigid open cardboard fibre container in good working order that is capable of supporting 20 kilograms when lifted; or
 - (b) A translucent plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted.
- (3) An owner who receives services during a daytime collection period shall ensure that:
 - (a) Items for which special collection services are provided 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 containers and uncollected items for which special collection services are provided are removed from the collection point no later than 10:00 p.m. on the day of collection; and
- (4) An owner who receives services during a night-time collection period shall ensure that:
 - (a) Items for which special collection services are provided 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; and
 - (b) Empty containers and uncollected items for which special collection services are provided are removed from the collection point no later than 7:00 a.m. on the second day of the collection period.
- D. The City shall provide special collection services to an owner of a residential property who receives residential curbside collection with respect to bulky items, electronic waste and white or metal goods at the same collection frequency as the owner receives for garbage collection services.
- E. Owners shall ensure that the doors are removed from any appliance eligible to be collected under this section before setting out the appliance for collection.
- F. No owner shall set out, nor shall the City be obligated to collect, any bulky item infested with rodents, vermin or pests unless that bulky item has been:
 - (1) Dismantled (where applicable), defaced or damaged as to make unusable; and
 - (2) Encased, enclosed and wrapped in plastic.
- G. Where an owner is required to contact the Division prior to setting out an item requiring special collection services, special collection services shall be provided by the city on a "first requested, first served" basis.

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- H. The General Manager may refuse or limit the amount of special collection services provided to an owner.

§ 844-9. 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.

ARTICLE III
Requirements for Regulation Containers

§ 844-10. Garbage containers.

- A. Owners of residential properties who receive residential curbside collection 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 § 844-15; 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: **[Amended 2013-04-04 by By-law No. 473-2013]**
 - (a) Any number of plastic bags measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a garbage tag as described in § 844-32 is affixed to each bag; or
 - (b) A City authorized bag; or
 - (3) If the City has not provided a garbage bin to the owner under § 844-15, or if a City provided garbage bin has been lost or is otherwise inoperable, the owner shall use: **[Amended 2013-04-04 by By-law No. 473-2013]**
 - (a) Plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a garbage tag as described in § 844-32 is affixed to each bag; or
 - (b) A City authorized bag; or
 - (c) Such other container provided by the City or designated by the General Manager as acceptable for setting out garbage.
- B. Owners of residential properties who receive residential front-end collection shall use a container described below for setting out garbage: **[Amended 2013-04-04 by By-law No. 473-2013]**
- (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

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- (2) Any other container, in good working order designated by the General Manager as acceptable for setting out garbage.
- C. Despite Subsection A, owners of subscription properties shall use a container described below for setting out garbage: **[Added 2009-08-06 by By-law No. 717-2009⁹; amended 2011-12-01 by By-law No. 1421-2011¹⁰]**
- (1) One or more extra-large garbage bins as provided to the owner of a household residence by the City under § 844-15B.1; or
- (2) If the City has not provided an extra large garbage bin to the owner under § 844-15B.1, the owner shall use:
- (a) A plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted, provided that a garbage tag, either distributed directly to the owner of the subscription property by the City or purchased by the owner as described in § 844-32, is affixed to each bag; or
- (b) Such other container provided by the City or designated by the General Manager as acceptable for setting out garbage.

§ 844-11. Recycling containers.

- A. Owners of residential properties who receive residential curbside collection 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 § 844-15; or
- (2) If the City has not provided a recycling bin to the owner under § 844-15, the owner shall use:
- (a) A translucent plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted; or
- (b) Such other container provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.
- B. Owners of residential properties who receive residential front-end collection shall use a container described below for setting out recyclable materials: **[Amended 2013-04-04 by By-law No. 473-2013]**
- (1) 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;
- (2) A fully covered, watertight container with a capacity greater than 0.75 cubic metre 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

⁹ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

¹⁰ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

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- (3) 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. Despite Subsection A, owners of subscription properties shall use a container described below for setting out recyclable materials: **[Added 2009-08-06 by By-law No. 717-2009¹¹; amended 2011-12-01 by By-law No. 1421-2011¹²]**
- (1) One or more extra-large recycling bins as provided to the owner of a household residence by the City under § 844-15B.1; or
- (2) If the City has not provided an extra-large recycling bin to the owner under § 844-15B.1, the owner shall use:
- (a) A translucent plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted; or
- (b) Such other container provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.

§ 844-12. Yard waste containers.

- A. Unless otherwise required under this chapter, owners of household residences and multiple household residences approved by the General Manager shall use a container described below for setting out yard waste:
- (1) A rigid open container in good working order:
- (a) With a capacity of not less than 20 litres nor more than 125 litres;
- (b) With an external height no less than 55 centimetres and no greater than 95 centimetres, with the exception of blue and grey boxes previously used for recycling;
- (c) With an internal width or diameter no greater than 60 centimetres;
- (d) That is capable of supporting 20 kilograms when lifted; and
- (e) With handles set above the midpoint of the container; or
- (2) A kraft paper bag constructed of wet strength kraft paper specifically designed for leaf and yard waste material and:
- (a) With a height no greater than 90 centimetres and no less than 85 centimetres;
- (b) With a width of no greater than 41 centimetres and no less than 37 centimetres;
- (c) With a depth of no greater than 31 centimetres and no less than 27 centimetres;

¹¹ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

¹² Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

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- (d) That has the capability to be securely closed when filled; and
- (e) That is capable of supporting 20 kilograms when lifted.

§ 844-13. Organics containers.

[Amended 2013-04-04 by By-law No. 473-2013]

- A. Unless otherwise required in this chapter, owners of residential properties who receive residential curbside collection shall use a container described below for setting out organic materials:
 - (1) An organics container which is provided by the City; or
 - (2) Such other container designated by the General Manager as acceptable for setting out organic materials.
- B. Owners of residential properties who receive residential front-end collection shall use a container described below for setting out organic materials:
 - (1) A 132-litre plastic bin equipped with wheels which is compatible with the equipment used by the City for the provision of organic collection services;
 - (2) A fully covered, watertight container with a capacity greater than 0.75 cubic metres and less than 2.3 cubic metres which is compatible with the equipment used by the City in the provision of organic collection services; or
 - (3) Such other container, in good working order, designated by the General Manager as acceptable for setting out organic materials.
- C. If an organics container provided by the City under Subsection A(1) is damaged, the owner to whom the organics container was issued may make a request to the Division to repair the organics container at no cost to the owner.
- D. If an organics container provided by the City under Subsection A(1) is lost or stolen, the owner to whom the organics container was issued shall contact the Division to issue a new organics container.

§ 844-14. Sufficient regulation containers.

Owners of residential properties shall provide, for the use by the residents, sufficient separate regulation containers for garbage, recyclable materials, yard waste and organic materials.

§ 844-15. Garbage and recycling bins.

- A. The City will provide owners of residential properties who receive residential curbside collection with garbage and recycling bins as set out in this section.

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- B. Owners of residential properties may choose the size and quantity of garbage bins for the property, but if no choice is made, the General Manager will select a default size and quantity of garbage bins.
- B.1. Despite Subsection B, owners of subscription properties may choose the quantity of extra-large garbage bins and extra-large recycling bins for the property, but if no choice is made, the General Manager shall select a default quantity of extra-large garbage bins and extra-large recycling bins. [Added 2009-08-06 by By-law No. 717-2009¹³]
- C. Owners of residential properties, with one or two dwelling units, will be given only one recycling bin.
- D. Owners of residential properties, with one or two dwelling units, may choose the size of the recycling bin, but if no choice is made, the General Manager will select a default size of recycling bin.
- E. Owners of residential properties with three to eight dwelling units may choose the size and quantity of recycling bins for the property, but if no choice is made, the General Manager will select a default size and quantity of recycling bins.
- F. Owners of residential properties may request additional recycling bins from the Division.
- G. The General Manager may, in his or her discretion, determine whether to provide additional recycling bins as requested by an owner under Subsection F.
- H. 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.
- I. The garbage and recycling bins remain the property of the City at all times.
- J. 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.
- K. Each owner shall return either the garbage bin or the recycling bin or both to the City upon request.
- L. 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.
- M. 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.

¹³ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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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- N. 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.
- O. 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.
- P. Despite Subsection O, owners of subscription properties shall not exchange the extra-large garbage or recycling bins for a bin of a smaller size. **[Added 2009-08-06 by By-law No. 717-2009¹⁴]**

ARTICLE IV

**Setting out Garbage, Recyclable Materials, Organic Materials, Special Collection Services
Items and Yard Waste¹⁵**

§ 844-16. General requirements.

- A. No owner shall set out garbage, recyclable materials, organic materials, items for which special collection services are provided or yard waste for collection unless the garbage, recyclable materials, organic materials, items for which special collection services are provided or yard waste is: **[Amended 2013-04-04 by By-law No. 473-2013]**
 - (1) Generated on the public or private portion of the property abutting the approved collection point;
 - (2) Placed as close as possible to the edge of the roadway without obstructing the roadway or sidewalk;
 - (3) Free from contamination;
 - (4) In appropriate regulation containers which are clean, well maintained, in good working order and filled to a height no greater than their sides;
 - (5) Accessible and not hidden from view; and
 - (6) Free from tie downs.
- A.1 Subsection A does not apply to household hazardous waste. **[Added 2013-04-04 by By-law No. 473-2013]**
- B. Subject to Subsection C, no owner shall set out, nor shall the City be obliged to collect, any item, other than an item for which special collection services are provided, which weighs in

¹⁴ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

¹⁵ Editor's Note: By-law No. 483-2013, enacted April 4, 2013, amend the title of Art. IV to include "Organic Materials".

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excess of 20 kilograms, whether such item be a bundle, in a regulation container or loose.
[Amended 2013-04-04 by By-law No. 473-2013]

- C. Subsection B does not apply to a regulation container described in §§ 844-10B, 844-11B and 844-13B. **[Amended 2013-04-04 by By-law No. 473-2013]**
- D. Owners shall ensure that the space on a sidewalk or street occupied by garbage, recyclable materials, organic materials, items for which special collection services are provided or yard waste set out for collection does not exceed the frontage of the property.
- E. An owner shall not fill a garbage bin or recycling bin:
 - (1) To a gross weight that exceeds the weight limit for the bin in the following table:

Garbage Bin/Recycling Bin Size	Weight Limit
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.

§ 844-17. Times for setting out garbage, recyclable materials, yard waste and organic materials.

- A. An owner who receives services during a daytime collection period shall ensure that:
 - (1) Garbage, recyclable materials, organic 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
 - (2) Empty regulation containers and uncollected garbage, recyclable materials, organic materials and yard waste are removed from the collection point no later than 10:00 p.m. on the day of collection.
- B. An owner who receives services during a night-time collection period shall ensure that:
 - (1) Garbage, recyclable materials, organic materials and yard waste 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; and
 - (2) Empty regulation containers and uncollected garbage, recyclable materials, organic materials and yard waste are removed from the collection point no later than 7:00 a.m. on the second day of the night-time collection period.
- C. At any time other than a time described in Subsections A and B, owners shall ensure that garbage, recyclable materials, organic materials and yard waste are stored on their premises and contained in a manner that protects same from rodents, vermin, pests and other disturbances.

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- D. Every owner shall make his or her best efforts to set out garbage, recyclable materials, organic materials and yard waste on each day that the City provides garbage collection services, recycling collection services, organics 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 this chapter for more than one collection period.
- E. Notwithstanding Subsections A(2) and B(2), owners may keep uncollected yard waste at the collection point, when the General Manager notifies owners that yard waste collection services are continuing past the respective collection period.

§ 844-18. Preparation of recyclable materials for collection.

Owners of residential properties who receive recycling collection services shall set out the recyclable materials listed in Schedule B to this chapter, loose and free of plastic bags or any other wrapping in the appropriate recycling container.

§ 844-19. Preparation of yard waste for collection.

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 yard waste 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 metre in diameter;
- C. Christmas trees shall be set out free of all tinsel, nails, ornaments and plastic bags.

§ 844-20. Preparation of organic materials for collection.

Owners of residential properties who receive organic collection services shall set out organic materials in an organics container, free of plastic containers, twist ties and other contaminants.

§ 844-21. Specially equipped buildings.

- A. Owners of specially equipped buildings shall ensure that all garbage is compacted by means of a compactor unit. **[Amended 2013-04-04 by By-law No. 473-2013]**
- B. The General Manager 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.
- C. Garbage containers shall be collected from specially equipped buildings as often as may be considered necessary by the General Manager.
- D. Despite Subsection A, owners of specially equipped buildings who have been issued a permit to close the garbage chute under Article VIII are not required to compact their garbage by means of a compactor unit. **[Added 2010-05-12 by By-law No. 478-2010; amended 2013-04-04 by By-law No. 473-2013]**

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§ 844-22. Exemptions.

[Amended 2013-04-04 by By-law No. 473-2013]

- A. Notwithstanding anything in this chapter, the General Manager 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, organic materials and yard waste at the designated collection point, provided that the person with disability completes all forms required by the General Manager.

- B. The General Manager may exempt a person from the applicable residential curbside collection fee as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for one (1) large garbage bin where:
 - (1) The person resides in the residential property which receives residential curbside collection;
 - (2) The person receives dialysis treatment at the residential property which receives residential curbside collection;
 - (3) The one (1) large garbage bin shall be used only for the setting out of waste generated by the dialysis treatment received at the residential property; and
 - (4) The person shall make a request for the exemption in a form acceptable to the General Manager.

ARTICLE V

Prohibited Acts; Charging Expenses Against Property; Penalties

§ 844-23. 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;
- C. Pick over, interfere with, disturb, remove or scatter any waste set out for collection unless authorized to do so by the General Manager;
- 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;

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- F. Deposit waste generated on private property in public street receptacles;
- 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.

§ 844-24. Charging expenses against property.

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 his or her expense, and such expense may be recovered in like manner as municipal taxes.

§ 844-25. Offences; discontinuance of service.

- A. Any person who commits an act prohibited under § 844-23 or contravenes any other provision of this chapter is guilty of an offence and upon conviction therefor:
 - (1) 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; and
 - (2) Is subject to the discontinuance of any or all services provided for in this chapter until the person demonstrates to the General Manager that he or she is in compliance with this chapter.
- B. In the event the General Manager discontinues services in accordance with Subsection A(2), 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.

§ 844-25.1. Inspection under power of entry.

[Added 2010-05-12 by By-law No. 478-2010]

- A. An officer and, if applicable to his or her duties or responsibilities, another employee or agent of the City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (1) This chapter;
 - (2) A direction or order of the City made under the *City of Toronto Act, 2006*, respecting compliance with this chapter; or
 - (3) An order made by a court under section 372 of the *City of Toronto Act, 2006*, prohibiting the continuation or repetition of a contravention of this chapter.
- B. A person carrying out an inspection under Subsection A may:

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- (1) Require the production for inspection of documents or things relevant to the inspection;
- (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (3) Require information from any person concerning a matter related to the inspection; and
- (4) Alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

ARTICLE VI

Restrictions on City Collection; Powers and Duties of General Manager

§ 844-26. 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 unless otherwise approved by the General Manager.
- C. Before any City employee enters a building, property or part of a building or property which the General Manager has approved 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 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 monies 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.

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§ 844-27. Powers and duties of the General Manager.

The General Manager shall:

- A. Determine the frequency and scheduling of the services to be provided under this chapter, including the schedule for phasing in organic collection services to all areas of the City;
- B. Designate collection points for waste which are eligible for collection; **[Amended 2013-04-04 by By-law No. 473-2013]**
- C. 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;
- D. 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;
- E. Provide information to the public with respect to the handling and disposal of prohibited waste;
- F. Provide information and services with respect to the diversion of recyclable materials and organic materials from garbage;
- G. Designate items to be included in garbage, recyclable materials, organic materials, items for which special collection services are provided or yard waste materials, as the case may be, and determine how same shall be collected;
- H. 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
- I. Establish such other things as are necessary for the proper administration of this chapter.

ARTICLE VII
Rates and Rebates

§ 844-28. Residential curbside collection fees.

- A. An owner of a residential property who receives residential curbside collection shall pay the applicable residential curbside collection fees based on the quantity and size of garbage bins used by the residential property 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 residential curbside collection fees will be prorated on a daily basis.
- C. When the owner of a residential property who receives residential curbside collection requests a garbage bin exchange under § 844-15N, requests an additional garbage bin, or when there is a change in ownership of a residential property, the residential curbside collection fees under Subsection A will be prorated on a daily basis.

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- D. Despite Subsection A, if an owner of a residential property who receives residential 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 residential curbside collection fees for the residential property to a larger-sized garbage bin to compensate for the compaction, as the residential curbside collection fees are based on the collection of un-compacted garbage.
- E. The City will bill each owner of a residential property, who receives residential curbside collection, the residential curbside collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

§ 844-28.1. Fees for subscription properties using extra-large garbage bins.

[Added 2009-08-06 by By-law No. 717-2009¹⁶; amended 2011-12-01 by By-law No. 1421-2011¹⁷]

- A. An owner of a subscription property who receives residential curbside collection and who uses extra-large garbage bins under § 844-10C(1) shall pay the annual base collection fee for residential curbside collection per dwelling unit per year as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, up to 1.917 cubic yards of un-compacted garbage per dwelling unit per year or up to 0.9585 cubic yards of compacted garbage per dwelling unit per year.
- B. An owner of a subscription property who receives residential curbside collection and sets out more than 1.917 cubic yards per dwelling unit per year of un-compacted garbage shall pay the excess collection fee for un-compacted garbage as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for each additional cubic yard of un-compacted garbage set out.
- C. An owner of a subscription property who receives residential curbside collection and sets out more than 0.9585 cubic yards per dwelling unit per year of compacted garbage shall pay the excess collection fee for compacted garbage as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for each additional cubic yard of compacted garbage set out.
- D. The City shall use the following formula to determine the amount of excess un-compacted garbage or compacted garbage collected from an owner of a subscription property:

$$EG = AVC - ABV$$

Where:

¹⁶ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

¹⁷ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

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AVC is the annual volume collected determined by the following formula:

$$AVC = [EB \times E_{CY}] \times FC$$

Where:

EB = number of extra large garbage bins at a subscription property

E_{CY} = cubic yard size of the extra large garbage bin

FC = frequency of collection per year, either biweekly (26 times per year), weekly (52 times per year) or twice a week (104 times per year)

ABV is the annual base volume for the subscription property determined by the following formula:

$$ABV = [\# \text{ of dwelling units in the subscription property} \times BV]$$

Where:

BV = Base volume of 1.917 for un-compacted garbage or 0.9585 for compacted garbage

- E. Despite Subsection A, if the owner of a subscription property who receives residential curbside collection garbage is compacting their garbage more densely than a 2:1 compaction ratio and, as a result, uses fewer garbage containers, the General Manager reserves the right to increase the residential curbside collection fees for the building to compensate for the compaction.
- F. For the first year during which this section is in force, the residential curbside collection fees shall be prorated on a daily basis.
- G. When the owner of a subscription property who receives residential curbside collection requests an additional garbage bin, or when there is a change in ownership of a subscription property, the residential curbside collection fees under Subsection A shall be prorated on a daily basis.
- H. The City shall bill each owner of a subscription property who receives residential curbside collection the residential curbside collection fee on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill.

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§ 844-28.2. Subscription properties bag only fees.

[Added 2011-12-01 by By-law No. 1421-2011¹⁸

- A. An owner of a subscription property who receives residential curbside collection and who uses garbage tags under § 844-10C(2) shall pay the bag-only curbside collection fee 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 § 844-32.
- B. When there is a change in ownership of a subscription property, the residential curbside collection fees under Subsection A shall be prorated on a daily basis.
- C. The City shall bill each owner of a subscription property under Subsection A the subscription properties bag-only curbside collection fee on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill.

§ 844-29. Residential front-end collection fees.

[Amended 2010-07-08 by By-law No. 799-2010¹⁹

- A. An owner of a residential property who receives residential front-end collection shall pay the annual base collection fee for residential front-end collection per dwelling unit per year as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, up to 1.917 cubic yards of un-compacted garbage per unit per year or up to 0.9585 cubic yard of compacted garbage per unit per year. **[Amended 2011-03-09 by By-law No. 389-2011²⁰; 2013-04-04 by By-law No. 473-2013]**
- B. An owner of a residential property who receives residential front-end collection who sets out more than 1.917 cubic yards per unit per year of un-compacted garbage shall pay the excess collection fee for un-compacted garbage as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for each additional cubic yard of un-compacted garbage set out. **[Amended 2011-03-09 by By-law No. 389-2011²¹; 2013-04-04 by By-law No. 473-2013]**
- C. An owner of a residential property who receives residential front-end collection who sets out more than 0.9585 cubic yard per unit per year of compacted garbage shall pay the excess collection fee for compacted garbage as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, for each additional cubic yard of compacted garbage set out. **[Amended 2011-03-09 by By-law No. 389-2011²²; 2013-04-04 by By-law No. 473-2013]**
- D. For the first year during which this section is in force, the residential front-end collection fees will be prorated on a daily basis. **[Amended 2013-04-04 by By-law No. 473-2013]**

¹⁸ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

¹⁹ Editor's Note: This by-law comes into force July 1, 2010.

²⁰ Editor's Note: Section 5 of By-law No. 389-2011 provided that the fee amount increase came into force March 1, 2011.

²¹ Editor's Note: Section 5 of By-law No. 389-2011 provided that the fee amount increase came into force March 1, 2011.

²² Editor's Note: Section 5 of By-law No. 389-2011 provided that the fee amount increase came into force March 1, 2011.

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- E. When a change in ownership of a residential property occurs, the residential front-end collection fees will be prorated on a daily basis. **[Amended 2013-04-04 by By-law No. 473-2013]**
- F. Despite Subsection A, if a residential property who receives residential front-end collection garbage is more densely compacted than a 2:1 compaction ratio and, as a result, uses smaller or fewer garbage containers, the General Manager reserves the right to increase the residential front-end collection fees for the building to compensate for the compaction. **[Amended 2013-04-04 by By-law No. 473-2013]**
- G. The City will bill each owner of a residential property who receives residential front-end collection the residential front-end collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill. **[Amended 2013-04-04 by By-law No. 473-2013]**
- H. An owner of a specially equipped building who receives residential front-end collection services and who is required to compact garbage pursuant to § 844-21A and who, sets out for collection un-compacted garbage shall pay the following fees set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, on both the compacted garbage and the un-compacted garbage: **[Added 2013-04-04 by By-law No. 473-2013]**
 - (1) The annual base collection fee for residential front-end collection per dwelling unit per year up to the base of 0.852 cubic yards (per dwelling unit per year) of compacted garbage; and
 - (2) The excess collection fee (per cubic yard) of compacted garbage over base 0.852 cubic yards (per dwelling unit per year).
- I. Despite Subsection H, an owner of a specially equipped building who has been issued a permit to close the garbage chute under Article VIII and is no longer compacting garbage by means of a compactor unit may make a request in a form acceptable to the General Manager that the owner be charged the annual base collection fee for residential front-end collection per dwelling unit per year for un-compacted garbage and the excess collection fee for un-compacted garbage, as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges. **[Added 2013-04-04 by By-law No. 473-2013]**

§ 844-30. Annual garbage rebates.

- A. The City shall rebate to an owner of a residential property who receives residential curbside collection the annual amount of \$224 in the form of a credit on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill. **[Amended 2011-03-09 by By-law No. 389-2011²³]**
- B. The City shall rebate to an owner of a residential property which receives residential front-end collection the annual amount of \$185 per dwelling unit in the form of a credit on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility

²³Editor's Note: Section 5 of By-law No. 389-2011 provided that the fee amount increase came into force March 1, 2011.

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Bill. **[Amended 2010-07-08 by By-law No. 799-2010²⁴; 2011-03-09 by By-law No. 389-2011²⁵; 2013-04-04 by By-law No. 473-2013]**

- B.1 The City shall rebate to an owner of a subscription property who receives residential curbside collection the annual amount of \$185 per dwelling unit in the form of a credit on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill. **[Added 2009-08-06 by By-law No. 717-2009²⁶; amended 2011-12-01 by By-law No. 1421-2011²⁷]**
- C. The rebate amount in Subsections A, B and B.1 shall 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. **[Amended 2009-08-06 by By-law No. 717-2009²⁸]**
- D. If the rebate in Subsections A, B and B.1 represents a credit on the utility bill as set out in Article III of Chapter 849, Water and Sewer Services and Utility Bill, the credit shall 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. **[Amended 2009-08-06 by By-law No. 717-2009²⁹; 2010-07-08 by By-law No. 799-2010³⁰]**

§ 844-31. Due date.

- 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 either the residential curbside collection fees or the residential front-end collection fees required to be paid by the owner shall be paid to the City. **[Amended 2013-04-04 by By-law No. 473-2013]**
- B. In the event that the owner 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 either the outstanding residential curbside collection fees or the outstanding residential front-end collection fees, as applicable, to the utility bill as more specifically set out in § 441-5 of Chapter 441, Fees and Charges. **[Amended 2013-04-04 by By-law No. 473-2013]**

²⁴ Editor's Note: This by-law comes into force July 1, 2010.

²⁵ Editor's Note: Section 5 of By-law No. 389-2011 provided that the fee amount increase came into force March 1, 2011.

²⁶ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

²⁷ Editor's Note: By-law No. 1421-2011 came into force January 1, 2012.

²⁸ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

²⁹ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

³⁰ Editor's Note: This by-law comes into force July 1, 2010.

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- 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.

§ 844-32. Garbage tags.

[Amended 2009-08-06 by By-law No. 717-2009³¹]

Owners receiving residential curbside collection who use garbage tags under § 844-10A(2), 844-10A(3)(a) or 844-10C(2) shall purchase garbage tags from designated City-run facilities or other authorized distributors of garbage tags, as determined by the General Manager, and at the rate set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.

§ 844-32.1 Fee for residential curbside bag-only customers.

[Added 2011-03-09 by By-law No. 389-2011³²]

- A. Owners receiving residential curbside collection and who use garbage tags under § 844-10A(3) shall pay the bag-only curbside collection fee 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 § 844-32.
- 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 VIII
Closure of Garbage Chutes
[Added 2010-05-12 by By-law No. 478-2010]

§ 844-33. Definitions.

As used in this article, the following terms shall have the meaning indicated:

BUILDING - A multiple household residence as defined in § 844-1 that is equipped with a garbage chute.

BUILDING OWNER - Includes any of the following:

- A. The owner of a residential complex;
- B. A corporation as defined under the *Condominium Act, 1998*;
- C. A co-operative as defined under the *Co-operative Corporations Act*; or
- D. An authorized agent of any of the above.

³¹ Editor's Note: This by-law comes into force on the day that By-law No. 491-2009 comes into force, which is 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.

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

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CONDOMINIUM OWNER - An owner as defined under the *Condominium Act, 1998*.

MEMBER - A member as defined under the *Co-operative Corporations Act*.

PERMIT - A permit to close, in a non-permanent manner, a garbage chute issued by the General Manager after the final approval of an application under § 844-40.

POLL - A process to formally tabulate the opinions of residents within a residential complex.

RESIDENTIAL COMPLEX - A residential complex as defined under the *Residential Tenancies Act, 2006*.

§ 844-34. Application.

This article does not apply to a building that is not receiving services from the division.

§ 844-35. Permit application.

- A. A building owner of a building who wishes to close the building's garbage chute shall submit an application to the General Manager.
- B. The application for the permit shall be in the form prescribed by the General Manager.
- C. No building owner shall knowingly furnish false or misleading information in any application under this article.
- D. A building owner of a building who has submitted an application may withdraw the application by providing notice to the General Manager before the General Manager makes a determination with respect to issuing a permit.

§ 844-36. Eligibility requirements.

- A. Upon receipt of an application, an officer shall inspect the building to determine if the building meets the following eligibility requirements:
 - (1) The building has sufficient space for storage of un-compacted garbage in regulation garbage containers, in a ratio of 2:1 (un-compacted:compacted) if: **[Amended 2010-08-27 by By-law No. 990-2010]**
 - (a) The building does not have a compaction unit to compact garbage; or
 - (b) The building cannot use the compaction unit to compact garbage, after the chute is closed.
 - (2) The building has sufficient space for storage of regulation recycling containers in the minimum amount of eight cubic yards of regulation recycling container space per every 100 dwelling units in the building.
- B. At least six months before the building owner makes the application to close the garbage chute, the building owner shall have:

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- (1) Obtained from the division sufficient in-suite recycling containers for the building;
and
 - (2) Distributed and promoted the in-suite recycling to the residents of building.
- C. If all of the eligibility requirements in Subsections A and B are met, the General Manager shall notify the building owner that the building has met the eligibility requirements and request the building owner to submit additional information for the application under § 844-37A.
- D. If the building does not meet all of the eligibility requirements set out in Subsections A or B, the General Manager shall notify the building owner that the application for closure of the garbage chute is denied.
- E. The General Manager shall set out the reasons why the building was denied a permit under Subsection D.

§ 844-37. Additional application information.

- A. If § 844-36C applies, the building owner shall provide to the General Manager the following additional information:
- (1) A detailed communication plan for the current and future residents of the building to explain changes to the waste diversion system in the building, as well as the rationale and goals of the waste reduction program;
 - (2) A sample letter to the residents of the building describing how to properly recycle and manage waste, explaining that properly managing waste has environmental benefits and may save money;
 - (3) A sample notice to be used to remind residents of the building of the proper waste and recycling disposal processes for the building;
 - (4) An outline of training to be provided to staff of the building; and
 - (5) A detailed plan on how the building owner will assist seniors and people with disabilities in transporting their garbage, recycling materials and organics to the common collection point.
- B. The additional information required under Subsection A shall be to the satisfaction of the General Manager.
- C. After the General Manager has approved the additional information required under Subsection A, the General Manager will direct the building owner to conduct a poll under § 844-38 or a vote under § 844-39.

§ 844-38. Poll.

- A. If the building is a residential complex, the building owner shall conduct a poll of the tenants to determine the support for closing the garbage chute in the building.

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- B. The poll shall be in the form prescribed by the General Manager and will contain the name, phone number and unit number of each tenant who signs the poll.
- C. No person shall be eligible to participate in the poll unless the person is 18 years of age or over, and is a resident or tenant of the building.
- D. Only one tenant per dwelling unit in the residential complex may sign the poll.
- E. The information obtained in the poll shall be used by the General Manager to verify residency information and agreement to the closure of the garbage chute.

§ 844-39. Vote.

- A. If the building is a condominium, the building owner shall conduct a vote of the condominium owners to determine the support for closing the garbage chute in the building.
- B. A building owner shall provide to the General Manager a sealed copy of the minutes of the meeting in which the vote under Subsection A took place.
- C. If the building is a co-operative, the building owner shall conduct a vote of the members to determine the support for closing the garbage chute in the building.
- D. A building owner shall provide to the General Manager a certified copy of the minutes of the meeting in which the vote under Subsection C took place.

§ 844-40. Issuance of permit; denial of permit.

- A. The General Manager shall issue a permit to the building owner to close the garbage chute if the following conditions are met:
 - (1) The building meets all the requirements in § 844-36A and B;
 - (2) The additional information for the application is approved by the General Manager under § 844-37; and
 - (3) The residents of the building have indicated their approval as follows:
 - (a) The poll conducted under § 844-38 shows at least 51 percent of the dwelling units in favour of closing the garbage chute; or
 - (b) The vote conducted under § 844-39 shows at least 51 percent support of the members or owners in favour of closing the garbage chute.
- B. If the results of the poll or vote show less than 51 percent in favour of the closure of the garbage chute, the General Manager shall notify the building owner that the permit has been denied on that basis.

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§ 844-41. Permit conditions.

A permit issued under § 844-40A is subject to the following conditions:

- A. The building owner shall close the openings to the garbage chutes on all floors by a non-permanent and easily reversible method, for example, by padlocking the openings, so as to prevent use of the garbage chute by the residents of the building;
- B. The building owner shall notify the General Manager that the garbage chutes have been closed in accordance with Subsection A, so as to allow a review of the garbage chutes to be done by an officer;
- C. The building owner shall not permit and otherwise eliminate any facilities for the residents to leave waste in rooms that contain access to the garbage chute, unless the room meets all applicable standards for depositing waste in Chapter 629, Property Standards, the Ontario Building Code and the Ontario Fire Code;
- D. Despite closing access to the garbage chute by residents, the building owner shall otherwise maintain the garbage chute in accordance with all applicable municipal property standards, including the maintenance of the garbage chute wash down system and garbage chute sprinkler system under Ontario Building Code, Division B, Article 3.6.3.3 "Linens and Refuse Chutes";
- E. The building owner shall comply with all applicable City by-laws, including the requirements for garbage and debris storage and disposal under Chapter 629, Property Standards, § 629-22E.2, F and G and the requirements under Chapter 844, Waste Collection, Residential Properties;
- F. The building owner shall maintain the common collection area for waste clean and well lit;
- G. The building owner shall comply with the plan approved under § 844-37 to assist seniors and people with disabilities to transport their waste to the common collection point; and
- H. The building owner shall keep the permit and the application materials on file at the building for inspection by an officer.

§ 844-42. Revocation of permit.

- A. The General Manager shall revoke a permit issued under § 844-40 if the building ceases to receive services from the division.
- B. The General Manager may revoke a permit issued under § 844-40 if:
 - (1) The permit was issued on mistaken, false or incorrect information;
 - (2) Subject to Subsection B(3), any condition to the permit under § 844-41 is not complied with;
 - (3) The building owner fails to bring the maintenance of the common collection area into compliance with § 844-41F within two days of a determination of non-compliance by staff of Municipal Licensing and Standards;

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- (4) The building owner does not maintain sufficient recycling containers for the building;
or
 - (5) The General Manager receives and verifies a poll or vote from a building that indicates that:
 - (a) In the case of a residential complex, 51 percent of the dwelling units of the building are no longer in favour of the garbage chute closure;
 - (b) In the case of a co-operative, 51 percent of the members vote to reopen the garbage chute; or
 - (c) In the case of a condominium, 51 percent of the condominium owners vote to reopen the garbage chute.
- C. A building owner shall reopen the garbage chute for normal use within five days of receiving notice from the General Manager of the permit being revoked under Subsection A or B.

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SCHEDULE A
SPECIAL COLLECTION SERVICES
[Amended 2013-04-04 by By-law No. 473-2013³³]

- A. The following items shall be deemed to be electronic waste for the purposes of this chapter:
- (1) Information technology equipment, which includes any device listed under Schedule 2 of Regulation 393;
 - (2) Telecommunications equipment, which includes any device listed under Schedule 3 of Regulation 393;
 - (3) Audio-visual equipment, which includes any device listed under Schedule 4 of Regulation 393;
 - (4) Cell phones and home phones;
 - (5) Computer cables and accessories;
 - (6) Laptop computers;
 - (7) Keyboards;
 - (8) VCR/DVD players;
 - (9) Hand-held computers;
 - (10) Pagers;
 - (11) Radios;
 - (12) Cameras and video recorders;
 - (13) Televisions;
 - (14) Desktop computers and monitors;
 - (15) Printers and scanners;
 - (16) Copiers;
 - (17) Typewriters;

³³ Editor's Note: By-law No. 473-2013, enacted April 4, 2013, replaced Schedule A in its entirety.

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- (18) Fax machines;
 - (19) Stereos, tuners and turntables;
 - (20) Receivers and speakers; and
 - (21) Any other item designated as electronic waste by the General Manager.
- B. The following items shall be deemed to be household hazardous waste for the purposes of this chapter:
- (1) Municipal Hazardous or Special Waste, as defined by Regulation 542;
 - (2) Any household product, material or item labelled as "corrosive", "toxic", "reactive", "explosive", "oxidizing," "poisonous infectious" or "flammable", including but not limited to the following:
 - (a) Pool or photographic chemicals;
 - (b) Laundry bleach;
 - (c) Drain, oven, toilet and carpet cleaning solutions;
 - (d) Paint thinner and paint remover;
 - (e) Rat and mouse poison;
 - (f) Flea collars and powders;
 - (g) Insect killers;
 - (h) Moth balls;
 - (i) Weed killers;
 - (j) Fungicides;
 - (k) Wood preservatives;
 - (l) Oil-based and latex paints;
 - (m) Engine oil;
 - (n) Brake and transmission fluid;
 - (o) Antifreeze;
 - (p) Automotive batteries;
 - (q) Ni-cad rechargeable batteries;
 - (r) Propane tanks;
 - (s) Other gas tanks, including lighters;
 - (t) Aerosol containers;
 - (u) Fire extinguishers; and
 - (v) Fuels.
 - (3) Any other item designated as household hazardous waste by the General Manager.
- C. The following items shall be deemed to be white or metal goods for the purposes of this chapter:
- (1) Refrigerators;

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- (2) Stoves;
- (3) Freezers;
- (4) Air conditioners;
- (5) Dehumidifiers;
- (6) Washing machines;
- (7) Clothes dryers;
- (8) Dishwashers;
- (9) Barbecues;
- (10) Large metal objects (e.g., aluminum door); and
- (11) Any other item designated as white or metal goods by the General Manager.

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SCHEDULE B
RECYCLABLE MATERIALS, YARD WASTE AND ORGANIC MATERIALS

- A. The following items shall be deemed to be recyclable materials for the purposes of this chapter: **[Amended 2013-04-04 by By-law No. 473-2013]**
- (1) Glass bottles and jars;
 - (2) Metal food and beverage cans;
 - (3) Plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1);
 - (4) Household paper (including junk mail, writing and computer paper and envelopes);
 - (5) Paper egg cartons, rolls and bags;
 - (6) Boxboard;
 - (7) Newspapers;
 - (8) Telephone directories;
 - (9) Magazines and catalogues;
 - (10) Clean, unwaxed corrugated cardboard;
 - (11) Aluminum foil trays;
 - (12) Polycoat milk and juice cartons;
 - (13) Aseptic drink boxes;
 - (14) Empty paint cans;
 - (15) Empty aerosol cans;
 - (16) Plastic food jars, tubs and lids;
 - (17) Spiral-wound containers (for example, orange juice, dough and potato chip containers);
 - (18) Paper gift wrap and cards;
 - (19) Plastic bags;

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- (20) Expanded polystyrene;
 - (21) Mixed rigid post-consumer plastic containers and packaging (SPI codes #1-7) which may include plastic clam shell containers, thermoform packaging, plastic egg cartons, plastic pails up to 20 litres in size, compact disk cases, disposal plastic plates and drink cups and plastic food trays; and
 - (22) Any other item designated as a recyclable material by the General Manager.
- B. The following items shall be deemed to be yard waste for the purposes of this chapter:
- (1) Plant cuttings, roots, weeds and leaves;
 - (2) Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;
 - (3) Christmas trees; and
 - (4) Any other item designated as yard waste by the General Manager.
- C. The following items shall be deemed to be organic materials for the purposes of this chapter:
- (1) All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;
 - (2) Fruit and vegetable scraps;
 - (3) Pasta, bread and cereal;
 - (4) Meat and fish products;
 - (5) Egg shells;
 - (6) Coffee grinds and filters;
 - (7) Tea bags;
 - (8) Houseplants (no pots or baskets);
 - (9) Soiled paper towels, tissues and wet paper;
 - (10) Diapers and sanitary products;
 - (11) Animal waste, litter or bedding; and
 - (12) Any other item designated as organic materials by the General Manager.

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SCHEDULE C
PROHIBITED WASTE
[Amended 2013-04-04 by By-law No. 473-2013³⁴]

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

- 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. 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;
- M. 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 General Manager;
- N. Hay, straw, manure or animal excrement;

³⁴ Editor's Note: By-law No. 473-2013, enacted April 4, 2013, replaced Schedule C in its entirety.

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- O. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
- P. Sod, grass, grass clippings;
- Q. Tires;
- 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 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; and
- W. Any other item or thing designated as prohibited waste by the General Manager.