TO: Chair and Members Planning Committee
WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: December 7, 2010

SUBJECT/REPORT NO:
Waste Chute Closure Permit Policy (PED09165(c)) (City Wide)

SUBMITTED BY:
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General Manager
Planning and Economic Development Department

PREPARED BY:
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RECOMMENDATION

(a) That the Waste Chute Closure Permit Policy attached as Appendix “A” to Report PED09165(c) be approved;

(b) That subject to approval of recommendation (a), the amendment to the Property Standards By-law No. 10-221, attached as Appendix “B” to Report PED09165(c), which has been prepared in a form satisfactory to the City Solicitor, be passed; and,

(c) That a $150.00 application fee for a Waste Chute Closure Permit be approved and added to the City’s User Fees and Charges By-law.

EXECUTIVE SUMMARY

The recommended Waste Chute Closure Permit Policy supports and aligns with the principles and goals of Waste Management for waste diversion by allowing property owners to choose how waste is disposed of in buildings containing 3 or more dwelling units and providing for the closure of waste chutes when certain conditions are met.
Alternatives for Consideration – See Page 5

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing: Waste Chute Closure Permit Applications will not generate any significant additional work for staff, and the recommended application fee will allow for cost recovery of staff time for reviewing/processing an application.

Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On June 16, 2009 the Economic Development and Planning Committee approved Report PED09165 (Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles) which recommended updating the Property Standards By-law to recognize recyclable or compostable materials in accordance with the City’s Solid Waste Management Master Plan and Solid Waste Management By-law to allow more flexibility in waste removal and to recognize diversion efforts.

The matter was referred back by City Council on June 24, 2009 and again approved upon reconsideration by Committee on August 9, 2009.

On August 13, 2009, Council approved the recommendations but referred back the recommended amendments related to the operation of garbage chutes in multi-residential buildings, for further consultation.

In dealing with Report PED09165(a), the following recommendations were approved by the Economic Development and Planning Committee on November 3, 2009, and by Council on November 11, 2009:

- that in accordance with the August 13, 2009 City Council direction the draft by-law be enacted, and;

- that the public consultation process for the proposed Property Standards By-Law amendments relating to the operation of garbage chutes in multi-residential buildings consist of:

  (i) a survey be made available to the general public on the City’s Website and through hard copy at all Municipal Service Centres and various Community Centres, and;

  (ii) encouraging public participation in the survey through advertisements in local newspapers and direct mailings to various Tenant Organizations.
On June 1, 2010, through Report PED09165(b), staff provided the Economic Development and Planning Committee with the results of the public consultation related to the closure of waste/garbage chutes in multi-residential buildings, and concluded that there was merit in exploring a waste chute closure permit to provide an option for multi-residential building owners who want to close their chutes.

**POLICY IMPLICATIONS**

The Waste Chute Closure Permit Policy and the corresponding Property Standards By-law amendment support and align with the principles and goals of the City’s Solid Waste Management Master Plan.

**RELEVANT CONSULTATION**

Legal, Finance, and Public Works were consulted in the preparation of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The Property Standards By-Law 10-221 prescribes that, where waste chutes exist in a building containing 3 or more dwelling units, they are required to remain open, operating and maintained. If the recommendations contained in this Report are adopted, then waste chutes could be closed if all of the following requirements of the Waste Chute Closure Permit Policy are met:

1) **Application** - An owner of a building containing 3 or more dwelling units may apply to close waste chutes and must provide, to the satisfaction of the Director of Municipal Law Enforcement, the following, as part of their application:

   - a communication plan to occupiers to explain the changes to waste disposal;
   - a sample letter from the owner to occupiers describing how to properly recycle and manage waste along with the financial and environmental benefits;
   - a sample notice from the owner to occupiers reminding/explaining how to recycle and manage waste;
   - a training plan for the owner’s staff explaining the changes;
- an assistance plan for occupiers who are seniors and or individuals with disabilities in transporting their waste, whether recyclable or not, when the waste chutes are closed;

- rental buildings must provide certified results of a poll showing more than 50% of all occupied units are in favour of the waste chute closure (the Director may verify the certified results by reviewing the ballots and or contacting the voters);

- condominium corporations or housing co-operatives must submit a resolution of the condominium corporation’s or housing co-operative’s board of directors endorsing the application to close the waste chutes; and,

- if applicable, verification from the City’s Operations and Waste Management Division that any changes to the waste collection service have been approved.

Templates for the above letters, plans and poll will be provided by the City.

2) **Permit** - Upon receipt of a completed application, a permit may be issued to close waste chutes, subject to following conditions:

- the communication plan is implemented within 30 days of the permit being issued and before the waste chutes are closed;

- the training plan is implemented within 30 days of the permit being issued and before the waste chutes are closed;

- the waste chutes are closed within 45 days of the permit being issued and are not reopened;

- the assistance plan for seniors and individuals with disabilities is implemented on the same day as the waste chutes are closed and continues to be implemented for all existing and future occupiers;

- there is compliance with all applicable laws and by-laws relating to the waste chutes and the disposal and collection of waste at all times;

- the owner informs the City of any change in ownership in advance; and,

- the owner informs any subsequent owner of the permit and this Policy before the change in ownership occurs.
A permit may be transferred when a change in ownership occurs provided that all of the conditions are met and the new owner requests the transfer in writing. The conditions continue to apply to any transferred permit.

3) Revocation - A permit issued under the Policy may be revoked if the permit was issued based on mistaken, false or incorrect information, or if the owner fails to comply with any of the conditions.

Subject to approval of the Waste Chute Closure Permit Policy, it will be necessary to amend the Property Standards By-law to require owners to obtain a Waste Chute Closure Permit prior to closing waste chutes.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Council could amend the Property Standards By-law to delete any mention of waste chutes and allow building owners to close their waste chutes without any conditions.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


*Environmental Stewardship*

- Aspiring to the highest environmental standards

**APPENDICES / SCHEDULES**

Appendix “A” - Waste Chute Closure Permit Policy
Appendix “B” - Property Standards By-law amendment respecting Waste Chute Closures

MH/CV/dt
Attachs.
WASTE CHUTE CLOSURE PERMIT POLICY

Approved by City Council: [X, 2010]
Effective Date: [X, 2010]
Amended On: [insert date(s) as required]

1. Policy Description

The Waste Chute Closure Permit Policy (the “Policy”) supports and aligns with the principles and goals of the City of Hamilton’s Solid Waste Management Master Plan. The Policy gives the owner of a building containing 3 or more dwelling units the option of obtaining a permit to close waste chutes when other means for waste disposal that encourage diversion from landfill are implemented. The Policy requires a communication plan for occupiers, a training plan for staff and an assistance plan for seniors and individuals with disabilities be submitted by the owner and approved before a permit is issued.

2. Definitions

For the purposes of this Policy:

“building” means a building containing 3 or more dwelling units;

“Director” means the City’s Director of Municipal Law Enforcement and his or her designate or successor; and

“owner” in the case of:

- a rental building means the owner in fee simple or the person for the time being managing or receiving the rent of the property whether on the person’s own account, or as agent or trustee of any other person, or who would receive the rent if the property were let;

- a condominium corporation means the condominium corporation’s board of directors; and

- a housing co-operative means the housing co-operative’s board of directors.
3. **Scope**

This policy applies to all buildings with waste chutes whether open or closed before this Policy came into effect.

4. **Application to Close**

(1) The owner of a building containing a waste chute may apply to the Director to close all of the waste chutes in their building.

(2) The owner’s application shall include:

   (a) A communication plan to occupiers to explain changes to the disposal of waste and the rationale and objectives of the changes. The communication plan shall include:

      (i) a sample letter to occupiers describing how to properly recycle and manage waste and explaining the environmental and monetary benefits;

      (ii) a sample notice to occupiers reminding them of how to properly recycle and manage waste.

   (b) A training plan for the owner’s staff with respect the changes to the disposal of waste.

   (c) An assistance plan for occupiers who are seniors or individuals with disabilities in transporting their waste, whether recyclable or not, for collection when the waste chutes are closed.

   (d)(i) In the case of a rental building, certified results of a poll showing more than 50% of all occupied units, one vote per unit, voting “yes” or indicating “take no position” with respect to the closure, using a ballot provided by the Director asking if all the occupiers of each unit 16 years of age or older:

      - vote yes to the closure;
      - vote no to the closure;
      - take no position on the closure;
      - cannot agree on the closure.

The Director may verify the certified results by reviewing the ballots and/or contacting the voters.
(ii) In the case of condominium corporation or a housing co-operative, a resolution of the condominium corporation’s or housing co-operative’s board of directors endorsing the application to close the waste chutes.

(e) Where the Operation and Waste Management Division will:

(i) provide collection service to the building as a result of the closure of the waste chutes, proof satisfactory to the Director that Waste has approved such collection service;

(ii) provide collection service to the building and changes will occur as a result of the closure of the waste chutes, proof satisfactory to the Director that Waste has approved such changes; or

(iii) provide collection service to the building and no changes will occur as a result of the closure of the waste chutes, a certified statement that there will be no such changes.

(f) A signed acknowledgement that a permit issued under this Policy may be revoked in accordance with section 6 of this Policy.

(g) Any other information or documentation as may be required by the Director.

Templates for the above plans and poll will be provided by the Director.

5. **Issuance of Permit**

(1) Upon receipt of an application under section 4 that is satisfactory to the Director, the Director may issue a permit to close the waste chutes, subject to following conditions:

(a) The communication plan under subsection 4(2)(a) is implemented within 30 days of the permit being issued and before the waste chutes are closed.

(b) The training plan under subsection 4(2)(b) is implemented within 30 days of the permit being issued and before the waste chutes are closed.

(c) The waste chutes are closed within 45 days of the permit being issued and are not reopened.

(d) The assistance plan under subsection 4(2)(c) is implemented on the same day as the waste chutes are closed and continues to be implemented for all existing and future occupiers.
(e) There is compliance with all applicable laws and by-laws relating to the waste chutes and the disposal and collection of waste at all times.

(f) The owner informs the City of any change in ownership in advance.

(g) The owner informs any subsequent owner of the permit and this Policy before the change in ownership occurs.

(2)(a) A permit may be transferred when a change in ownership occurs provided that all the conditions listed under subsection 5(1) are met and the new owner requests the transfer in writing.

(b) The conditions listed under subsection 5(1) continue to apply to any transferred permit.

6. **Revocation of Permit**

The Director may revoke a permit issued under this Policy if:

(a) the permit was issued based on mistaken, false or incorrect information or documentation; or

(b) the owner fails to comply with any of the permit conditions listed under subsection 5(1).

7. **Review and Updating of Policy**

This Policy shall be reviewed and updated as required.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend By-law No. 10-221, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property

WHEREAS Council enacted a by-law to prescribe standards for the maintenance and occupancy of property being City of Hamilton By-law No. 10-221;

AND WHEREAS this By-law provides for the amendment of the subsection 24(3) of City of Hamilton By-law No. 10-221 with respect to the closing of waste chutes;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 24(3) of By-law No. 10-221 is amended by adding the following new paragraph (c):

   (c) the owner has a current and valid permit to close a waste chute issued by the Director.

   and by making the resulting necessary grammatical changes to paragraphs (a) and (b).

2. This By-law comes into force on the day it is passed.

PASSED this day of , 20  .

_________________________  _________________________
Bob Bratina               Rose Caterini
Mayor                    Clerk