

Date: 2021-01-07

Subject: Residential Waste Storage

Contact: John Avbar, Manager, Property Standards, Legislative Services, 905.458.3056

Report Number: Legislative Services-2021-272

Recommendations:

That the report titled **Residential Waste Storage** to the Committee of Council meeting of March 31, 2021, be received.

Overview:

- At the Committee of Council Meeting on September 23, 2020, Council directed staff to report back regarding Garbage Bin storage on Residential Property.
- Section 13 of the Minimum Maintenance By-law 104-96 (Property Standards) provides guidelines regarding the storage of waste carts in the City of Brampton. Waste carts are permitted to be stored in a garage, interior side yard and rear yard without location restrictions.
- The implementation of the Regional Bi-weekly Waste cart program and the legalization of second units in 2016 created a demand for increased storage areas for garbage, recycling and organics carts.
- The larger waste carts are often required to be stored outside of the garage due to their size, leading to complaints from residents regarding neighbours' cart storage.
- Staff recommends that the existing by-law regarding storage of waste carts provides adequate guidelines, and no amendments to the by-law are necessary.

Background:

At the Committee of Council meeting on September 23, 2020, a resident delegated to Council requesting that the matter of restrictions on storage of garbage bins in side yards where space is limited be reviewed and a by-law be passed regarding such restrictions.

Previously, on January 20, 2016, Corporate Services Committee requested Enforcement staff to review the provisions of the Minimum Maintenance By-law 104-96 (Property Standards) and report back on aligning the provisions of the by-law with the new Regional waste cart program, which included options for storing the Regional waste carts on residential property. This resulted in an amendment to the City of Brampton's Minimum Maintenance By-law 104-96 (Property Standards) in May 2016.

The Minimum Maintenance By-law 104-96 (Property Standards) permits the storage of Regional waste carts in a garage, rear yard, and in the interior side yard of a property without restricting the location. On townhouse properties where there is no side yard or access to the rear yard, Regional waste containers are also permitted to be stored in the front yard, in an orderly manner adjacent to the building, if the subject property has a single car garage, which is deemed to be required parking according to the zoning by-law. Houses on corner lots are not permitted to store waste carts in the exterior side yard, which is the yard facing the adjacent street.

In the by-law amendment review, consideration was also given to the potential impact of Regional Waste cart storage on neighboring properties. It was determined that, with all of the garbage storage now being contained within the enclosed waste carts, no restrictions on side yard locations were necessary. Further, prior to the inception of the Regional waste cart program, properly stored garbage bags and cans were also permitted, in the same locations.

During the by-law amendment review, enforcement staff also reviewed the impact of garbage storage on legal second dwelling unit entrances. At the time of the 2016 report, the City had received relatively few complaints regarding garbage storage impeding or affecting side yard entrances on residential property. As a result, no additional restrictions were implemented in the updated Minimum Maintenance By-law 104-96 (Property Standards).

Current Situation:

The implementation of Regional Bi-weekly Waste program included the introduction of three waste carts per household and has resulted in the need for residents to store their garbage for a period of two weeks. This change has created a demand for increased

storage capacity, with many residents opting for the larger waste carts. As a result, some are unable to store these carts in their garage and must store them in their side and rear yards. (Appendix 1)

Since the implementation of the Regional Bi-weekly Waste cart program, Enforcement staff receive and respond to an average of 750 complaints per year involving waste carts and waste cart storage. Most complaints are addressed through public education, with an emphasis on the aesthetic impact to the neighbourhood. Notices and Property Standards Orders have also been necessary on occasion for non-compliant residents when public education hasn't produced the desired result/change. Enforcement staff receive a relatively low number of requests for service that pertain to the location of the waste cart storage in the side yard.

The majority of the complaints regarding waste carts are about residents who store or leave the carts in the front yard or on the driveway of their property. This is often due to physical limitations of the residents and/or winter weather conditions, which hinder the maneuverability of the carts. Officers have found that many owners have difficulty navigating around the physical obstacles of their property due to fencing/landscaping issues, substantial grade changes, a lack of hard surfaces to roll the heavy carts, and narrow walkways. Further, many residents simply choose to leave the waste carts at the front of the house for simple convenience and accessibility. Complaints for cart storage in side yards rarely involve the physical location of the cart storage, and more often pertain to improper storage due to overflowing and uncontained garbage, or other garbage not being stored in carts.

Enforcement has investigated very few complaints of waste carts placed in the proximity of a side entrance to a house by the adjacent neighbour. The Zoning By-Law requires a 1.2m clear path of travel to a door being used as the primary entrance to a second dwelling unit. This path of travel must be contained entirely on the property containing the second unit and cannot borrow from the neighboring side yard. If the side yard is less than 1.2, a door is currently permitted to be installed in a recessed portion of the wall 1.2m from the property line. In such a circumstance, this side door cannot be used as the primary entrance to the second unit and there would be no restrictions which would prohibit waste carts from being placed within their own side yard.

Staff also respond to complaints of cart storage, which involve neighbour disputes. Staff have witnessed instances where one party chooses to take advantage of the law that permits unrestricted side yard storage and places their waste carts adjacent to the neighbouring doorway. In cases such as this, staff will educate both parties and attempt to resolve the matter. More common are complaints involving staggered detached dwellings where garbage is stored properly in the side yard of one property but in clear sight of the adjacent property's front door or porch. Most of these concerns are

resolved through education; however, there is no legal requirement to re-locate the garbage storage in these cases.

Since the amendment of the Minimum Maintenance By-law 104-96 (Property Standards) to address Regional waste cart storage, Enforcement staff have, and continue to regularly educate the public in person, in public meetings, as well as print, radio, and television media to ensure the residents of the City understand the by-law requirements.

Corporate Implications:

Financial Implications:

There are no financial implications with this report

Other Implications: nil

Term of Council Priorities:

This report supports the 2018-2022 Council Priority of a **Well Run City**, by ensuring the residents of Brampton are provided with a fair and reasonable by-law for waste storage, which provides simple messaging and consistent enforcement.

Conclusion:

The 2016 review and amendment to the Minimum Maintenance By-law 104-96 (Property Standards) took all relevant facts into consideration to ensure that the guidelines regarding storage of waste carts were reasonable, fair, and ensured the safety of residents. The updated by-law continues to contain the necessary appropriate guidelines. No changes are recommended at this time.

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Attachments:

Appendix 1 – Diagram of permitted exterior waste cart storage locations on residential property