

Date: 2022-03-08

Subject: Bulk Waste and Property Standards

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Report Number: Legislative Services-2022-272

Recommendations:

1. **THAT** the report titled: Bulk Waste and Property Standards, to the Committee of Council Meeting of March 30, 2022, be received.
2. **THAT** Enforcement and By-law Services proactively report waste collection violations to the Region of Peel while patrolling the City and responding to complaints.
3. **THAT** Enforcement and By-law Services support the Region of Peel in the public educational campaigns associated with bulk waste items and storage standards associated to residential townhouses.

Overview:

- **The Region of Peel is responsible for curbside waste collection, including bulk waste, and the City of Brampton regulates the waste storage between collection dates.**
- **Both levels of government respond to complaints of improper waste storage within their respective jurisdictions and have the authority to have improperly stored waste removed at the owners' expense.**
- **Townhouses and condominium complexes have a specific set of rules for waste placement and storage.**
- **The Region of Peel provides Region-wide education campaigns, lists extensive waste management information on their website, routinely**

utilizes education stickers, and notifies residents why waste was not able to be collected.

Background:

At the Committee of Council meeting held on November 17, 2021, staff were asked to report back to the Committee on the subject of bulk waste, property standards and the outcomes from discussions with Regional staff. The Committee of Council discussion on this matter further included standards for waste collection, disposal, storage for townhouses, and the potential for enhanced public education.

Waste collection service and related enforcement measures for residential properties within the City of Brampton is a function performed solely by the Region of Peel Waste Management. This has been in place since May 1, 1995, when the Region assumed all waste management powers. This service includes curbside pick-up of waste discarded in Regional waste receptacles and certain bulk items. Regular waste collection schedules and the minimum acceptable standards for such collections are defined and publicly disseminated to the community by the Region.

Region By-law 35-2015 regulates the collection of waste, including bulky items, for the Regional Municipality of Peel and prescribes the acceptable condition and placement of waste set out, as well as enforcement procedures for non-compliance.

The standards for the storage of Regional waste and waste receptacles, including bulky items, on privately owned property are in the city of Brampton's Minimum Maintenance By-law 104-96, and the Refuse and Dumping By-law 381-2005. These by-laws, passed under the Building Code Act, and the Municipal Act, sets out the procedures for enforcement.

This report includes the Region of Peel (Region) and the City of Brampton (Municipal) roles and responsibilities including legislative authorities, enforcement and challenges associated with residential bulk waste management, and waste bin storage associated to Townhouses.

Current Situation:

Staff of the Region of Peel and the City of Brampton are familiar with residents' concerns of bulk waste storage and the impact it has within our neighbourhoods. Both levels of government rely on calls to 3-1-1, where a request for service is generated and assigned to the appropriate agency.

Items that are stored on a city right-of-way (Curbside or boulevard) are considered public property and are the responsibility of the Region of Peel. The Region Waste Management section is notified and appropriate action shall be taken.

Items stored inappropriately on private property (front yard, side yard, rear yard), are the responsibility of the City of Brampton's, Enforcement and By-law Services, who are notified and investigate.

Service Brampton (3-1-1) staff are trained to determine the specific location of the stored waste and will assign the matter to the Region or to City staff, as required, and based on the information provided to them by the complainant.

The Region provides waste collection services in accordance with the Region's Waste Collection By-law (35-2015). Curbside waste collection for single-family housing includes

- A bi-weekly collection of cart-based garbage;
- A bi-weekly collection of bulky items, on the same schedule as garbage; and
- A bi-weekly collection of cart-based recyclable materials.

Bulky household items are items larger than one (1) metre (39 inches) and weigh in excess of 20 kilograms (44 pounds), but does not include white goods. It does include furniture of whatever size and weight, but it must be able to fit in the collection vehicle. For an items list, refer to Appendix A.

The Region does not accept white goods from the curb, but will accept them, free of charge, at Peel Community Recycling Centres.

All other bulk items, including large home renovation waste, demolition and construction materials, are accepted at Peel Community Recycling Centres.

Region of Peel

Under the Region's Waste Collection By-law 35-2015, section 2.70, waste is defined as "including anything discarded from any source, including but not limited to, Garbage, Recyclable Materials, Organics, White goods, Bulky Items, Yard Waste, and Non-Complying Waste such as Litter, Hazardous Waste and Municipal Hazardous or Special Waste".

Section 3.3: Placement of Curbside Residential Waste Material

- (a) Every Occupier/Owner shall Set Out Residential Waste in an approved Receptacle on a scheduled Bi-weekly Scheduled Collection day on public Property, as close as possible to the traveled portion of the public highway or roadway, directly adjacent to the Private Property of the Occupier/Owner, directly accessible to

waste collection vehicles and without obstructing the traveled portion of the roadway, sidewalk or footpath.

Section 3.4: Time Restrictions of Curbside Residential Waste Material Set Out

- (a) No Occupier/Owner shall set out Residential Waste prior to 7:00 p.m. on a day immediately preceding a Scheduled collection Day, or later than 7:00 a.m. on a Scheduled Collection Day.
- (b) Every Occupier/Owner shall ensure that all receptacles and all uncollected Waste is removed from the Collection Point at which it was Set Out no later than 8:00 p.m. on the Scheduled Collection Day.

There is no limit on the amount of bulky items that may be set out; as long as it complies with the location and time the items are placed. Bulky items may be placed at the curb the evening before the designated collection date.

Items that are not approved for collection during regular Region waste collection shall be stored within an accessory building, until they can be disposed of at a Peel Community Recycling Centre.

There are instances where the Region may instruct residents to leave carts or materials out on the curb overnight, such as during waste collection delays, strikes or for cart repairs.

The Region investigative and compliance process includes:

- Region staff confirm non-compliance within one day of the initial report, and educate the resident on proper set out processes, which includes a request to move the item(s) from the curb, in compliance with property standards.
- The next day, staff deliver a **notice to comply** letting the resident know the item(s) will be removed at their cost, if they do not comply by end of day. If arrangements have already been made to remove the item(s), staff will return after the pre-arranged date to inspect for compliance.
- The next day, if the item(s) was not removed from the curb, it will be removed by Regional staff, at the resident's expense.
- An invoice will be processed and mailed to the resident within 7 – 10 days.

Curbside Violations – Enforcement

When there is a complaint and a violation is confirmed, a Regional By-law Officer may obtain compliance by issuing a written notice to comply. If the owner/occupier does not comply with the issued notice, the Region may perform or hire someone to complete the work at the owner/occupier's expense.

In an effort to further address the concerns brought forward by Council and to assist the Region of Peel, Officers from Enforcement and By-Law Services will continue to work

collaboratively with the Region by proactively reporting collection violations. While patrolling the City and responding to complaints, Officers will endeavor to report waste collection violations to the Region to expedite the removal of waste put out early or not collected from the curbside location.

Officers will also be provided with guidelines on what to look for and the reporting process when violations are observed. This process will ensure a consistent enforcement approach and improve compliance with the By-Laws.

City of Brampton

Property Standards Officers from Enforcement and By-law Services are responsible for enforcement related to the storage of Regional waste receptacles on **private property**.

Waste not contained within an approved waste receptacle and is not adequately protected from damage is considered refuse and is not permitted to be placed or stored outdoors under the Refuse and Dumping By-law 381-2005.

Under Section 1 of the By-law, refuse is defined as:

- (a) Debris, junk or effluent belonging to or associated with a house or household;
- (b) Vehicle parts or accessories;
- (c) Furniture, appliance, machinery, barbeques or part thereof;
- (d) Animal excrement; and
- (e) Without restricting the foregoing, any unused or unusable material that by reason of state, condition or excessive accumulation;
 - (i) Appears to have been cast aside, discarded or abandoned;
 - (ii) Appears to be worthless, useless or of no particular value; or
 - (iii) Appears to be used up, expended or worn out in whole or in part.

On the scheduled collection date, waste receptacles and any uncollected waste is to be removed from the curb and returned to a permitted location.

These provisions apply to all properties within the City of Brampton, including townhouses.

Private Property Violations – Enforcement

Should a property owner/occupant contravene the City of Brampton By-law, Property Standards Officers may issue a notice to comply to the property owner requiring them to:

- Remove the refuse from the property;
- Refrain from placing or permitting the refuse to be placed on the property; or
- Undertake the necessary work required to bring the property to a clean and tidy condition.

When the property owner/occupant does not complete the required work, the Officer may have the work done at the owner's expense. Any costs, including an administration fee, will be added to the property tax rolls to be collected in the same fashion as municipal taxes.

In addition, Officers have the ability to issue an administrative penalty notice of \$350 to the property owners/occupants or lay By-Law charges, which could result in a fine up to \$5,000, excluding court costs.

Challenges for Private Property Enforcement (City of Brampton)

The City of Brampton, Enforcement and By-law Services acknowledges the impact that non-compliance with these standards has on the community. Property Standards Officers respond to service requests submitted to Service Brampton (3-1-1) for these matters in a timely manner.

In order for Officers to enter onto private property to carry out the removal of waste, in accordance with the Municipal Act, prior notice must be served to the owner of the property outlining the work to be performed and a reasonable timeline to comply.

Typically, the officer provides three (3) days to comply with the order; however, if service of the notice is not possible at the time of the offence, it is done by registered mail, which may add an additional five (5) days before further action can be taken. This necessary legal process is required and can lead to public frustration when it is perceived as no real and immediate action is taken by the City.

In 2021, the City investigated 2708 refuse related complaints. Of this number, the City had to clean up 118 properties where compliance was not achieved following the issuance of an order. All expenses incurred by the City in connection with the enforcement of the by-law and the clean up are added to the property tax rolls of the owner and collected in the like manner as municipal taxes.

Townhouses and Condominiums (Region and City of Brampton)

Waste collection rules apply to freehold townhouses as they do with single detached and semi-detached houses, under both the Region By-law (35-2015) and the City's Minimum Maintenance By-law (104-96). The provision applies unless the residential property **does not have**:

- A side yard with a width of 1.0 metre or greater;
- A rear yard access that is wider than the receptacle;
- Other proper storage locations (i.e. accessory building, carport or garage); and
- The property has a single-car garage that is required for parking in accordance with the Zoning By-law 270-2004.

As townhouses generally do not have a side yard or access to a rear yard and there is no reasonable alternative for storage, waste receptacles may be placed in a yard facing a street. They must be stored in the approved waste receptacles, with the lid closed properly, in an orderly manner adjacent to the building. Items that cannot be contained, as required, shall not be stored outside.

While City By-laws apply to properties in a condominium complex, the storage of waste is subject to by-laws passed by the condominium corporation and generally enforced by property management staff. The regular collection schedule does not apply to the collection of waste in a condominium or housing complex with central waste disposals. Property management arranges collection in these instances, and may include using private waste companies.

The Region has converted approximately fifty percent of condominium townhouse complexes to cart-based collection since 2016. For the remaining fifty percent that have not yet been converted, Regional staff are offering five (5) different waste collection options for Board of Directors and Property Managers. These options will assist with storage and minimize property standard complaints.

Property Management Companies and Board of Directors are being asked to consider their property standards when making decisions on which waste option will work best for their complex. Region staff are working with management, boards and residents to ensure that the waste collection options are clear and that the best option is selected.

Education Strategy

The Region provides extensive waste management information on its website at peelregion.ca/waste, including waste collection guidelines and the property use of Regional waste carts. In addition, residents moving into a newly built home receive material from the Region on waste collection guidelines, with the delivery of their new regional waste carts.

During scheduled collection days, waste collection staff (contracted by the Region) use educational stickers, when necessary, to notify residents of the reason their waste was not picked up. It may indicate incorrect waste cart set out or non-permitted waste material.

By-law Officers also provide educational material to residents when responding to enforcement calls.

When appropriate and feasible, Region-wide public educational campaigns are delivered to communicate curbside waste collection information to residents.

Lastly, the Region is also planning to include property standards information on future communication pieces.

Corporate Implications:

Financial Implications:

There are no financial implications.

Term of Council Priorities:

This report aligns with the City of Brampton 2018 – 2022 Priorities:

Brampton is a Well-Run City

Conclusion:

The improper storage and disposal of household waste can have a negative impact within our communities. The nuisances and safety concerns that may arise as a result of non-compliance can be mitigated by service requests being submitted and generated for the appropriate level of government.

The City of Brampton and the Region of Peel are both committed to upholding the standard of quality and excellence expected from its residents and Council. The continued coordination of efforts, new proactive measures, and enhanced public education strategies will contribute to achieving improvement objectives, in accordance with the term of Council priorities.

Appendix A: Region of Peel Waste Collection Items

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