

Town of Whitby Staff Report

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Report Title: Waste Collection Services on Private Residential Property

Report to: Committee of the Whole

Date of meeting: January 15, 2024

Report Number: CMS 01-24

Department(s) Responsible:

Community Services Department

Submitted by:

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Acknowledged by M. Gaskell, Chief Administrative Officer

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1. Recommendation:

1. That Report CMS 01-24 be received for information; and,
2. That NUB Item GG-0008 – “Staff report to Council on townhouses, multi-residential and other properties that are not currently serviced for waste collection by the Town of Whitby and report on the feasibility and cost implications of including these properties in the Town's waste collection service to ensure that there are no gaps with respect to the implementation of upcoming extended producer responsibility legislation” be removed from the New and Unfinished Business Listing.

2. Highlights:

- Any new private road developments since the late 2000's have not been approved for municipal curbside waste collection services. Residents living in these developments pay for private waste collection services through their condo fees.
- There are approximately 1816 townhomes and 511 multi-residential condominium units located on private property in Whitby that receive waste collection through private contracted services.

- Staff have created the draft *Technical and Risk Management Guidelines for Waste Collection on Private Residential Property (Attachment #1)* in order to determine the potential eligibility of existing locations to be added to Town waste collection services and to identify associated costs for consideration.
- The cost to add potential locations to municipal waste services is estimated to be between \$150-300K per year for townhomes and \$8K for multi-residential units.

3. Background:

As it relates to waste management, private residential properties are generally divided into two categories: Condominium townhomes located on private road developments or multi-residential apartment buildings (building containing 6 or more residential dwelling units as per *Town of Whitby Waste Collection By-law #7812-21*).

Municipal Waste Collection for Condominium Townhomes on Private Road Developments

Prior to the 1990's, condominium townhouse developments that were being introduced featured private internal streets that were easily accessible by waste collection vehicles. The design of these developments offered sufficient space in front of each unit to accommodate the curbside collection of waste.

By the late 1990's, the housing industry began shifting to higher-density developments. Developers continued to propose designs that had internal private street networks, however, there was less consideration for setbacks from the laneway, narrower rights-of-way, dead-end streets, and in some instances, no options for turnarounds making waste collection challenging and unsafe.

The Town tried alternative waste collection options to accommodate some of these locations. These alternative arrangements were not without their own challenges. In some locations, the only way curbside collection could be achieved was by having residents either carry their waste through their unit or use their cars to bring waste around to the front of their unit. In other locations, the only option was a consolidated collection point which invited illegal dumping and an inability to enforce set-out limits.

Starting in the mid-2000s, several developments were being constructed that did not meet industry standard requirements for curbside waste collection. Developers were unwilling to conform to criteria under the Town's Technical Standards compulsory for offering waste collection services on private property. Ongoing challenges also became evident when the Town began to ask Condo Corporations for risk mitigation measures on private property through requests for indemnity insurance agreements. Some locations refused to sign agreements, causing the Town to re-evaluate the risk and liability of entering onto private property.

As a result, any new private road developments since the late 2000's have not been approved for municipal curbside waste collection services. Residents living in these developments today must now pay for private waste collection services through their condo fees.

Presently, the Town provides (grandfathered) waste collection services to 2125 residential townhome units located on private roadways.

Municipal Waste Collection for Multi-Residential Apartment Buildings

In 1976, the Town expanded residential waste collection services to multi-residential apartment buildings, as per Council resolution (No. 473-76). At that time, there were only a small number of multi-residential apartment buildings and very few guidelines to govern the provision of waste collection services on private property.

The only provision needed at this time for multi-residential buildings to receive municipal service on private property was that the building owner had to purchase their own dumpster or waste container and store it in a location accessible for collection.

Similar to condominium townhomes located on private roadway developments, property management and condo boards alike were averse to signing indemnity agreements requested by the Town in the early 2000's. The Town made the decision to continue to offer front-end containerized collection for only "grandfathered-in" locations, and going forward, new locations were directed to private service.

Presently, the Town provides waste collection service to 73 multi-residential apartment buildings amounting to 4257 residential units.

New Pressures from Extended Producer Responsibility (EPR) Legislation in Ontario

In 2016, the Province of Ontario passed the Resource Recovery and Circular Economy Act (RRCEA) as the enabling legislation for enacting Extended Producer Responsibility (EPR) in Ontario. EPR programs that have already successfully transitioned to the new regulatory framework include tires, batteries, electrical equipment, and hazardous wastes.

The Blue Box program began its transition to full EPR in the summer of 2023 with 1/3rd of all Ontario municipalities. The transition date for Whitby and other municipalities in Durham Region is **July 1, 2024**. On this date, the Producers will take over curbside Blue Box (BB) collection services from the Region of Durham and take on responsibility for sorting, and marketing of the materials collected.

Producers must operate the BB program similarly to the way Durham Region operates it until all Ontario municipalities have transitioned to full EPR in 2026.

The Regulation includes all single-family residences and multi-residential buildings, schools, not-for-profit long-term care and retirement homes and municipal public spaces/parks currently receiving municipal garbage collection as part of the initial transition.

All townhome and multi-residential units located on private property that do not receive municipal waste collection will be excluded from the EPR curbside BB program. In 2026, non-serviced residential and multi-residential can request to be added to the service.

4. Discussion:

Draft Design Standards for Waste Collection Services on Private Road Developments

In preparation for the response to NUB Item GG 008, staff has created the draft *Technical and Risk Management Guidelines for Waste Collection on Private Residential Property (Attachment #1)*. At Council's direction these standards would be adopted and approved to determine eligibility requirements for all future residences on private roads and multi-residential units in the Town.

These draft design standards have been utilized to determine the potential eligibility of locations to be added to Town waste collection services and to identify associated costs for consideration.

Some elements of the draft design standards include consideration for access route(s), minimum road width for internal roadways, vehicle turning radius, on-street parking, set-backs for garages and buildings, waste collection point(s), winter maintenance, snow loading, building configuration, internal storage location, capacity requirements, property owner responsibilities and internal access.

Some of the historical concerns highlighted under section 3 of this report related to setbacks and narrower right-of-way's have become a moot point, as public laneway standards have been adjusted to facilitate higher-density developments in recent years.

As noted earlier, the Region of Durham will only be responsible for Blue Box recycling collection up until July 1, 2024, after such time, Circular Materials, the designated Producer Responsibility Organization for the Blue Box program, will take on all existing collection points.

The Region will continue to have a vested interest in reaching its long-term waste reduction targets achieved largely through other curbside collection programs, such as the *Enhanced Green bin Program*, expected to begin in late-2024 and the proposed *Multi-residential Organics Program* expected to begin in 2025.

Given these shared areas of interest, staff have consulted with the Region's Waste Management Department with the intent of harmonizing elements of our Waste Collection By-laws as well as the draft *Technical and Risk Management Guidelines for Waste Collection Services on Private Property* with the Region's evolving Design Guidelines and Waste Management By-Law.

Assessment of Eligible Private Roadway Developments

The Town provides waste collection services to eligible residential property types within the municipality, including single-family detached, townhouses and multi-residential buildings.

The Town's Waste Services division utilizes two (2) waste collection methods for the following residential property types:

- **Curbside Collection** - residents set their waste at a designated curbside location for collection that is picked up by a residential waste collection truck provided by in-house and contracted services; and,
- **Containerized Front-End Collection** – residents from multi-residential apartment buildings (6 units or more) consolidate waste in a dumpster that is collected by a specialized front-end collection truck which is completed by a contracted service provider for the Town.

In the summer of 2023, staff conducted site visits at all non-serviced private road townhome developments to assess if locations would meet the basic eligibility criteria of the draft design standards. These assessments included drive-throughs with Town waste collection vehicles to ensure safe access and navigation throughout the internal roadways. Of all locations assessed, the majority meet the basic eligibility criteria of the draft design standards, totaling 1565 units currently. Some newer developments have not yet been fully built and would need to be reassessed once completed if required.

Summary of Eligibility – Private Townhomes		
Meets Eligibility Criteria	#Units	TOTAL
Yes	1565	1565
No	372	372

Preliminary assessments of existing multi-residential locations that are not currently eligible for Town waste services indicate that all 511 units at 3 locations would meet the basic eligibility criteria of the draft design standards.

Risk and Liability Considerations

Should the Town take on additional private roadway locations, the Town would also assume more risk and liability for damage to private property and/or injuries at locations not maintained by the Town. Included in the draft Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property is an indemnity insurance agreement that would need to be signed annually by condo boards and/or property managers of private roadway developments prior to any inclusion into the Town's waste collection services program.

Council Direction

Should Council wish to increase service levels to include private townhomes and multi-residential locations in the waste services program, a motion would be required to direct staff to include the expansion of waste collection service as a decision item in the 2024 budget as follows, "That staff be directed to included waste collection for private multi-residential and town home locations, through the use of contracted services, as a decision item in the 2024 budget process".

5. Financial Considerations:

The site visits conducted in the summer of 2023 confirmed that up to 1565 residential townhome units preliminarily meet the criteria in the draft design standards. Currently, the Town contracts out curbside waste and organics collection in West Whitby at a cost of \$1.51 per collection, per week. It is expected however that costing would be higher as the 1565 townhomes are located throughout the Town which impacts routing efficiencies thus adding to labour, equipment and fuel costs. Preliminary estimates suggest that contracting out this service would cost and estimated \$150K-\$300K per year.

Bringing these units onto in-house waste collection services would have an annual operating budget impact of \$97K for one full-time employee (FTE) and \$20K for fuel and maintenance for a combined total of \$117K per year. An additional side loader waste collection vehicle would also be required at a capital cost of \$400K. This piece of equipment would be required to be replaced every seven years. The total incremental cost for 2024 to pick up the additional 1565 sites would be approximately \$517K.

In addition to townhomes located on private property, there are 3 multi-residential locations consisting of 511 units that also preliminarily meet the criteria in the proposed design standards. Bringing these units onto Town waste collection services through our contracted front-end waste service (containerized waste collection) would cost approximately \$8K per year at \$14.76 per unit, per year.

All the provided estimated costing is based on the assumption that all eligible properties would opt-in to the service if available. This is a reasonable assumption however property management may have existing contractual obligations with waste haulers which could delay the start-up of Town provided services at any of the eligible locations.

6. Communication and Public Engagement:

If directed by Council to add private townhomes and multi-residential locations to the waste services program, staff would reach out to condo boards and property management at eligible locations to initiate collection services subject to the terms of existing contracts with private waste haulers.

A communication plan would also be developed to help residents in these areas understand what may be changing for them (i.e. collection day and collection requirements). This would be done in a similar fashion to how the Town brings new residential homes onto service.

Staff would also be co-ordinating with Region staff and CMO as it pertains to the provision of blue box containers.

7. Strategic Priorities:

This report aligns with the following objectives under Strategic Pillar 4 of the Community Strategic Plan: Whitby's Government - Accountable and Responsive:

4.3.2 – Deliver exceptional customer service and community engagement by identifying, establishing and reporting on service levels of interest to the community.

4.4.1 – Ensure fiscal accountability and responsibly plan for growth by delivering services that respond to community needs while balancing the impact to taxpayers.

8. Attachments:

Attachment 1 – Draft Technical and Risk Management Guidelines for Waste Collection Services on Private Residential Property