



Committee of the Whole Report

Report Number: WM2021-014

Meeting Date: November 2, 2021

Title: **Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services**

Description: A review of the feasibility of enforcing property owners/landlords in downtown areas to provide private garbage bins or alternate for their tenants use

Author and Title: David Kerr, Manager of Environmental Services

Recommendation(s):

That Report WM2021-014, **Feasibility of Requiring Downtown Owners to Provide Private Waste Collection Services**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of May 20, 2021, Council adopted the following resolution:

CW2021-090

That Staff prepare a report on the feasibility of regulations requiring property owners within Downtowns to provide a garbage bin for use by the tenants of their properties.

This report addresses that direction.

As further background, this resolution was adopted after the Lindsay downtown Business Improvement Area's (BIA's) Board of Directors brought a letter to council dated March 31st, 2021 outlining the ongoing issues they have encountered in Lindsay. In their letter addressed to the Mayor and members of Council (Attachment A), they made a specific request to the City to make the property owners/landlords who own and operate buildings within downtown Lindsay to provide a garbage bin or have alternate measures in place for their tenants to dispose of their refuse. The purpose of this recommendation was to resolve the litter and overflowing garbage issues in the downtown and make the area more attractive to customers.

The BIA further outlined in their letter that the "Lindsay Downtown BIA is responsible for the maintenance, beautification and general upkeep" within their geographic area. But they are finding that garbage containers are constantly overflowing with additional residential garbage between regularly scheduled pickups.

Any requirement for downtown property owners to coordinate their own waste collection services directly correlates with the concerns of public cans being misused and overflowing with waste. Therefore, it was important in this feasibility review that staff also review the results of the recent initiatives the City has taken to address litter and overflowing public bins in our downtown cores.

Recently, both Lindsay and Fenelon downtown cores have undergone major downtown reconstruction. As a result, the locations of public cans and/or areas for public disposal have been changed. As these projects come to a close, the full inventory of waste bins is gradually being reinstated on the streets and this action should partly address the litter issue. Also, recycling has been integrated into a number of the bins reinstalled in the Lindsay downtown, which provides greater volume for waste and recycling disposal.

In efforts to provide more services to the downtowns throughout the City, on February 16, 2021 Council adopted the following resolution:

CR2021-095

That the Enhanced Services in Downtowns Project (including increased garbage cans, waste pick up, portable washrooms and directional signage) be included in the 2021 Tax Supported Operating Budget in the amount of \$200,000 funded by the Contingency Reserve – Pandemic Related.

The enhanced downtown waste collection services took place as a pilot during the summer of 2021, and were successful in mitigating the amount of waste accumulated in and around public waste receptacles. There were very few complaints to the city regarding litter issues in the downtown areas. As yet, there is no direction to continue the pilot into 2022. Doing so may help address the BIA's concerns.

Rationale:

After a full review of the feasibility and merit of mandating all property owners within downtowns to provide a garbage bin or suitable alternative for use by their tenants, it is our recommendation to not mandate this action with the following for consideration:

1. Waste Collection Services

As downtown reconstruction projects come to a close, more public waste bins will be placed and regular waste operations will resume. Council may want to consider allocating funds to continue with the enhanced waste collection service levels performed in 2021.

2. Taxation of Downtown Properties

Waste services are included in the general taxation rate, therefore, downtown property owners would be paying for a service that they are not receiving, as their waste collection would be through private bin service as opposed to municipal curbside collection.

As municipal curbside waste collection services are paid by all taxpayers it may be deemed unfair by building/property owners to pay for private collection when they are already paying for municipal waste collection.

Staff looked into the feasibility of changing the taxation of downtown areas, to remove the portion of property owner's taxes that cover municipal waste management services. This change would be precedent setting as we are not aware of any other municipalities where this has occurred. This change would add complications to both taxation and curbside collection of materials. For instance, this would set a precedent within the municipality where others within and outside of the downtown areas may want to seek compensation and/or reduction in taxes for declining curbside waste collection services or possible other municipal services. This could also change the scope of the municipal curbside collection contract that may have negative implications. It is important to note that there is an economic benefit to grouping waste management services together under one contract. If a smaller number of property owners were required to opt out and have to privately procure waste collection services, they would likely have to pay higher costs.

3. Limited Space Availability

Not all downtown properties have land in which they can place private waste collection bins for their tenants and Staff did not observe viable alternatives for this. As well, the City does not permit encroachments of private bins on municipal parking lots. Therefore, it would be deemed unreasonable for building/property owners in the downtown areas to be forced to provide private bins for waste collection.

4. Increased Public Knowledge and Advertising of Public Space Receptacles

Staff have been working to increase both the public awareness of waste and recycling practices, as noted in the Integrated Waste Management Strategy initiatives. As well, staff have been working to improve the signage on public space receptacles across the City. This includes wording such as "No household garbage". This is expected to assist in reducing illegal dumping and litter in downtown areas. With additional staffing resources for public education being allocated to waste management in 2022 and beyond, there will be more focus placed on public awareness and education in the proper disposal methods in downtowns. These efforts will help reduce illegal dumping throughout the municipality.

5. Other Ontario Municipalities

Staff have reached out to other municipalities and had the BIA reach out to their network to see if there are others requiring downtown property owners to organize their own private waste collection services. There were no other municipalities that indicated their downtown areas successfully migrated to private waste collection.

6. Downtown residents are not the only concern

Another concern is that further regulating property owners would not solve issues created from people driving through the downtown cores who are just looking to or dump their accumulated waste in public waste bins. The best approach to deal with this would be to promote better knowledge throughout the community with an enhanced communications plan, By-law enforcement and better signage on public waste bins. These actions are planned to be rolled out in 2022 and beyond.

In summary, Staff want the same results as the BIA's and through the rollout of ongoing efforts to re-establish bins in areas previously under construction, increasing recycling and enhancing service as required litter and overflowing waste bins will be addressed. Therefore, it is Staff's recommendation to not make any regulatory changes to business owners in the downtown cores. There are many improvements that have been made to the waste collection system of downtowns in the past year, and it is Staff's expectation that these improvements will help to mitigate many of the concerns raised by the Business Improvement Area.

Other Alternatives Considered:

As noted based on the discussion in the rationale section, Staff do not believe it is practical for property owners in the BIA to be legislated to perform private waste collection. Although this may help to mitigate some issues, it is not practical to mandate to all property owners/landlords in the downtown areas who own and operate buildings and would likely be judged as unfair by the owners. It is possible to achieve the desired results through operational practices. Hence, additional legislation and restrictions would be deemed onerous and redundant.

Council could opt to continue the enhanced waste collection services in the City's core centres performed in 2021 that likely contributed to the lower complaint volume. This would involve increasing the 2022 operational budget by \$28,000 to accommodate the hiring of additional student resources and required equipment.

Should Council wish to maintain increased service levels piloted in 2021, then a recommendation needs to come forward in the form of one of the following:

- Decision Unit for \$28,000 or
- Include an increase of \$28K in the 2022 base budget

Alignment to Strategic Priorities

This report aligns with A Vibrant and Growing Economy of the Council Adopted Strategic Plan, namely supporting downtown revitalization to ensure our communities have a strong core. It also aligns with Good Government and ensuring that we are providing efficient and effective services.

Also, in working to reduce illegal dumping and increase signage of downtown public waste bins, this will also contribute to A Healthy Environment, and increasing waste reduction and diversion.

Financial/Operation Impacts:

There are no fiscal implications from the recommended resolutions in this report.

Should Council wish to continue to provide the enhanced level of waste collection services performed in 2021, Council would need to direct increase of the 2022 operational budget by \$28,000.

Consultations:

Manager, Municipal Law Enforcement and Licensing
Manager, Revenue and Taxation
Economic Development Officer – Community
Lindsay BIA

Attachments:

Appendix A – Lindsay BIA Letter to Council



Lindsay BIA Letter
to Council.pdf

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works