

being a by-law to regulate the collection and disposal of waste material in the City of Oshawa.

NOW THEREFORE the Council of The Corporation of the City of Oshawa enacts as follows:

1.0 SHORT TITLE

1.1 The short title of this By-law is the “Waste Collection By-law”.

2.0 DEFINITIONS

2.1 In this By-law:

- (a) “Animal Excrement” means excrement from any Animal and also includes all material that has come into direct contact with the excrement.
- (b) “Ashes” means the solid residue of any household fuel after such fuel has been consumed by fire, but does not include soot.
- (c) “Bag Limit” means the limit approved by Council on the number of Residual Waste Bags for residential or commercial curbside collection without a Residual Waste Bag Tag affixed.
- (d) “Bag Tag” means an approved tag distributed by the City for sale, to be affixed on all Residual Waste Bags exceeding the bag limit.
- (e) “Biodegradable Compostable Bag” means a bag that has been specifically designed to degrade with the organic material it contains and is approved for use in the Green Bin Program and the yard waste program.
- (f) “Biomedical Waste” means Waste that is generated by:
 - (i) human health care and residential facilities;
 - (ii) animal health care facilities;
 - (iii) medical research and medical teaching establishments;
 - (iv) veterinary research and veterinary teaching establishments;
 - (v) health care teaching establishments for human health care;
 - (vi) health care teaching establishments for animal health care;
 - (vii) clinical testing or research laboratories;
 - (viii) the professional office of a health professional within the meaning of the *Regulated Health Professions Act, 1991*;
 - (ix) the professional office of a member of the College of Veterinarians of Ontario;
 - (x) mortuaries and funeral establishments, including any similar establishments for pets and other animals;
 - (xi) facilities involved in the production and testing of vaccines;
 - (xii) facilities involved in mobile health care for humans; or
 - (xiii) facilities involved in mobile health care for animals,

but does not include waste that is from animal husbandry, controlled in accordance with the *Health of Animals Act (Canada)*, the *Dead Animal Disposal Act (Ontario)*, the *Meat Inspection Act (Ontario)*, or the *Meat Inspection Act (Canada)*; or generated in food production, general building maintenance or office administration at one of the facilities mentioned in clauses (i) to (xii).

- (g) “Blue Box Program” means a program for the curbside collection of source separated recyclable Waste from residential sources using a designated receptacle supplied or approved by the Region.

- (h) “Bulk Container” means a metal receptacle approved by the City for holding waste to be emptied by a designated City vehicle.
- (i) “Bulky Items” means items that do not fit in a standard residual waste bag including, but not limited to, furniture, rugs, carpets, sofas, mattresses, barbecues, small appliances, audio-visual equipment, television sets and microwave ovens.
- (j) “City” means The Corporation of the City of Oshawa.
- (k) “Commercial Complex” means a building or buildings on a property or adjoining properties, under one ownership or under the ownership of a condominium corporation, containing one or more commercial businesses and which may include, in addition, residential uses.
- (l) “Commercial Establishment” means an individual commercial business with its own direct access to the street for which no parking is provided on the Property or for which parking is provided exclusively for the use of that business and its customers.
- (m) “Contractor” means any individual, firm, company or corporation and the employees of any such individual, firm, company or corporation with whom the City has entered into a contract or agreement for the collection of waste.
- (n) “Council” means the Municipal Council of the City of Oshawa.
- (o) “Dwelling Unit” means a unit consisting of one or more rooms, which unit contains toilet and cooking facilities and is designed for use as a single house keeping establishment.
- (p) “Green Bin” means the designated receptacle supplied or approved by the Region for setting out source-separated household kitchen food wastes for collection.
- (q) “Green Bin Program” means a program for the curbside collection of source separated household kitchen food wastes from residential sources using a designated receptacle supplied or approved by the Region.
- (r) “Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law.
- (s) “Highway” means a common and public highway, street, avenue, or parkway, including any boulevard, open equally to everyone for travel.
- (t) “Home Health Care Waste” means incontinence products, sponges, catheters, disposable products, dialysis waste, intravenous bags & tubing, casts, gastric and nasal tubes, empty and rinsed out colostomy bags, used for personal home health care, but does not include Biomedical or Pathological Waste.
- (u) “Household Hazardous Waste” means:
 - i) Explosive waste, including, but not limited to, wastes that may also produce deadly fumes or vapours when exposed to air or mixed with other materials, and wastes such as aerosol cans (full or partially full) and propane cylinders and tanks;
 - ii) Flammable waste, including, but not limited to, gasoline, motor oil, barbecue starter fluid, Varsol, paint thinner and other solvent, and finger-nail polish and remover;
 - iii) Toxic waste including, but not limited to, wastes that are poisonous or lethal if swallowed or inhaled, paint (full or partially full cans), pesticides, motor oil, over-the-counter and prescription medicine and household cleaners;
 - iv) Corrosive waste including, but not limited to, batteries (household and automotive), drain opener, oven cleaner, acid, and photographic solution;

- v) Bio-medical waste including, but not limited to, sharps, hypodermic needles, syringes, and medical dressings/bandages or any material that comes in contact with bodily fluids;
 - vi) Hazardous waste, as defined in Regulation 347, “General – Waste Management”, R.R.O. 1990, as amended, to the *Environmental Protection Act*, R.S.O. 1990, c. E19, as amended; and
 - vii) PCB waste as defined in Regulation 362, “Waste Management – PCB’s”, R.R.O. 1990, as amended, to the of the Revised Regulations of Ontario, 1990, *Environmental Protection Act*, R.S.O. 1990, c. E19, as amended, but does not include Home Health Care Waste.
- (v) “Industrial, Commercial or Institutional Waste” means waste originating from any business or Institutional Establishment including waste originating from:
- i) an enterprise or activity involving warehousing, storage or industrial, manufacturing, or commercial processes or operations;
 - ii) an enterprise or activity where goods or materials are kept for sale, or offered for sale, to the general public;
 - iii) research or an experimental enterprise or activity;
 - iv) clinics that provide medical diagnosis or treatment;
 - v) laboratories or hospitals; or
 - vi) construction or demolition projects, or home renovations.
- (w) “Institutional Establishment” includes, but is not limited to, a building or part of a building that is a senior’s home, place of worship, daycare, community shelter, private school, public & separate schools, or community college or university, including student residences.
- (x) “Multi-residential Complex” means an apartment building, condominium complex, townhouse complex, co-op complex or other similar residential complex containing three or more self-contained Dwelling Units.
- (y) “Owner” means each owner and occupier of property.
- (z) “Officer” means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the City.
- (aa) “Organic Materials” means household kitchen food waste and other compostable household materials which are acceptable for collection in the Green Bin Program.
- (bb) “Pathological Waste” means”:
- (i) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and the like, that are not infectious;
 - (ii) any part of the carcass of an animal infected with a communicable disease or suspected by a licensed veterinary practitioner to be infected with a communicable disease;
 - (iii) non-anatomical waste infected with communicable disease;
 - (iv) a mixture of a waste referred to in subclause (i), (ii) or (iii) and any other Waste or material; or
 - (v) a Waste derived from a waste referred to in subclause (i), (ii) or (iii).
- (cc) “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.

- (dd) “Proper Receptacle” means a Residual Waste Receptacle, Recycling Box, Yard Waste Receptacle, or Green Bin.
- (ee) “Property” means any land, including the buildings and structures thereon, registered to a person on title in the Land Registry Office or Land Titles Division, as the case may be.
- (ff) “Recyclable” means any materials or waste designated under a waste collection contract entered into between the Region and a contractor, mandated under Ontario Reg. 101/94 or designated by the Region as a waste or material to be collected separately from other waste, for the purpose of recycling.
- (gg) “Recycling Box” means a blue box or such other receptacle is designated as acceptable by the Region for setting out Recyclable Materials.
- (hh) “Region” means the Regional Municipality of Durham.
- (ii) “Residential Waste” means waste that is discarded for collection that originates from a Dwelling Unit and includes, but is not limited to, Bulky Items, White Goods, Yard Waste, Organic Materials, Residual Waste and Recyclable materials.
- (jj) “Residual Waste” means all waste which is not Recyclable materials, Organic Materials, Yard Waste, or Household Hazardous Waste.
- (kk) “Residual Waste Bag” means a plastic bag for Residual Waste which measures not more than 66 centimetres by 90 centimetres (26 inches by 36 inches) and is capable of supporting 20 kilograms (44 pounds) without tearing or breaking when lifted.
- (ll) “Set Out” means to place, cause or permit to be placed Waste at any location on Private or public property for the purpose of Waste collection by the City or the Region or the City’s Contractors, and “Setting Out” has a corresponding meaning.
- (mm) “Scheduled Collection Day” means the day of residential waste collection scheduled for a particular geographic area within the City as approved by Council.
- (nn) “Sharps” means needles, broken glass, nails, spikes or other objects with a blade or point and includes medical or veterinary implements and equipment intended to be sharp for the purpose of cutting or piercing.
- (oo) “Special Collection” means the prescheduled collection of Bulky Items and/or White Goods.
- (pp) “Waste” means anything discarded for collection from any source, and includes recyclable materials, organic materials, yard waste, residual waste, bulky items, and white goods.
- (qq) “White Goods” include, but are not limited to, refrigerators, freezers, air conditioners, stoves, washers, dryers, dishwashers, hot water tanks, metal bathtubs, metal sinks, metal shower enclosures and oil tanks, but do not include these materials when discarded as a result of renovations to a multi-residential complex.
- (rr) “Wood Waste” means wood scraps, including painted, treated and coated wood from wood work residues, interior doors and household furniture, but does not include wood or wood scraps generated from construction, demolition, renovation or commercial purposes.
- (ss) “Wood Waste Unit” means a securely tied bundle of Wood Waste that is not more than 76 centimetres (30 inches) in length, 36 centimetres (14 inches) in width and height and not exceeding 20 kilograms (44 pounds) in weight.

- (tt) “Yard Waste” includes, but is not limited to Christmas trees, leaves, roots, weeds, hedge and shrub trimmings, brush cuttings, twigs and branches, and pumpkins, but shall exclude sod, soil and grass clippings.
- (uu) “Yard Waste Receptacle” means a rigid open container with an external height no greater than 90 centimetres (36 inches) and an external width or diameter no greater than 66 centimetres (26 inches) that has two suitable handles, a Kraft paper yard waste bag, a certified biodegradable/compostable bag or bushel basket, but does not include a Recycling Box or plastic bag.

3.0 SEVERABILITY

If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

4.0 COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

- 4.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 4.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy conditions on the Highway shall apply.

5.0 GENDER AND NUMBER

In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

6.0 MEASUREMENTS

Where the By-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may have been provided in parentheses but are of no force or effect. The abbreviation “mm” stands for millimeters, “cm” stands for centimeters, “m” stands for metres, “in” stands for inches and “ft” stands for feet.

7.0 AND/OR

The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.

8.0 GENERAL

- 8.1 No Owner or Person shall Set Out or cause or permit the Setting Out of Waste except as permitted by this By-law.
- 8.2 No Owner or Person shall Set Out or cause or permit the setting out of the following:
 - (i) liquid Waste;

- (ii) hay, straw, or Animal Excrement;
- (iii) Waste generated as a result of construction, demolition or renovation including, but not limited to, soil, sod, plaster, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fiberglass or Styrofoam), asbestos, and urea formaldehyde as well as hot ashes or other Waste capable of starting fires;
- (iv) Household Hazardous Waste;
- (v) Pathological Waste;
- (vi) Bio-medical Waste;
- (vii) automotive parts, including tires
- (viii) grass clippings; or
- (ix) Waste which has not been drained of all liquids.

8.3 The City shall not collect any Waste that is not Set Out as prescribed by this By-law.

8.4 The City shall not collect Residential Waste from properties adjacent to private, unassumed roads unless authorized by the Director, Public Works Services.

9.0 SCAVENGING

No Person other than the City, its employees or Contractors while collecting for the City, the Region, the Owner or Person that Set Out the Waste, or other Persons authorized by law to do so, shall scavenge, pick over, sort through, collect, interfere with, disturb or remove any Waste Set Out for collection, whether contained in receptacles or otherwise.

10.0 WASTE COLLECTION

General

10.1 No Person shall Set Out or cause or permit the Setting Out of Residential Waste in a receptacle except as permitted by this By-law.

10.2 No Person shall Set Out or cause or permit the Setting Out of Waste in:

- (i) paint cans;
- (ii) containers which are smaller at the top than at the bottom;
- (ii) irregular shaped containers;
- (iv) containers having a lid which is attached to the container, except for the Proper Receptacle used for the Green Bin Program;
- (v) cardboard boxes, except for use in the Blue Box Program;
- (vi) containers of a type which has not been approved by the Director, Public Works Services;

10.3 No Person shall Set Out or cause or permit the Setting Out of Waste which is:

- (i) emitting a foul or offensive odour;

- (ii) harbouring rats or other vermin; or
 - (iii) packed in such a manner that Waste falls out or protrudes from it.
- 10.4 No Person shall Set Out or cause or permit the Setting Out of Waste in such a manner that it may be blown from its receptacle by the wind.

Residual Waste

- 10.5 No Person shall Set Out or cause or permit the Setting Out of Residual Waste unless it is contained within a Residual Waste Bag.
- 10.6 Subject to subsection 10.7, no Person shall Set Out or cause or permit the Setting Out of more than four (4) Residual Waste Bags per Dwelling Unit per scheduled collection.
- 10.7 A Person may Set Out Residual Waste Bags in excess of the limit prescribed by subsection 10.6 provided that each excess Residual Waste Bag has been affixed with a Bag Tag.
- 10.8 Notwithstanding Subsection 8.2, every Person shall only Set Out or cause or permit the Setting Out of Animal Excrement where:
- (i) it is placed in a separate, sealed, leak-proof bag that is then placed inside a Residual Waste Bag; and
 - (ii) the Animal Excrement represents no more than the lesser of 10% of the contents of the Residual Waste Bag, or 10 litres in volume.
- 10.9 No Person shall Set Out or cause or permit the Setting Out of Home Health Care Waste unless it is double-bagged in two Residual Waste Bags.
- 10.10 No Person shall Set Out or cause or permit the Setting Out of Wood Waste, except where the Wood Waste is Set Out as a Wood Waste Unit.

Yard Waste

- 10.11 No Person shall Set Out or cause or permit the Setting Out of Yard Waste unless it is in a Yard Waste Receptacle.
- 10.12 No Person shall Set Out or cause or permit the Setting Out of a Yard Waste Receptacle containing anything other than Yard Waste.
- 10.13 Notwithstanding anything in this By-law, a Person shall only Set Out tree and shrub limbs where such limbs are no more than 10 centimetres (4 inches) in diameter and 1.2 metres (4 feet) in length, and are securely tied into compact bundles or parcels no more than 20 kilograms (44 pounds) in weight.
- 10.14 Notwithstanding anything in this By-law, a Person shall only Set Out a Christmas tree during the week in January designated by the Director, Public Works Services, provided the tree is less than 1.8 metres (6 feet) in length, and free of all decorations, plastic wrap and stands.

Green Bin

- 10.15 No Person shall Set Out or cause or permit the Setting Out of a Green Bin containing anything other than Organic Materials.
- 10.16 No Person shall Set Out or cause or permit the Setting Out of Organic Material other than within a Biodegradable Compostable Bag placed within a Green Bin.
- 10.17 No Person shall Set Out or cause or permit the Setting Out of a Green Bin weighing in excess of 20 kilograms (44 pounds).

White Goods/Bulky Items

- 10.18 Every Person may Set Out Bulky Items or White Goods without complying with subsection 10.19 provided such Waste is securely tied into compact bundles or parcels measuring not more than 76 centimetres (30 inches) in length and 36 centimetres (14 inches) in width and height and not exceeding 20 kilograms (44 pounds) in weight.
- 10.19 Notwithstanding anything in this By-law, but subject to subsection 11.3, a Person residing in a Dwelling Unit, including Persons resident in a Multi-residential Complex, may Set Out, subject to a fee as determined by City Council, any combination of the following, provided the Person has scheduled and confirmed a collection date with the City:
- (i) White Goods, provided all doors have been removed, all liquids have been drained, and the items are not heavier than 70 kilograms (154 pounds) each or more than 1.8 metres (6 feet) in length each; and
 - (ii) Bulky Items, provided the items are not heavier than 45 kilograms (100 pounds) each or more than 1.8 metres (6 feet) in length each.

Set Out Location

- 10.20 No Person shall Set Out Residential Waste, or cause or permit Residential Waste to be Set Out, in a location except as prescribed by this By-law.
- 10.21 Every Person shall Set Out Residential Waste as close as possible to the traveled portion of the Highway directly in front of the Owner's Private Property
- 10.22 No Person shall Set Out or cause or permit the Setting Out of Residential Waste that obstructs the traveled portion of the Highway or a sidewalk.
- 10.23 No Person shall Set Out Waste unless that Person is the Owner of the Property from which that Waste originates, unless with the Owners consent.
- 10.24 Waste Set Out shall be deemed to have been Set Out by the Owner of the Property directly in front of the location where the Waste is located unless proven to the contrary on a balance of probabilities, the onus of which proof lies on the Owner.

Collection Times

- 10.25 No Person shall Set Out or cause or permit the Setting Out of Residential Waste before 6:00 p.m. on the day immediately preceding the scheduled collection day or after 7:00 a.m. on the scheduled collection day.
- 10.26 No Person shall permit any receptacles or uncollected Waste to remain at the Set Out location after 8:00 p.m. on the scheduled collection day.

Level of Service

- 10.27 The levels and standards of services to be provided under this By-law shall be as setout in Schedules "A", "B" and "C" to this By-law, which Schedules form an integral part of this By-law. Any Owner requiring a higher level of service than provided by the City shall have the entire service provided, privately, at their own expense.
- 10.28 Waste collection under this By-law shall be provided on the day or days designated by Council.
- 10.29 Except by order of the Director, Public Works Services or otherwise as permitted by this By-law, no Waste shall be collected by entry of a collection vehicle onto

private property. Such an order shall not be issued unless it is deemed feasible and economical for the City to do so and all the requirements of this By-law and the City's policies and procedures have been met.

11.0 WASTE COLLECTION – MULTI-RESIDENTIAL COMPLEX

- 11.1 For the purposes of Section 11 “Waste Collection – Multi-Residential Complex” only, the term “owner” shall not include the term “occupier” but shall only refer to the legal owner as shown in the records of the Land Registry Office, or Land Titles Division, as the case may be, for the Regional Municipality of Durham.
- 11.2 Waste collection from a Multi-residential Complex located on private property shall only be provided for those properties approved by the Director, Public Works Services.
- 11.3 Notwithstanding subsection 10.19, Persons residing in a Multi-residential Complex shall only Set Out Bulky Items and White Goods where the Owner of the Multi-residential Complex has arranged a coordinated multi-resident collection date with the City's Public Works Services Branch.

Set Out Location

- 11.4 The Director, Public Works Services may designate a location for the Set Out of Waste at a Multi-residential Complex.
- 11.5 Where the Director, Public Works Services has designated a location for the Set Out of Waste on the Multi-residential Complex no Person shall Set Out or cause or permit the Setting Out of Waste at a location other than the location designated by the Director, Public Works Services.
- 11.6 No Person shall Set Out Waste at a Multi-residential Complex designated Set Out location unless that Person is an Owner of the Multi-Residential Complex Private Property.
- 11.8 Waste Set Out at a Multi-residential Complex shall be deemed to have been Set Out by the Owner of the Multi-Residential Complex unless proven to the contrary on a balance of probabilities, the onus of which proof lies on the Owner.
- 11.9 The Director, Public Works Services may determine the method of Waste collection at a Multi-residential Complex. The Director, Public Works Services shall advise the Multi-residential Complex Owner, as indicated on the most recent revised tax assessment roll, of the method of waste collection.

Special Collection Fees – Multi-residential Complex

- 11.10 Notwithstanding anything to the contrary in the General Fees and Charges By-law, the Director, Public Works Services is hereby delegated the discretionary authority to waive or reduce the established fee for the special collection of Bulk Waste from a Multi-residential Complex, from time to time.
- 11.11 The Director, Public Works Services shall, from time to time, establish written guidelines respecting the exercise of the delegated discretionary authority provided for within this Section 11 and the Director, Public Works Services or his permitted sub-delegates shall have regard to these guidelines when exercising this delegated discretionary authority.

Collection Times

- 11.12 Every Multi-residential Complex Owner shall ensure that enclosures for Bulk Containers are unlocked no later than 7:00 a.m. on the scheduled collection day. Failure to unlock the enclosure shall result in no collection on that scheduled collection day.

11.13 No Multi-residential Complex Owner shall cause or permit enclosures for Bulk Containers to be unlocked and unattended on a day which is not a scheduled collection day.

12.0 INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL WASTE

12.1 No Person shall Set Out or cause or permit the Setting Out of Industrial, Commercial or Institutional Waste unless said Persons have in place a pre-existing agreement with the City for Waste collection.

13.0 ENFORCEMENT

Work Order

13.1 Where an Owner has failed to comply with any provision of this By-law, an Officer may make a work order requiring the Owner to do work to correct the contravention.

13.2 A work order issued under this By-law shall set out:

- (i) reasonable particulars of the contravention adequate to identify the contravention; and
- (ii) the work to be done and the date by which the work must be done.

13.3 A work order issued under this By-law shall be served on the Owner against whom it is made in one of the following manners and, where service is made in accordance with the following, it shall be effective whether or not the Owner has actually received the work Order and whether or not the work Order has come to the attention of the Owner:

- (i) personal service on the Owner of a copy of the work order;
- (ii) sending a copy of the work order by regular letter mail or registered mail addressed to the Owner at the municipal address of the Property where the contravention is alleged to have occurred, in which case service shall be deemed to have been effected on the third (3rd) day after the copy is sent; or
- (iii) posting a copy of the work order on the door of any building or structure on the property or, where no building or structure exists, on a stake erected by the Officer on the Property where the contravention is alleged to have occurred, in which case service shall be deemed to have been effective at the moment of posting.

13.4 Every Owner who fails to comply with a work order is guilty of an offence.

Remedial Action

13.5 Where an Owner fails to comply with a work order within the time provided for therein, the Director, Public Works Services may, without notice to any Owner, cause the work to be done at each Owner's expense. Without limitation, the Director, Public Works Services may retain such Persons to assist in completing the work as the Director, Public Works Services determines appropriate.

13.6 Each Owner is jointly and severally liable to the City for all costs incurred in any way related to work done under Section 13 including, without limitation, interest calculated at the same rate as applied to unpaid Municipal taxes for the period commencing on the day that a cost was incurred by the City and ending on the day that all costs, including the interest, are paid in full.

- 13.7 The costs and interest may be added to the tax roll and collected in the same manner as property taxes.

Offence

- 13.8 Each Person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to the penalties as prescribed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
- 13.9 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and, upon conviction, is liable to the penalties as prescribed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

Administrative Penalties

- 13.10 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Section 13, be liable to pay to the City an administrative penalty in the amount of \$250.
- 13.11 An Officer who finds that a Person has contravened any provision of this By-law may issue a penalty notice addressed to the Person.
- 13.12 The penalty notice shall be given to the Person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- (a) Particulars of the contravention;
 - (b) The amount of the administrative penalty;
 - (c) Information respecting the process by which the Person may exercise the Person's right to request a review of the administrative penalty; and
 - (d) A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the Person to the City.
- 13.13 Any penalty notice pursuant to this By-law may be given in writing in any of the following ways and is effective:
- (a) on the date on which a copy is delivered to the Person to whom it is addressed;
 - (b) on the fifth day after a copy is sent by registered mail to the Person's last known address;
 - (c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
 - (d) upon the sending of a copy by e-mail transmission to the Person's last known e-mail address.
- 13.14 No Officer may accept payment of an administrative penalty.

Hearings

- 13.15 A Person who receives a penalty notice may request a review of the administrative penalty by the Hearings Officer in accordance with this subsection 13.15.
- (a) The Person's right to request a review of an administrative penalty expires on the 10th day after the penalty notice is given to the Person.

- (b) The Person's right to request that the Hearings Officer extend the time to request a review of an administrative penalty expires on the 20th day after the penalty notice is given to the Person, at which time the administrative penalty shall be deemed to be affirmed.
- (c) The Person shall be given 7 days notice of the date, time and place of the hearing of a review request under subsection 13.15(a) or an extension request under subsection 13.15(b).
- (d) The Hearings Officer shall not make a determination with respect to a review request under subsection 13.15(a) or an extension request under subsection 13.15(b) unless the Hearings Officer has given each of the Person, the Director of Municipal Law Enforcement & Licensing Services and the officer who issued the penalty notice an opportunity to be heard.
- (e) The Hearings Officer may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
- (f) The Hearings Officer may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearings Officer is satisfied that doing so would maintain the general intent and purpose of the Waste Collection By-law and that:
 - (i) there is reason to doubt that the Person contravened the Waste Collection By-law;
 - (ii) the Person took all reasonable steps to prevent the contravention; or that
 - (iii) the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
- (g) The decision of a Hearings Officer is final and not subject to review including review by any Court.

13.16 The Director of Municipal Law Enforcement & Licensing Services may at any time cancel, reduce or extend the time for payment of an administrative penalty, including any late payment fee imposed pursuant to the General Fees and Charges By-law.

13.17 An administrative penalty that is deemed to be affirmed pursuant to subsection 13.15(b) or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to subsection 13.15(f) constitutes a debt to the City of each Person to whom or to which the penalty notice was given.

13.18 Where a Person has paid an administrative penalty that is then cancelled or reduced pursuant to subsection 13.15(f), the City shall refund the amount cancelled or reduced.

13.19 Where an administrative penalty is paid within 15 days after the date that it becomes due and payable, no Person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.

13.20 Where a Person makes a review request under subsection 13.15(a) or an extension request under subsection 13.15(b) and fails to appear at the time and place scheduled for a hearing of the request, the Person shall pay to the City an administrative fee as from time to time prescribed by the General Fees and Charges By-law.

13.21 Where an administrative penalty is not paid within 15 days after the date that it becomes due and payable, each Person to whom the penalty notice was given shall pay to the City a late payment administrative fee as from time to time prescribed by the General Fees and Charges By-law.

14.0 EXERCISE OF DELEGATED AUTHORITY

- 14.1 Subject to subsection 14.3, the powers and authorities delegated to and conferred upon the Director, Public Works Services, the Director of Municipal Law Enforcement & Licensing Services and the Hearings Officer by this By-law shall be exercised solely and exclusively by the Director, Public Works Services, the Director of Municipal Law Enforcement & Licensing Services and the Hearings Officer, as the case may be, respectively.
- 14.2 The powers and authorities delegated to and conferred upon the Director, Public Works Services, the Director of Municipal Law Enforcement & Licensing Services and the Hearings Officer by this By-law are considered, in the opinion of Council, to be of a minor nature, having had due regard to the limited number of people within the municipality who may be impacted by a power or authority exercised under this By-law and the limited geographic area which may be affected.
- 14.3 The powers and authorities delegated to and conferred upon the Director, Public Works Services and the Director of Municipal Law Enforcement & Licensing Services by this By-law may be further delegated by the Director, Public Works Services and the Director of Municipal Law Enforcement & Licensing Services, as the case may be, respectively to any officer or employee of the Corporation of the City of Oshawa, provided such further delegation has been made in writing and for the time period expressly set-out in such written delegation.

15.0 EFFECTIVE DATE

- 15.1 This By-law is in effect on the date of its passing.

16.0 REPEAL

- 16.1 By-law 60-79, as amended, is repealed.

By-law passed this fifteenth day of October, 2008.

2008 10 16

SCHEDULE "A" TO BY-LAW 113-2008

Service Levels - Residual Waste

TYPE OF ESTABLISHMENT	RECEPTACLE TYPE	RECEPTACLE LOCATION	MAXIMUM FREQUENCY OF COLLECTION	REMARKS
Single family dwelling, duplex dwelling, semi-detached dwelling, apartment flat, street townhouse, apartment building or townhouse complex with less than 9 dwelling units	Maximum of 4 bags per dwelling unit	Aligned along the street curb or edge of pavement	One every other week	
Church, educational building, clubhouse, public assembly hall, and other establishments not otherwise provided for	Maximum of 8 bags per institution	Aligned along the street curb or edge of pavement	One per week	
Clubhouse, public assembly hall, hospital, medical clinic and/or pharmacy when part of a commercial complex	Bulk containers as prescribed by the Director, Public Works Services	On private property	One per week	See note 1
Multi-Residential building with 9 or more dwelling units and includes the residential component of a commercial complex	Bulk containers as prescribed by the Director, Public Works Services	On private property	Two per week	See notes 1 and 3
Commercial establishment/ complex receiving City service up to and including May 28, 1979	Maximum of 16 bags OR Maximum of three 1 ½ cubic yard standard bulk containers or equivalent container capacity	Aligned along the street curb or edge of pavement OR On private property	Two per week	See notes 1 and 2
Commercial establishment/complex fronting on streets shown in Schedule "C" to this By-law	Maximum of 16 bags	Aligned along the street curb or edge of pavement	Three per week	See note 2
Commercial establishment, commercial complex, or commercial component of a commercial complex requesting City service after May 28, 1979	Maximum of 16 bags OR Maximum one (1) 2, 3 or 4 cubic yard bulk container	Aligned along the street curb or edge of pavement OR On private property	One per week	See notes 1, 2 and 3

Note 1 Reference should be made to the Department of Public Works Services Design Standards

Note 2 Should a commercial establishment or complex require a higher level of service than provided by the City as noted in this Schedule the commercial establishment or complex shall be fully responsible for the collection of all its Waste. However, in cases where 1 ½ cubic yard bulk containers were used on May 28, 1979, the City may provide additional service to the Owner of such commercial establishments and complexes for a fee to be determined by City Council.

Note 3 In determining the level of service for a commercial complex with 9 or more dwelling units, the residential and commercial components can only be considered separately where waste from both components is stored and Set Out separately. If the waste from both components cannot be stored and controlled separately, then the level of service pertaining to a commercial establishment shall apply to the entire complex.

SCHEDULE “B” TO BY-LAW 113-2008

The following multi-residential complexes, which contain 9 or more dwelling units, shall receive the levels of service which are presently being provided by the City and, therefore, shall be exempt from the provisions as set out in Schedule “A” to this By-law on the condition that the owner upgrades, where practical, and maintains the existing waste collection facilities in accordance with this By-law to the satisfaction of the Director, Public Works Services.

ADDRESS	ADDRESS
323 Gibb St.	85 Bloor St. W
333 Gibb St.	291 Adelaide Ave. W.
448 Malaga Rd.	309 Adelaide Ave. W.
440 Malaga Rd.	319 Adelaide Ave. W.
432 Malaga Rd.	329 Adelaide Ave. W.
424 Malaga Rd.	276 Saguenay Ave.
416 Malaga Rd.	286 Saguenay Ave.
658 Simcoe St. N.	296 Saguenay Ave.
1265 Pentland St.	305 Saguenay Ave.
1266 Pentland St.	315 Saguenay Ave.
191 Nonquon Rd.	316 Saguenay Ave.
140 Nonquon Rd.	325 Saguenay Ave.
119 Nonquon Rd.	335 Saguenay Ave.
1221 Simcoe St. N.	200 Park Rd. N.
330 Gibb St.	208 Park Rd. N.
291 Marland Ave.	351 Elgin Ct.
835 Oxford St.	650 Simcoes St. N
885 Oxford St.	291 Simcoe St. S
290 Mary St.	281 Simcoe St. S
300 Mary St.	290 Montrave Ave.
50 Adelaide Ave.	300 Montrave Ave.
110 Park Rd. N.	308 Montrave Ave.
124 Park Rd. N.	280 Montrave Ave.
922 Glen St.	303 Montrave Ave
55 William St. E	326 Saguenay Ave.
9 Quebec St.	50 Richmond St. E.
321 Elgin St. W	676 Dnipro Blvd.
24 Lasalle Ct.	308 Malaga Rd.
41 Russett Ave.	

