

## **Progressive Enforcement and Compliance Method**

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## **Report Summary**

This report provides information regarding the current progressive enforcement and compliance system for solid waste infractions and measures taken to handle properties with reoccurring solid waste infractions.

## **Relationship to the Strategic Plan / Health Impact Assessment**

This report refers to operational matters.

## **Financial Implications**

Costs associated with the enforcement and compliance system referred to in this report are within the existing operating budget.

## **Purpose**

This report provides a follow-up to the report on “Collection of Large Furniture and Appliances” presented to the Operation’s Committee on July 9, 2018 whereby Staff were directed to develop a progressive enforcement system to deal with waste management issues (OP2018-20). The report provides details on the current enforcement and compliance methods and recommends an additional measure to handle properties with recurring infractions of the waste management by-law.

## **Background**

The Environmental Services Division is responsible for the delivery of roadside waste collection services in accordance with the Waste Management By-law 2006-280 and its amendments. Issues related to waste placed at the roadside are handled by the division’s staff. The Field Officer position was created to conduct proactive field inspections, respond to complaint driven problems and resolve issues through education and enforcement activities.

### Current Roadside Residential Service Level

Residential properties that are eligible for roadside collection are currently permitted:

- Two (2) approved bags / containers / bundles per residential unit, every other week;
- Unlimited weekly quantities of Blue Box recyclables and Green Cart organics;
- Unlimited quantities of leaf and yard trimmings every other week; and
- Unlimited quantities of eligible large furniture, appliance and electronic items from low density residential properties (6 units or less). Residents are encouraged to request a pick-up using Greater Sudbury's Waste Wise App, the on-line Waste Wise tool or by calling 311.

### Current Enforcement and Compliance Method

Enforcement for items placed out too early, incorrectly or for items not eligible for collection is typically complaint driven, where complaints are received through the Active Citizen Request (ACR) system. Other enforcement activities result from proactive measures such as routine field inspections and review of collector notes.

The current enforcement and compliance method takes into account all the relevant factors relating to the property and the situation in order to ensure the most effective approach is taken in each instance, both for remedying the problem and discouraging repeat offences. This includes property history, the nature of the waste at the roadside and whether there is potential for the problem to worsen if not dealt with quickly. The steps taken to ensure compliance range from education, to requesting compliance verbally or the issuance of a formal written notice.

Depending on the issue, staff will provide literature and/or letters to advise the resident why a service or part of a service was not completed. If the issue is more serious in nature, the Field Officer will attend the subject property to investigate. The Field Officer will document issues at the property with notes and photos. While on site, the Field Officer will attempt to speak to the resident to inform them of the infraction and work towards voluntary compliance to rectify the concern. Where voluntary compliance cannot be attained, the Field Officer may issue an Order to Clean (Remove).

The Field Officer will follow the steps below to educate residents and property owners, and ensure compliance with solid waste collection requirements:

#### Step One - Education and Voluntary Compliance

The Field Officer will attempt to resolve a problem by making contact with the property owner or tenants in person, by phone, by email or by making use of various educational materials. The goal of this process is to obtain voluntary compliance in a positive and timely manner.

When the Field Officer attends a property and is unable to make in person contact with the property owner or tenant, a door hanger (refer to Appendix A) is left at the property. The door hanger will indicate that a staff member has attended the residence to speak with them, the time that they attended, the nature of the problem and what action must be taken to resolve the issue. The Field Officer also attaches their business card to the door hanger so they may be contacted to further discuss the matter. To ensure compliance, a re-inspection of the property typically occurs within a few days.

#### Step Two – Enforcement and Compliance

In the event of non-compliance, the Field Officer will issue a formal written notice referred to as an Order to Clean. The Order is a letter that is hand delivered to local property owners, sent by registered mail to out-of-town property owners or posted in a conspicuous place on the property. The letter outlines the requirement for the removal of item(s) by a specified date and time, which in most cases provides a minimum of 24 hours, to remove the waste. In the event of non-compliance by the specified date and time, the waste is removed at the property owner's expense.

The property owner is also advised that reoccurrences of solid waste infractions may be subject to an officer

re-inspection fee, the clean-up of waste without prior notice and the suspension of waste collection services.

### Step Three - Progressive Enforcement

Upon continued infractions or where the roadside waste poses a particular health or safety concern, the requirement to provide an owner with 24 hours to complete the clean-up is rescinded. This allows Staff to perform a clean-up on the same day thereby further reducing the amount of time waste is at the roadside. At this point, an officer re-inspection fee, set by the User Fee By-Law, is included in the waste removal costs billed back to the property owner.

The property file is reviewed to determine whether waste collection services should be suspended due to continued infractions.

### Step Four - Suspension

When a property continues to contravene the Solid Waste by-law, despite enforcement efforts, a notice of suspension of waste collection services is issued to the property owner. Upon suspension of roadside collection services, the property owner is responsible for arranging the removal of waste from the property at the owner's expense.

Property owners may submit a written request to reinstate roadside waste collection services that have been suspended. This request must include a proposal outlining the steps that the property owner has and will continue to take to mitigate issues and manage the property without further recurrence of infractions. Reinstatement requests are handled on a case-to-case basis. Staff will consider the property owner's proposal and provide suggestions to assist them to develop a plan that can be implemented to resolve the specific problems encountered at the property. Once the proposal has been accepted, an agreement is provided to the property owner for signature prior to reinstating the roadside collection services.

Any infraction after reinstatement may result in immediate re-suspension without further notice.

## Analysis

The current enforcement and compliance system has yielded positive success in terms of voluntary compliance from residents. The issue resides with properties that have reoccurring infractions, most of which are rental or multi-unit properties. These properties strain resources and frustrate neighboring property owners.

Enforcement and Compliance Data – 2019 and 2020

The data in Table 1 has been compiled based on the daily work completed by the Field Officer in 2019 and

2020.

*Table 1 2019 and 2020 Field Officer Inspections, Orders and Suspensions*

	2019		2020	
	Number	Percent	Number	Percent
<b>Total Number of Field Inspections Conducted</b>	2653	100%	3318	100%
Number of Field Inspections Resolved through Voluntary Compliance/Education	2484	94%	3188	96%
Number of Field Inspections where Orders were issued	169	6%	130	4%
Number of Order non-compliances where the property was cleaned at the owners expense	55	33%	31	24%
Number of Orders with non-compliance at rental properties where the property owner did not live at the property	29	53%	29	94%
Number of Orders with non-compliance at a multi-unit property	30	55%	25	81%
Number of suspensions due to continued infractions	5	100%	4	100%
Number of suspensions with no infractions after suspension	2	40%	1	25%
Number of suspensions where waste services were reinstated and there were no pursuant infractions	2	40%	2	50%
Number of suspensions where waste services were reinstated and there were pursuant infractions – suspension was reissued	1	20%	1	25%

The current enforcement and compliance system could be enhanced by requiring problematic properties to install and use an ‘Approved Animal Resistant Waste Storage Container’ (refer to Appendix B) to receive roadside collection services. This requirement will be included in Step Four (Suspension) of the enforcement and compliance process and could be required prior to suspension or incorporated into a reinstatement agreement.

Approved animal resistant waste storage containers may be purchased and installed for use at any property eligible to receive roadside waste collection services. In January 2021, Environmental Services implemented the animal resistant waste storage container rent-to-own and subsidy support programs to assist property owners to defer the upfront costs of purchasing the storage container.

If properly used, the storage container would store waste securely until collection day. This would minimize unsightly and torn garbage bags, reduce litter and alleviate health concerns.

### Large Furniture and Appliances

Residents in low density residential properties (6 residential units or less) receive unlimited roadside collection of large furniture, appliances and electronics.

For many years, residents who wished to have a large furniture, appliance or electronic item collected were required to place the items at the roadside on their regularly scheduled collection day. Some large furniture items may be collected on the regular collection day along with the garbage bags. Other large furniture items and recyclable appliances and electronics are noted and collected by a separate collection vehicle.

With this system, frequently, items are placed to the roadside outside of collection day. This results in the items staying at the roadside for up to two weeks before collection is completed. For this reason, steps to gradually

transition residents from a collection day roadside placement program to a pick-up request program are already underway. As part of this transition strategy, advertisements focus exclusively on the pick-up request program and residents are no longer encouraged to place large furniture, appliances and electronics out on their regular collection day.

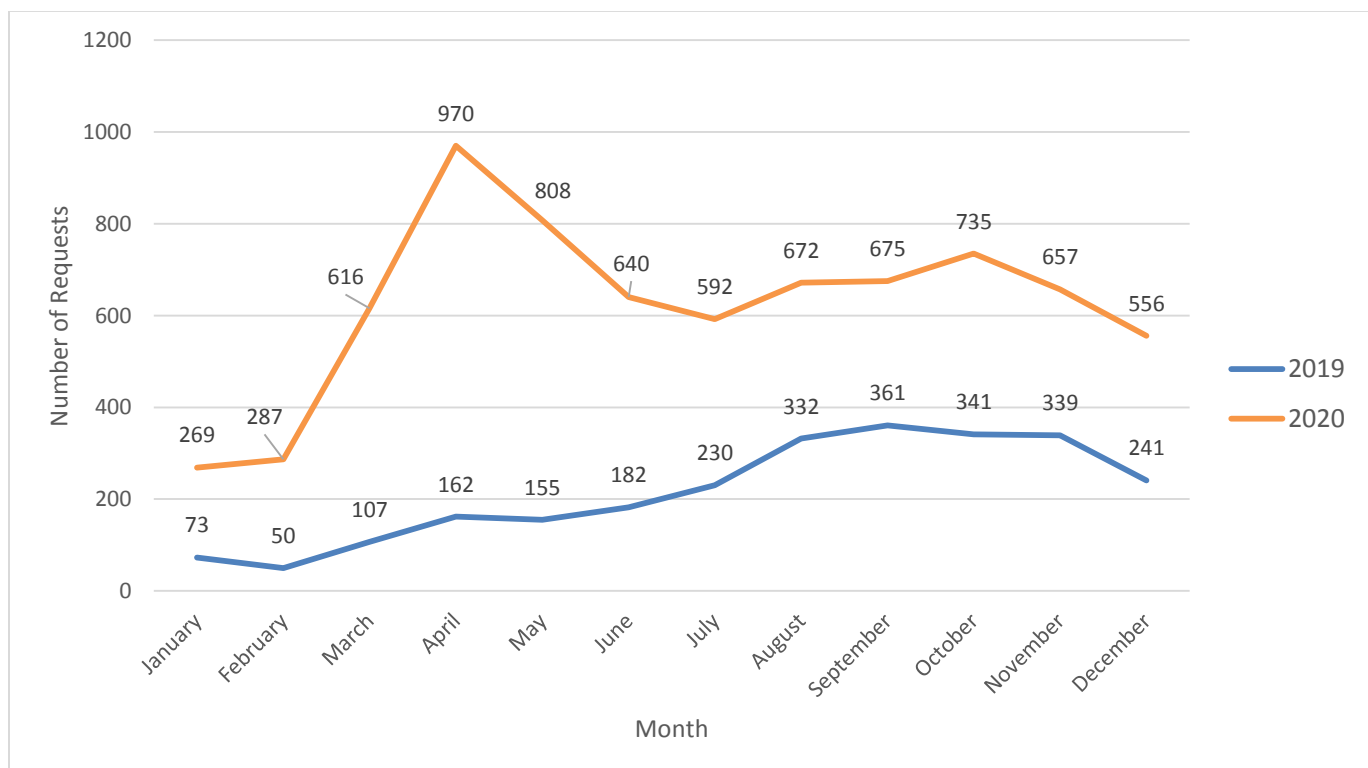
#### Pick-up requests:

- promote reuse and encourage donation of large items;
- only allow requests for an eligible item;
- only allow properties eligible for collection to enter a request;
- provide specific collection instructions (how and where to place the items);
- create a record of the request; and
- enable the City to easily transition the handling of large items once the Minister of the Environment, Conservations and Parks designates additional material under a producer responsibility system.

Staff recognize that change takes time to achieve. Therefore, the existing roadside placement collection system for large furniture, appliances and electronics is being maintained in the existing waste collection tender. In addition, the waste collection contractor is required to manage and collect items that come through the pick-up request system.

Large furniture, appliances and electronics placed roadside for an extended period can pose a problem. To address this problem, the service level for the collection of these items was enhanced to provide collection within 2 business days of receiving the request or noting the item at the roadside on the regularly scheduled collection day. This enhancement was implemented in February of 2021. It is expected that the enhanced service level will assist in removing these items in a more timely manner. Staff also expect to see improvements as residents continue to transition to making pick-up requests via the Waste Wise app, Waste Wise online tool or by calling 311. The pick-up request service has been available since November 2018 and since that time, new promotional material focus solely on the use of the pick-up request system to have these items collected. The increase in app usage to make a pick-up requests is detailed in Figure 1.

*Figure 1 Number of Large Furniture, Appliance and Electronics Pick-Up Requests Made through the Waste Wise app Each Month in 2019 and 2020*



The use of the pick-up request system has continued to increase over the course of the past two full years of

use. In 2019, a total of 2,573 Large Furniture, Appliance and Electronics pick-up requests were made, while 7,477 requests were made in 2020. Staff expect that residents will become accustomed to using the pick-up request system and that usage will continue to increase as this system becomes the norm for the collection of large furniture, appliances and electronics.

## **Conclusion / Next Steps**

The current enforcement and compliance system for solid waste infractions operates successfully based on an extensive education & outreach program. Enhancements to the large furniture, appliances and electronics program have been implemented. The problem lies with a small number of properties, especially rental and multi-unit properties. The existing enforcement and compliance system is being enhanced by adding an additional measure that may require problematic properties to install and use an Approved Animal Resistant Waste Storage Container.

## **Resources Cited**

City of Greater Sudbury, Operations Committee, Manager's Report, Collection of Large Furniture & Appliances – Item R-1, July 9, 2018

Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1257&itemid=14336&lang=en>

City of Greater Sudbury, Operations Committee, Manager's Report, Waste Collection Services – Additional Support Programs – Item R-1, March 2, 2020

Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1484&itemid=18133&lang=en>

City of Greater Sudbury, Operations Committee, Manager's Report, Waste Collection Services – Large Furniture, Appliances and Electronics – Item R-2, March 2, 2020

Accessed online:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1484&itemid=18134&lang=en>