

# INFORMATION SHEET: PROPOSED UPDATES AND AMENDMENTS TO THE SOLID WASTE MANAGEMENT GUIDELINES AND PROPERTY MAINTENANCE BY-LAWS FOR SANDY HILL

## Issue:

Over the last year or so, there has been an increase in calls for service for waste and property maintenance related issues in Sandy Hill. With an increasing number of multi-unit multi-bedroom dwellings being built, the excessive amount of stored and accumulated waste and debris has become a concern for residents, including but not limited to the location of waste receptacles, and the abundance and quality of bins. While By-Law and Regulatory Services can provide Notices of Violation (NOVs) to properties in violation of the existing Property Maintenance and Waste Management Guidelines, they are met with limitations of an assigned time for service, and compliance periods, which frequently see a resolution as a result of the next waste collection day rather than modified behaviour, as intended.

## 1. Property Maintenance

**Background:** NOVs are used to provide notice to owner/occupant that a property is not maintained in compliance with the by-law requirements; it provides a time period for owner/occupant to rectify any non-compliance. Failure to resolve a violation may lead to a charge.

City can complete work if non-compliance is not rectified and charge costs back to owner.

## Potential Change/Amendment:

- Process issue - adding to the existing notification process by posting the NOV on site of non-compliant property (e.g. on front door) to give notice to the occupant(s) and the owner of the contravention of the by-law and the requirement for work to remediate (contains specifics of contravention, work required to remediate, time frame in which to finish work and contact information for BLRS)
  - Note: Posting of NOV on site would be in addition to providing NOV by registered mail or personal service
  
- Potential By-law amendment - to deem receipt of NOV by recipient 3 days after mailing by registered mail
  - Time for service of NOV incorporated into overall timeframe in which owner/occupant must remedy the non-compliance; specifying that time for service is 3 days may allow shortening

## 2. Offences

**Background:** Property maintenance obligations in the by-law are either specific to the owner or the occupant (e.g. removal of refuse or debris from property), or alternatively are silent as to application and therefore apply to the appropriate person in the circumstances such as the owner, occupant or person committing offence (e.g. keeping yard free of objects or conditions that create a health or accident hazard, or the obligation to keep outdoor receptacles inside or rear yard).

### **Potential Change/Amendment:**

- Potential by-law amendment – to explicitly make owner and/or occupant responsible for certain offences under by-law:
  - Removal of dead or diseased tree or limb – amend to specify that this is a responsibility of owner
  - Yard kept free of objects or conditions creating health or accident hazard – amend to specify that this is a responsibility of owner or occupant
  - Outdoor receptacles to be located in rear yard or side yard, not in front yard – amend to specify that this is a responsibility of owner or occupant
  - Outdoor furniture to be in clean, neat and tidy condition, and to be in good repair – amend to specify that this is a responsibility of owner or occupant.

## 3. Waste Management Guidelines

**Background:** The existing Solid Waste Management Guidelines indicate that City collects waste for residential dwellings and multi-unit residential buildings (6 units or more) by curbside or multi-unit residential containerized pick up. Rooming houses and other corporations must schedule private collection services.

### **Potential Change/Amendment:**

- Process issue- four unit, multi-bedroom units (colloquially “Bunker Houses”) being built in Sandy Hill are producing excessive amounts of waste for collection and create logistical storage issues.
- Potential Amendment -
  - Amend Solid Waste Guidelines definition to include “Bunker Houses”- multi-unit multi-bedroom (ex. more than 4) dwellings; similar to the requirements of a Rooming House.

- Within Sandy Hill, all waste/recycling receptacles (garbage, blue and black) would be required to be located in the rear yard, when space can accommodate it, or otherwise in a side yard, but shall not be located in a front yard
- Identify a maximum number of waste receptacles stored on a property beyond which would require a large commercial or in-situ container
- As mentioned in the Property Standards By-law, every receptacle shall be an acceptable container that is provided with a tight fitting cover and is free of damage
- With respect to new buildings, the City would not pick up garbage from buildings beyond a set number of bedrooms, in Sandy Hill. (To be determined but could be for buildings with more than 6 bedrooms)
- Within Sandy Hill, where there are six or more bedrooms in one dwelling, or in a multi-residential, where the units have 4 or more bedrooms, waste/recycling would be required to be stored indoors for future planning approvals

Note: This discussion paper is intended to provide a structured dialogue to address community and City issues that current regulations have demonstrated to omit. This paper is an initial step in the consultation process and not as a staff or Councillor's report.

### **Next Steps:**

Please provide your feedback on these proposed changes by responding to the online survey at <https://www.surveymonkey.com/r/FBDPPQN> before February 15th or by providing your comments to Emeline Sparks.

Councillor Fleury's office will finalize a report to Committee and Council, outlining recommendations to update the Waste Guidelines and Property Maintenance By-Laws for Sandy Hill, specifically. The report is expected to go forward to Community and Protective Services Committee, Environment Committee and Council in March 2017.

### **Questions:**

Questions or concerns on this subject may be directed to [Emeline.Sparks@ottawa.ca](mailto:Emeline.Sparks@ottawa.ca) or 613-580-2424, ext 28881

**ISSUES FOR DISCUSSION**

**PROPERTY MAINTENANCE BY-LAW – By-law No. 2005-208, as amended**

<b>ISSUE</b>	<b>RELEVANT SECTION OF BY-LAW</b>	<b>BY-LAW AMENDMENT POSSIBLE?</b>	<b>DISCUSSION</b>
Shortening <b>compliance time prescribed in Notice of Violation (NOV)</b>	s. 6 – Notice of violation	Not Recommended	<ul style="list-style-type: none"> <li>• Compliance time depends on facts of each case &amp; scope of work, among other factors.</li> <li>• Compliance time at discretion of officer.</li> <li>• To be addressed by internal policy/process; not prescribed by by-law.</li> </ul>
<b>Time for deemed service of NOV</b>	Section 6 – NOV to be served by registered mail or in person to owner. Time for service not prescribed in By-law.	Yes	<ul style="list-style-type: none"> <li>• Potential amendment to By-law to deem service of NOV effected 3 days after mailing (similar to Graffiti By-law)</li> </ul>
Serving <b>Provincial Offence Notice</b> (ticket) by posting on site	Not addressed in by-law	NO	<ul style="list-style-type: none"> <li>• <i>Provincial Offences Act</i> requires serving of provincial offence notice in person or by registered mail</li> </ul>
Making property <b>owner</b> responsible for certain property maintenance obligations	Some sections of By-law already cite obligation of both owner or occupant (e.g. removing refuse and debris from land; clearing land of heavy undergrowth, long grass	Yes	<ul style="list-style-type: none"> <li>• Potential amendment to By-law to make both owner and occupier responsible for certain maintenance obligations</li> <li>• CAUTION: May be difficult to</li> </ul>

	<p>or weeds.)</p> <p>Some obligations silent as to responsibility – applicable to whomever committed offence.</p> <p>Consideration of amending by-law to make owner or occupant responsible for certain obligations, such as:</p> <p>s.3(3) – removal of dead or diseased trees  s. 3(4) – keeping yard free of objects or conditions creating health hazard  s. 3A (1) – outdoor receptacles to be kept in rear or side yard (not front yard)  s. 3B (1) – outdoor furniture</p>		<p>enforce property maintenance obligations against owner without first providing notice of violations to owner (administrative fairness)</p> <ul style="list-style-type: none"> <li>• Difficult to charge particular occupant in multi-unit building; must know identity of offender.</li> </ul>
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