

March 31, 2009

The Hon. John Gerretsen
Minister of the Environment
12th Floor
135 St. Clair Ave West
Toronto ON M4V 1P5

Dear Minister Gerretsen:

Re: Review of the *Waste Diversion Act*, EBR Registry Number 010-4676

On behalf of the Federation of Rental-housing Providers of Ontario (FRPO), I am pleased to submit our input on the Ministry of the Environment's review of the *Waste Diversion Act*. This submission also follows FRPO's participation at the Ministry's public consultation in Toronto on December 9, 2008.

FRPO is the province's leading advocate for quality rental housing. As a non-profit industry association, we represent over 800 members who supply or manage over 250,000 rental housing suites across Ontario.

Many of our members are on the forefront of reducing the impact of residential waste generation. Already, rental housing landlords and tenants are leaders in this area, with multi-family housing typically generating over 60% less total waste per household compared to single-family housing.

Other measures can further enhance waste management efforts in the rental housing sector, such as extended producer responsibility, greater public education and awareness, and legislative changes to permit landlords greater capabilities to encourage and enforce recycling policies. Overall, there must be greater recognition of the need for blue box and recycling programs to provide equitable resources and service levels to multi-residential tenants as they are provided to occupants of single-family housing.

Thank you for consideration of our input. For more information, or to discuss any of our recommendations in more detail, I can be reached at mchopowick@frpo.org or 416-385-1100 ext 21.

Sincerely,



Mike Chopowick
Manager of Policy

Improving Rental Housing Waste Diversion

**A Submission to the
Ontario Ministry of the Environment
Waste Diversion Act Review**



March 31, 2009

Rental Housing Waste Diversion

Executive Summary

Moving towards a zero waste society in the years ahead will play a key role in helping Ontario build a greener economy. All residents, businesses and institutions must be part of the solution, and embrace actions from reducing the volume of items entering the waste stream, to enhancing opportunities for the reuse and recycling of waste.

Ontario's rental housing sector is already a leader on many environmental fronts, including waste management. Compared to single family homes, landlords and tenants in multi-family housing generate over 60% less total waste per household.

We recognize that more can be done to improve waste diversion and reduce the total amount of waste. Given the appropriate tools and subject to practical waste collection policies that put them on a level playing field with owner-occupied homes, Ontario's rental housing providers look forward to participating in innovative solutions that will help the province meet its waste management objectives.

In summary, our recommendations are as follows:

- 1. Recognize the rental housing sector as a leader in waste reduction, and set waste reduction targets based on volume.** If the provincial government's objective is to reduce the volume of waste being deposited in landfills, then it should set volume-based reduction targets and recognize and commend landlords and tenants for already being leaders in reducing the amount of waste generated.
- 2. Focus on extended producer responsibility.** The Ministry of the Environment must adopt and enforce policies that reduce the quantity of materials entering the waste stream in the first place and enhance the ability of materials to be recycled or re-used.
- 3. Expand public education and awareness activities to promote 3Rs among tenants.** The provincial government and municipalities can play a key role in a comprehensive province-wide campaign to raise education and awareness, and offer advice on reducing waste and improving diversion.

4. **Amend residential tenancies legislation to allow landlords the choice to close garbage chutes, without any requirement for rent abatements.** In the interests of providing landlords with every possible tool necessary to improving waste diversion, the provincial legislation should be amended to permit landlords to close or otherwise restrict use of garbage chutes without facing risk of financial penalties for doing so.

5. **Require tenants to participate in recycling programs.** The provincial government should allow residential tenancy agreements to include a clause for mandatory participation in recycling programs, with appropriate levies being imposable on a tenant's monthly rent until they comply with recycling requirements.

6. **Require municipalities to ensure diversion programs provide equitable service to rental housing tenants as well as homeowners.** The same tools, equipment, information resources and enforcement mechanisms should be provided and applied to multi-unit residents, as they are to single-family homeowners.

The Problem

As the provincial government and municipalities strive to meet ambitious waste diversion targets across Ontario, the multi-residential housing sector risks getting left behind due to policies and programs that fail to recognize the unique challenges to waste diversion within multi-unit housing complexes.

Some of these key challenges include:

- Unrealistic timeframes for multi-unit rental housing waste diversion. The mere prospect of changing waste management practices within a dwelling complex containing, in many cases, hundreds of unique households requires longer implementation deadlines compared to targets imposed on single-family households.
- Inappropriate targets for waste diversion. Ontario's multi-family rental housing sector is already a leader in reducing the amount of waste generated on a per household basis. Tenants generate less than half the volume of total waste on a per household basis compared to households in single family homes, yet more attention is wrongly focused on percentage diversion rates.
- Differences in tenant behaviour and lifestyle, compared to single family dwelling households, results in different waste disposal and recycling practices. The communal aspect of rental living results in tenants being more detached from the waste disposal and recycling separation process, which is usually undertaken by building management staff. This results in the implications of improper waste disposal methods being less visible to tenants.
- Many apartment buildings, built decades ago, are not structurally equipped for meeting today's waste diversion targets. Many buildings lack the physical room for recycling storage, while the prevalence of garbage chutes can sometimes discourage recycling.
- Lack of tools and education provided to both tenants and landlords. Unlike households in single family homes, tenants are generally not provided with appropriate storage containers and bins for recyclable or compostable materials. Many municipalities also fail to provide landlords with necessary common-area recycling bins and containers.

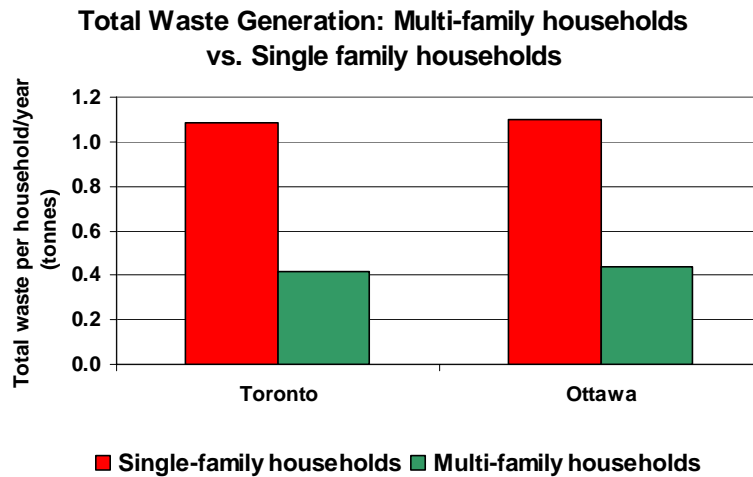
The Province's Role

The Ontario government has a key role to play in achieving better waste diversion rates in the rental housing sector. Through its review of the *Waste Diversion Act*, there is an opportunity to ensure municipal recycling programs are tailored to meet the needs of multi-residential housing. Reducing waste at the pre-consumer stage will play a key role in helping all households reduce garbage. Specific changes to residential tenancies legislation can also help landlords take more responsibility for improving waste diversion.

The provincial government must address the following:

1. Recognize the rental housing sector as a leader in waste reduction, and set waste reduction targets based on volume

The total amount of waste generated by tenants is less than half of that generated by single-family households, based on a volume per household measure. In Ontario's two largest cities, Toronto and Ottawa, this level of waste reduction is even exceeded, as multi-residential units generate about 40% of the total waste generated by households in single family homes (see chart below).



Source: City of Toronto, Multi Unit Residential Waste Management Initiative Update 2007; City of Ottawa, Integrated Waste Management Plan, 2003

The low-waste footprint of multi-residential housing is overlooked by inappropriate percentage waste diversion targets being imposed on the rental housing sector. If the provincial government's objective to reduce the volume of waste being deposited in landfills, then it should utilize volume based targets and recognize and commend landlords and tenants for being leaders in reducing the amount of waste generated. Applying a percentage target for waste diversion is much less meaningful, especially considering the high cost of diversion and recycling for municipalities¹. The policy objective of both the Ministry of the Environment and municipalities should be to reduce the total amount of waste generated, not to simply divert large amounts of materials into costly diversion and recycling streams.

Imposing an unrealistic and inappropriate percentage-based waste diversion target on multi-family rental housing not only wrongly casts a negative perception on landlords

¹ In Toronto, the cost of garbage collection (2004) is \$67 per tonne, compared to \$155 per tonne for recycling/diversion (Toronto MPMP Results Summary, 2004), while in Ottawa the cost of garbage collection (2003) is \$51 per tonne, compared to \$131 per tonne for recycling/diversion (City of Ottawa, Integrated Waste Management Plan, 2003).

and their tenants, it fails to recognize some of the beneficial features of rental living that result in a low-waste footprint.

FRPO recommends that the provincial government recognize the low amount of waste generated from multi-family households and adjust waste diversion targets to volume based measures rather than less meaningful percentage targets.

2. Extended Producer Responsibility

Landlords and property managers are directly involved in managing and ensuring separation of waste and recyclables in apartment buildings. Professionals in Ontario's rental housing industry know first-hand that far too many materials, both recyclable and non-recyclable, find their way into the waste stream.

The Ministry of the Environment should strongly consider a focus on extended producer responsibility policies that reduce the quantity of materials entering the waste stream and enhance the ability of materials to be recycled or re-used. Industries that produce and market products, materials and packages to consumers must play an extended role in reducing residential waste generation.

3. Expanding public education and awareness activities to promote reduce, re-use and recycle practices

Educating residents is a critical part of the process for reducing generation of waste. Unlike for households in single family homes, many municipalities do not directly distribute educational materials and information to tenants. As a result, tenants generally have a lower level of awareness of waste diversion objectives, the types of materials that are recyclable and how to increase reuse of certain materials. The percentage waste diversion rates for multi-unit housing are consequently lower, and often the waste stream within apartment buildings becomes contaminated with materials that are incorrectly deposited.

The provincial government can play a key role in a comprehensive province-wide campaign to raise education and awareness, and offer advice on reducing waste and improving diversion. More focused information campaigns are also needed at the local level to ensure new Canadians, lower income groups and households with special needs are provided with the information necessary to helping Ontario reduce waste generation. FRPO and other housing provider organizations can offer significant assistance in ensuring informational resources are distributed to landlords and their tenants.

4. Optional closing of garbage chutes

Many buildings, built before recycling became standard practice, are equipped with garbage chutes. In many cases these chutes discourage recycling by tenants, and result in the disposal of recyclable and non-recyclable materials alike into the same storage

container or site. The presence of garbage chutes also causes additional concerns related to the presence of vermin and pests in buildings.

Landlords who believe that closing the garbage chute will encourage and motivate tenants to separate wastes from recyclables, and deposit separated materials into appropriate common-area containers, should have the option of closing their garbage chutes. Residential tenancies legislation, however, discourages this action by putting landlords at risk of cost-prohibitive rent abatements or reductions for withdrawing a “service”. In the interests of providing landlords with every possible tool necessary to improving waste diversion, the *Residential Tenancies Act* should be amended to permit landlords to close or otherwise restrict use of garbage chutes without facing risk of financial penalties in the form of rent abatements or reductions.

To eliminate any concerns over a perceived loss of service, it should be noted that in Vancouver, B.C., only 12% of multi-unit buildings have garbage chutes, and many apartment buildings in Ontario already do not have garbage chutes, all with no negative impact or concerns for tenants living in those buildings.

FRPO recommends that the provincial government amend residential tenancies legislation, or provide an over-riding clause in the *Waste Diversion Act*, to allow landlords the choice to close garbage chutes, without any requirement for rent abatements.

5. Require tenants to participate in recycling programs

Under the Ontario’s *Waste Diversion Act*, landlords are already required to implement waste diversion programs and ensure recyclable materials are separated from other waste. The lack of a requirement for tenants to participate in any such programs significantly reduces the effectiveness of the landlord’s efforts. To fix this problem, landlords should be able to require tenants to be involved in waste diversion efforts and prohibit tenants from improperly disposing of recyclables.

FRPO recommends that the provincial government allow residential tenancy agreements to include a clause for mandatory participation in recycling programs, with appropriate levies being imposable on a tenant’s monthly rent until they comply with recycling requirements.

6. Municipal waste and recycling programs

Since it is municipalities who directly deliver waste and recycling collection programs, the province’s review of the *Waste Diversion Act* presents an opportunity to direct municipalities how to tailor their programs to help improve waste reduction in apartment buildings. Too often, a municipality’s role in delivering residential waste diversion programs ends with the single-family home, disregarding the one-third of Ontarians who live in rental housing.

FRPO recommends that the provincial government:

- Establish a consistent, defined list of responsibilities for all municipalities, landlords and tenants that clarify their roles in improving waste diversion.
- Require municipalities to provide the same levels of service and tools to multi-residential properties as single family residential properties. This includes providing each multi-residential tenant with in-suite bins or to bags for recycling and composting, in addition to information and education resources.
- Require municipalities to apply the same enforcement mechanisms to all residents, such as fines and penalties for contravening waste by-laws.
- Require municipalities to provide longer transitional periods before imposing new fees and collection policies on multi-family residential properties. A longer transitional period is necessary to ensure tenant information and education campaigns are effectively implemented and necessary tools and equipment to facilitate recycling are provided to landlords.
- Require municipalities to provide an appeal mechanism for waste collection fees imposed on landlords, in addition to greater access to information that provides transparent details on how waste fees are determined based on waste and recycling volumes.



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