
TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 February 08

FROM: GENERAL MANAGER PLANNING AND
DEVELOPMENT

SUBJECT: CONSTRUCTION AND DEMOLITION WASTE DIVERSION BYLAW

PURPOSE: To implement proposed Burnaby Construction and Demolition Waste Diversion Bylaw and related amendments to the *Bylaw Notice Enforcement Bylaw* and the *Planning and Building Fees Bylaw*.

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to bring forward the Burnaby Construction and Demolition Waste Diversion Bylaw, substantially in the form set out in Attachment #1 of the report.
2. **THAT** Council authorize the City Solicitor to bring forward amendments to the *Burnaby Planning and Building Fees Bylaw* to implement a waste diversion permit application fee and deposits as outlined in Section 5 of the report.
3. **THAT** Council authorize the City Solicitor to bring forward amendments to the *Burnaby Bylaw Notice Enforcement Bylaw* to implement enforcement authorities and penalties for violations of the proposed Burnaby Construction and Demolition Waste Diversion Bylaw, as outlined in Section 6 of the report.
4. **THAT** a copy of the report be forwarded to the Burnaby Environment Committee for information.

REPORT

1.0 INTRODUCTION

Council, at its Open meeting held on 2021 August 30, received and adopted the Construction and Demolition Waste Diversion Implementation Plan and authorized the City Solicitor to prepare a bylaw that will require the diversion of construction and demolition waste for all demolition permits issued by the City.

The purpose of this report is to present and seek Council approval of the proposed Burnaby Construction and Demolition Waste Diversion Bylaw, and related amendments to the *Burnaby Planning and Building Fees Bylaw* and the *Burnaby Bylaw Notice Enforcement Bylaw*.

2.0 POLICY SECTION

This report aligns with the following goals under the City's Corporate Strategic Plan.

Goal

- A Healthy Community
 - Healthy environment – Enhance our environmental health, resilience and sustainability
- A Dynamic Community
 - Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries

3.0 BACKGROUND

In 2020, the City of Burnaby adopted a Climate Action Framework that outlines targeted big moves and quick-start actions that would reduce the City's community and corporate emissions to achieve targets set out in the City's 2019 declaration of Climate Emergency. Under Big Move 6: Zero Emission Buildings, Quick Start Action 4 directs the City to advance a construction and demolition policy to divert construction and demolition waste from disposal.

The implementation of a Burnaby Construction and Demolition Waste Diversion Bylaw supports the City's regional greenhouse gas (GHG) emission reduction targets under Metro Vancouver's Climate 2050 Strategic Plan, and demonstrates Climate Leadership under the City's Climate Action Framework Big Move 1, Quick Start Actions 3 and 4, working with partners, advocating action by others and expanding climate awareness.

To maintain regional consistency, and to align with Metro Vancouver's regional Integrated Solid Waste Resource Management Plan (ISWRMP), it is proposed that Burnaby's Construction and Demolition Waste Diversion Bylaw require all demolition permit types issued by the City to meet a minimum 70 per cent diversion target for construction and demolition materials.

4.0 PROPOSED CONSTRUCTION AND DEMOLITION WASTE DIVERSION BYLAW

The proposed Burnaby Construction and Demolition Waste Diversion Bylaw (see Attachment #1) would impose regulatory requirements on all demolition permits issued by the City in respect to waste diversion; require payment of a non-refundable waste diversion application fee and a refundable Waste Diversion Deposit. It would also determine the refund rate for the required Waste Diversion Deposit.

The key elements of the Bylaw are as follows:

4.1 Phased Implementation

In order to provide sufficient time for the development community to adapt to the requirements and adjust their practices, it is proposed that the requirements of the proposed Burnaby Construction and Demolition Bylaw be implemented in two stages, as follows:

- for demolition of multi-family dwellings and non-residential buildings (i.e. commercial, industrial, institutional, etc.), including related accessory buildings, effective **2022 August 1**; and
- for demolition of single-family and two-family dwellings, including related accessory buildings, effective **2023 January 1**.

4.2 Waste Diversion Requirements

Under the proposed Bylaw, at the time of submitting an application for a Building Permit for demolition work, the owner or agent of the owner will be required to:

- submit an application to the City for approval of a Waste Diversion Plan; and
- not commence demolition work without the City's approval of a Waste Diversion Plan.

Following approval of the Waste Diversion Plan, the owner or agent is required to remove and deposit all recyclable materials from the demolition work to a recycling facility or in accordance with the Waste Diversion Plan. All waste (i.e. non-recyclable materials) is to be disposed in accordance with the Waste Diversion Plan.

4.3 Records and Reporting

The proposed Bylaw will require that owners or agents:

- provide, within ninety (90) days after completion of the demolition work, a Waste Diversion Compliance Report and copies of records to the City; and
- maintain records (such as payment receipts, weigh bills, photographs etc) relating to the removal, handling, management and disposal of recyclable materials and waste from demolition work for two (2) years from the date of submission of the Waste Diversion Compliance Report.

4.4 Application Fee and Deposits

As part of the submission of an application for a Waste Diversion Plan, it is proposed that an application fee and waste diversion deposits be implemented by way of the *Burnaby Planning and Building Fee Bylaw* (see Section 5.0).

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As outlined in the implementation plan approved by Council at its 2021 August 30 meeting, the amounts of the fee and deposits are as follows:

- a \$250 non-refundable Demolition Waste Permit application fee; and
- a refundable Waste Diversion Deposit of \$5,000 for demolition of single-family and two-family dwellings, and \$10,000 for demolition of multi-family dwellings and non-residential buildings.

Upon completion of the demolition work, issuance of a demolition completion certificate, and compliance with the submission of a Waste Diversion Compliance Report, the owners or agent for the owners may apply for a refund of all or portion of the Waste Diversion Deposit. To remain consistent with similar municipal construction and demolition diversion programs within the region, a diversion target of 70% is recommended. The deposit is refundable based on recycling performance in relation to this 70% target. If 70% or more of materials are diverted and recycled, the full Waste Diversion Deposit will be refunded. The amount of refund is reduced proportionately, as follows, if waste diversion is less than 70%:

$$(\text{Level of Compliance (i.e. diversion rate)} \div 70) \times (\text{Deposit}) = \text{Refund}$$

4.5 Offences and Penalties

In addition to the application fee and Waste Diversion Deposits, it is proposed that violation notice penalties be implemented by way of the *Burnaby Bylaw Notice Enforcement Bylaw* (see Section 6.0). The maximum penalty would be \$500.

For particularly egregious violations, the City can pursue a prosecution under the *Offence Act* and where there is a conviction, the proposal is to establish a minimum fine of \$5,000 and a maximum fine of \$50,000.

5.0 AMENDMENTS TO PLANNING AND BUILDING FEE BYLAW

In order to implement the new Demolition Waste Permit Fee and the Waste Diversion Deposits under the proposed Burnaby Construction and Demolition Waste Diversion Bylaw, it is necessary to amend the *Burnaby Planning and Building Fees Bylaw*.

The following fee, deposits and refund amounts are proposed to be added under a new Schedule F-1 in the *Burnaby Planning and Building Fees Bylaw*.

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**Schedule F-1 – Demolition Waste Diversion Fee and Deposits
 Burnaby Construction and Demolition Waste Diversion Bylaw**

SCHEDULE OF DEMOLITION WASTE DIVERSION FEE AND DEPOSITS		
Section 6.1(a)	Demolition Waste Permit Application Fee (non-refundable)	\$250.00
Section 6.1(b)	Waste Diversion Deposits (refundable)	
	Single-family and two-family dwellings and related accessory buildings	\$5,000
	Multi-family dwellings and non-residential buildings and related accessory buildings	\$10,000
Section 6.2	Refund of Waste Diversion Deposit	
	70% or greater diversion	Less than 70% diversion
	Full Deposit Refund	$(\text{Level of Compliance (i.e. diversion rate)} \div 70) \times (\text{Deposit}) = \text{Refund}$

6.0 AMENDMENTS TO BYLAW NOTICE ENFORCEMENT BYLAW

In order to authorize the issuance of bylaw violation notices and penalties for contraventions of the proposed Burnaby Construction and Demolition Waste Diversion Bylaw, it is necessary to amend the *Burnaby Bylaw Notice Enforcement Bylaw* to set out such violations and penalties, and to set out new screening and enforcement officers.

6.1 Amendments to Screening Officers and Enforcement Officers

It is proposed that Section 8 and 10 of the *Burnaby Bylaw Notice Enforcement Bylaw* be amended to establish the following persons as Screening Officers and Bylaw Enforcement Officers, in order to enforce violations of the proposed Burnaby Construction and Demolition Waste Diversion Bylaw.

The following persons are required as Screening Officers under Section 8:

- General Manager Planning and Development
- Deputy General Manager Planning and Development
- Director Community Planning
- Manager Climate Action and Energy; and
- Climate Action and Energy Officers.

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The following persons are required as Bylaw Enforcement Officers under Section 10:

- General Manager Planning and Development
- Deputy General Manager Planning and Development
- Director Community Planning
- Chief Building Inspector
- Deputy Chief Building Inspector
- Manager Climate Action and Energy; and
- Climate Action and Energy Officers.

6.2 Violations and Penalties

The following violations and penalties are proposed to be added to Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw*.

Burnaby Construction and Demolition Waste Diversion Bylaw 2022				
Section	Offence	Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
4.1	Failure to submit a Waste Diversion Plan	\$500	\$400	YES
4.2	Commencing demolition work without an approved Waste Diversion Plan	\$500	\$400	NO
4.3	Failure to remove recyclable materials from demolition work to a recycling facility or in accordance with Waste Diversion Plan	\$500	\$400	NO
4.4	Failure to remove waste from demolition work to a disposal facility	\$500	\$400	NO
5.1	Failure to maintain records from demolition work	\$500	\$400	YES
5.2	Failure to submit a compliance report or records	\$500	\$400	YES
5.3	Submission of a compliance report containing false or inaccurate information	\$500	\$400	NO

7.0 OUTREACH AND COMMUNICATION

As noted in Section 4.1, it is proposed that upon adoption of the new Construction and Demolition Waste Diversion Bylaw, staff will launch a communication plan that includes digital and print resources, such as advance notification bulletins, brochures and locations of regional recycling facilities.

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8.0 RECOMMENDATIONS

In order to meet the City's Climate Action Framework for the advancement of a construction and demolition policy, and to support regional greenhouse gas emission targets set out in Metro Vancouver's Climate Action 2050 Strategic Plan, it is recommended that Council authorize the City Solicitor to bring forward the Burnaby Construction and Demolition Waste Diversion Bylaw substantially in the form set out in Attachment #1 of this report.

It is further recommended that the *Burnaby Planning and Building Fees Bylaw* be amended to implement the waste diversion permit application fee and deposits, and the *Burnaby Bylaw Notice Enforcement Bylaw* be amended to impose bylaw enforcement powers and penalties for violations of the proposed Burnaby Construction and Demolition Waste Diversion Bylaw.

Furthermore, it is recommended that a copy of this report be forwarded to the Environment Committee once it is approved by Council.



E. W. Kozak, General Manager
PLANNING AND DEVELOPMENT

EL: TT: /aab

Attachment (under separate cover): Proposed Burnaby Construction and Demolition Waste Diversion Bylaw

Copied: Deputy Chief Administrative Officer and Chief Financial Officer
General Manager Community Safety
General Manager Engineering
Chief Building Inspector
City Solicitor
City Clerk

CITY OF BURNABY

BYLAW NO. XXXXX

A bylaw to regulate diversion
of construction and demolition waste

The Council of the City of Burnaby ENACTS as follows:

PART 1: CITATION

- 1.1 This Bylaw may be cited as **BURNABY CONSTRUCTION AND DEMOLITION WASTE DIVERSION BYLAW 2022.**

PART 2: DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:

“ accessory building ”	means (1) a building , the use or intended use of which is ancillary to that of a principal building situated on the same lot, or (2) a building which is ancillary to a principal use being made of a lot upon which such building is located
“ agent ”	has the meaning set out in the Building Bylaw
“ building ”	has the meaning set out in the Building Bylaw , and for certainty, includes an accessory building or structure
“ Building Bylaw ”	means Burnaby Building Bylaw 2016, as amended or replaced from time to time
“ building permit ”	has the meaning set out in the Building Bylaw
“ bylaw ”	means this bylaw, including all schedules attached hereto
“ City ”	means the City of Burnaby
“ completion ”	means the date of issuance of a certificate of completion for the demolition work as determined in accordance with the Building Bylaw
“ compliance report ”	means a report, in form and content established by the General Manager Planning and Development , setting out

and attaching, as applicable:

- (a) type and weight of materials recycled and non-hazardous materials disposed at a **recycling facility** or **disposal facility**;
- (b) name of **recycling facility** or **disposal facility**;
- (c) all receipts, weigh bills and other documentation relating to the recycling or disposal of materials that are the subject of a waste diversion plan required by this bylaw; and
- (d) such other information required by the **City**

“demolition work” means the demolition, deconstruction, or systematic disassembly of a **building** regulated by the **Building Bylaw**

“disposal facility” means a facility that:

- (a) has a valid and subsisting permit, licence, or operational certificate issued by **GVS&DD** for the operation of a disposal facility;
- (b) is approved as a disposal facility under **GVS&DD’s** Integrated Solid Waste and Resource Management Plan, as amended or replaced from time to time; or
- (c) destroys or landfills **waste** in the course of conducting an industry, trade or business

“General Manager Planning and Development” means the head of the **City’s** Planning and Development Department, or designate

“GVS&DD” means the Greater Vancouver Sewerage and Drainage District

“hazardous materials” means any material, product, or substance regulated as a controlled product or hazardous waste under the *Workers Compensation Act* (BC) and *Environmental Management Act* (BC), respectively, that is present on a **site** or is produced, originates or results from **demolition work**

“multi-family” means any **building** consisting of three or more dwelling

dwelling”	units
“non-residential building”	means any building that is not a single family dwelling, two family dwelling or multi-family dwelling
“owner”	has the meaning set out in the Building Bylaw
“recyclable materials”	<p>means a material, substance, or object, other than hazardous materials, that is produced, originates or results from demolition work and is one or more of the following:</p> <ul style="list-style-type: none">(a) organic material and is capable of being composted;(b) managed as a marketable commodity with an established market by the operator of a recycling facility;(c) being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process;(d) being reused by the owner or agent for construction, whether on or off the site; or(e) a material, product or substance identified as a recyclable material in Schedule “A” of this bylaw.
“recycling facility”	<p>means a facility or licensed business, other than a disposal facility or an incinerator facility, that:</p> <ul style="list-style-type: none">(a) has a valid and subsisting permit, licence, or operational certificate issued under the GVS&DD’s Municipal Solid Waste and Recyclable Material Regulatory Bylaw, as amended or replaced from time to time;(b) is required to provide information on quantities of received and transferred material to the GVS&DD under the GVS&DD’s Municipal Solid Waste and Recyclable Material Regulatory Bylaw, as amended or replaced from time to time;(c) is approved as (i) a new organics processing facility; or (ii) a publicly-owned transfer station or landfill, under GVS&DD’s Integrated Solid Waste and Resource Management Plan for purposes other than

disposal;

- (d) is a drop off depot which is owned or operated by a charitable organization registered under the *Income Tax Act* (Canada) or a non-profit organization to which section 149 of the *Income Tax Act* applies;
- (e) is a facility where the owner or operator purchases or otherwise pays valuable consideration for all **recyclable materials** received, cleaned, sorted, baled or packaged at the facility;
- (f) accepts only asphalt and concrete for the purposes of reprocessing, resale and **reuse**; or
- (g) builds products using recycled or **reused** building materials or resells salvaged building materials under a valid business licence.

“reuse”, “reusing” or “reused”	means further or repeated use of building materials
“single family dwelling”	means any building consisting of one dwelling unit
“site”	means any land, building , structure, or improvements where demolition work is or is intended to be performed
“two family dwelling”	means any building divided into two dwelling units
“waste”	means any discarded or abandoned material, substance, or object that is produced, originates, or results from demolition work , excluding recyclable materials
“waste diversion plan”	means a plan, in form and content established by the General Manager Planning and Development , setting out: <ul style="list-style-type: none">(a) type of building being demolished;(b) breakdown of demolition materials by type and estimated weight;(c) whether each type of materials will be recycled, reused, donated or disposed; and

- (d) such other information required by the **City**.

PART 3: GENERAL

- 3.1 This **bylaw** shall apply as follows:
- (a) to **multi-family dwellings** and **non-residential buildings**, including related **accessory buildings**, effective August 1, 2022; and
 - (b) to **single family dwellings** and **two family dwellings**, including related **accessory buildings**, effective January 1, 2023.
- 3.2 No person shall commence or continue, or cause or allow the commencement or continuation of, any **demolition work** except in accordance with this **bylaw**.
- 3.3 Upon application by an **owner** or **agent**, the **General Manager Planning and Development** may exempt **demolition work** from the application of this **bylaw** where such **demolition work** is for the purpose of public health and safety or required to be carried out immediately in the case of emergency.
- 3.4 Nothing in the **bylaw** precludes or relieves a person from complying with any provision of the **Building Bylaw**, other **City** bylaws, or any federal, provincial, or local government laws or regulations that apply to the **demolition work**.
- 3.5 Neither the review nor acceptance of a **waste diversion plan** or **compliance report** constitutes a representation, warranty, assurance or statement by the **City** that the person has complied with the **Building Bylaw**, this **bylaw**, or any other law, regulation or order respecting public health and safety.

PART 4: WASTE DIVERSION

- 4.1 At the time of submitting an application for a **building permit** for **demolition work**, an **owner** or **agent** shall submit an application to the **City** for approval of a **waste diversion plan**.
- 4.2 No person shall commence or continue, or cause or allow the commencement or continuation of any **demolition work** unless the **City** has approved a **waste diversion plan** for the **demolition work**.
- 4.3 An **owner** or **agent** shall remove, or cause to be removed, **recyclable materials** from **demolition work**:
- (a) to a **recycling facility**; or
 - (b) in accordance with a **waste diversion plan** approved by the **City**.

- 4.4 An **owner** or **agent** shall remove, or cause to be removed, **waste** from **demolition work** to a **disposal facility** in accordance with a **waste diversion plan** approved by the **City**.

PART 5: RECORDS AND REPORTING

- 5.1 An **owner** or **agent** shall, for a period of two (2) years from the date of submission of the **compliance report** to the **City**, maintain records relating to the surveying, removal, handling, management, and disposal of **recyclable materials** and **waste** from **demolition work**, in form and content satisfactory to the **General Manager Planning and Development**, including:
- (a) payment receipts, donation receipts, weigh bills, inspection reports, clearance letters, sampling reports, waste transport manifests, and recycling verification letters from mixed load **recycling facilities** detailing the percentage of materials recycled, **reused** or **disposed**;
 - (b) photographs, if applicable, recording the removal of **recyclable materials** in accordance with the **waste diversion plan**; and
 - (c) any other records that the **City** specifies, at the time of application for a **building permit** for the **demolition work**, must be maintained.
- 5.2 Within ninety (90) days after **completion** of the **demolition work**, the **owner** or **agent** shall submit, or cause to be submitted, the following to the **City**:
- (a) **compliance report** completed to the satisfaction of the **City**; and
 - (b) copies of the records required to be maintained pursuant to section 5.1 of this **bylaw**.
- 5.3 No person shall submit to the **City** records or a **compliance report** that contains false or inaccurate information.

PART 6: APPLICATION FEE AND DEPOSIT

- 6.1 When submitting an application to the **City** for approval of a **waste diversion plan**, an **owner** or **agent** shall pay to the **City**:
- (a) a non-refundable application fee; and
 - (b) waste diversion deposit,
- both as set out in the Burnaby Planning and Building Fees Bylaw;

- 6.2 An **owner** or **agent** may apply for a refund of all or a portion of the waste diversion deposit, in the proportion set out in the Burnaby Planning and Building Fees Bylaw, after complying with section 5.2 of this **bylaw**.
- 6.3 In reviewing an application for a refund of all or a portion of a waste diversion deposit, the **City** may request further records or information and audit the records or information submitted to the **City**.

PART 7: OFFENCES AND PENALTIES

- 7.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence and is liable, on summary conviction, to a minimum fine of five thousand dollars (\$5,000) and a maximum fine of fifty thousand dollars (\$50,000.00).
- 7.2 If an offence continues for more than one day, a separate offence occurs on each day or part of a day, and separate fines may be issued for each day or part of a day in respect of which the offence occurs or continues.
- 7.3 A violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in Schedule A of BURNABY BYLAW NOTICE ENFORCEMENT BYLAW, 2009, and be subject to the procedures, restrictions, limits, obligations and rights established in BURNABY BYLAW NOTICE ENFORCEMENT BYLAW, 2009 and the *Local Government Bylaw Notice Enforcement Act*.

PART 8: SEVERABILITY

- 8.1 If a portion of this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2022
Read a second time this	day of	, 2022
Read a third time this	day of	, 2022
Reconsidered and adopted this	day of	, 2022

MAYOR

CLERK

SCHEDULE “A”

RECYCLABLE MATERIALS

1. Appliances
2. Architectural detail elements (decorative trim, finials, railings, etc.)
3. Asphalt
4. Asphalt roofing shingles
5. Bricks, blocks, ceramic tile
6. Cabinetry
7. Cardboard
8. Concrete
9. Doors
10. Drywall
11. Fixtures and hardware (lighting, plumbing, bathtubs, sinks, doorknobs, etc.)
12. Glass
13. Glass windows in frames
14. Green waste (shrubs, trees, sod, etc.)
15. Metal (steel, aluminum, coppers, brass, etc.)
16. Metal – cable and wiring
17. Metal – window frames
18. Paper
19. Plastic – ridged (buckets, pails, etc.)
20. Plastic – soft (wrapping, bags, etc.)
21. Wood – structural (including pallets)
22. Wood – plywood, particle board, OSB, etc.
23. Wood – shingles/siding (shakes, etc.)
24. Wood – flooring