

ITEM 16
MANAGER'S REPORT NO. 46
COUNCIL MEETING 1978 06 19

Re: LETTER FROM MR. MIKE MINICHELLO WHICH APPEARED
ON THE AGENDA FOR THE 1978 JUNE 12 MEETING OF COUNCIL (ITEM 4k)
REFUSE COLLECTION

The following is a report from the Municipal Treasurer concerning the above letter which appeared on the Council agenda of 1978 June 12.

RECOMMENDATION

1. THAT a copy of this report be sent to Mr. Mike Minichiello.

* * * * *

1978 June 15

File: G1

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL TREASURER
RE: LETTER FROM MR. MIKE MINICHELLO
1825 FRANCES STREET, VANCOUVER
RE REFUSE COLLECTION

On the 1978 June 12 Council agenda appeared a letter from Mr. Minichiello. A copy is attached. As each paragraph of his letter is worthy of comment, they have been numbered:

1. Mr. Minichiello feels that as a landlord for commercial premises, he and other property owners are being treated unfairly in being obliged to pay refuse collection fees for tenants who have vacated their premises. Under the Municipal Act, it is his duty to pay for refuse collection and any other service the Municipality provides his property. The Municipality bills tenants for service as a convenience to the property owner.

In accordance with Section 377 of the Municipal Act, the Municipality shall transfer to taxes refuse charges, water and sewer charges, and a host of other charges, if they remain unpaid at December 31 of each year. As a consequence, if charges for the third quarter of the year remain unpaid by December 02, bills go forward to property owners overprinted as follows:

"The rates on this account are in arrears and if unpaid by December 31 in the current year, will be added to and form part of the taxes payable on the land concerned. This copy of the account is mailed to you as owner, for your information."

If the amount is unpaid by December 31, this sum is transferred to the appropriate tax account and becomes taxes in arrears.

Mr. Minichiello has stated, "These fees are added to our tax bills even when former tenants are still residing within Municipal boundaries and paying residential taxes." If this happens, the instances must be isolated ones, for with the co-operation of landlords, we endeavour to make collection from the person responsible for making payment. The point to be stressed is that every unpaid account as at December 31 must be transferred to taxes. It matters not whether the account was incurred by the owner or by a tenant.

2. The B.C. Hydro Authority and the B.C. Telephone Company do not have the right or, for that matter, the means to transfer unpaid accounts to landlords. We cannot agree that an inequity exists in charging refuse collection fees to the landlord because, under the laws of the Province, it is his duty to see that the accounts are paid. As stated, we do everything in our power to collect overdue debts.
3. Mr. Minichiello has suggested that perhaps a more suitable method of handling Municipal refuse collection would be for the Municipality to collect payments for refuse pickup from tenants of commercial premises in advance. I take this to mean that we would accept sums of money on deposit periodically to be applied to service charges as they occur. While such a system would be a positive way of ensuring that payment would be made, it would have to apply to owners as well as tenants and would be cumbersome to operate. Strata corporations in Burnaby do not pay for garbage collection on a monthly fee basis paid in advance. The service is free to them except that some of them rent from the Corporation special container units.

In this and in paragraph 5, the suggestion is made that the Municipal refuse collector could collect payment for refuse as it is being removed from the premises and that the collectors, if they did so, would be more productively employed throughout their shifts, apart from any savings derived from less billing and computer work in the accounts department. On the contrary, causing the collector to receive payments for service would greatly slow down the provision of the pickup service. We abandoned this method of collection for this reason more than 20 years ago.
4. The City of Vancouver bills after the fact, as does Burnaby, except that by arrangement, owners may pay for pickups as they occur. They pay the driver 50¢ a can rather than 45¢, which is the charge when customers receive regular service and are billed for same. Also, in Vancouver, residential owners must pay for cans in excess of two a week, whereas in Burnaby these restrictions do not pertain. Unlike Burnaby and all other municipalities in British Columbia, the City of Vancouver does not have the power to transfer refuse collection charges to the tax rolls.
5. The Corporation does not maintain strict enforcement of the by-law provision relating to the occupier's name and address on refuse receptacles because of the cost of doing so. In any event, we cannot see that stricter enforcement of this rule would have any bearing in the matter.
7. The Engineering Department is unable to confirm Mr. Minichiello's statement that "he has discussed the situation with officials of the Burnaby Disposal Department and they concur with his assessment of the situation but feel that the regulations in the form of By-law No. 6686 prohibit any change of practice." Nor does the Department indeed concur with his remarks.

ITEM	16
MANAGER'S REPORT NO.	46
COUNCIL MEETING	1978 06 19

-3-

To sum up, the by-law makes it the specific duty of every owner or occupier of a dwelling or a commercial or an industrial premises to at least once in every seven days cause to be removed all refuse, landscape refuse and construction and demolition refuse. This means that if the occupier fails to do so, the responsibility rests with the owner.

The Municipal Act makes an owner responsible for the payment of refuse and a host of other charges if they remain unpaid by December 31 in the year in which the charges are due and payable whether or not the charges were incurred by a tenant or by the owner himself.

Mr. Minichiello is to be commended for this thoughtful presentation. It is a pleasure to receive letters of criticism when they are accompanied by thoughtful suggestions for remedy.

RECOMMENDATION

1. THAT Mr. Minichiello receive a copy of this report.

B. D. Minichiello
MUNICIPAL TREASURER

BM:gw
Attach.

cc: Municipal Engineer
Municipal Solicitor

ITEM	16
MANAGER'S REPORT NO.	46
COUNCIL MEETING	1978 06 19

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 June 12

153

1825 Frances Street
Vancouver, 6, B.C.
June 2, 1978

Your Worship the Mayor and Aldermen,
The Corporation of the District of Burnaby,
4949 Canada Way,
Burnaby, B. C.
V5C 1M2

Gentlemen:

Re: Payment for garbage collection, commercial tenants

1. Permit me to bring to your attention an inequity in Municipal Bylaw No. 6686. As a landlord for commercial premises I feel I and many other property owners are being treated unfairly in being obliged to pay garbage collection fees for tenants who have vacated our premises. These fees are added to our tax bills even when former tenants are still residing within municipal boundaries and paying residential taxes.
2. My understanding is that landlords are not responsible for payment of hydro and telephone charges for tenants who have vacated the premises. Would you not agree then, that an inequity exists in charging garbage collection fees to the landlord who in all likelihood is already saddled with an additional burden due to irresponsible tenants? Certainly the municipal government should do everything in its power to collect overdue debts, but the creation of additional debts for responsible tax-paying citizens such as landlords of commercial premises is not a fair method of administration.
3. Perhaps a more suitable method of handling municipal garbage collection would be for the municipality to collect payments for

ITEM	16
MANAGER'S REPORT NO.	46
COUNCIL MEETING	1973 06 19

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 June 12

(Page 2)

garbage pick-up from tenants of commercial premises in advance. Strata corporations presently pay for garbage collection on a monthly fee basis paid in advance. Alternatively the municipal refuse collector could collect payment for refuse as it is being removed from the premises. Private collection agencies seem satisfied with their practice of collecting payments in advance when contracting for garbage collection.

4. It is also my understanding that the City of Vancouver charges tenants directly on a monthly or yearly basis prior to actual garbage collection thereby eliminating any problem of payments in arrears or additional burden on the property owner when charges in arrears are added to his tax bill.
5. Possibly tighter control over the situation might be exercised by strict enforcement of the bylaw provision relating to occupier's name and address on refuse receptacles. Additional economies could be effected by a change to fee collection by the refuse vehicle operators. They would be more productively employed throughout their shifts apart from any savings derived from less billing and computer work in the accounts department.
6. Perhaps this bylaw is an anachronistic and outdated rule which has no relevance in today's situation and could be amended if council were to make an investigation of the matter.
7. I have discussed this situation with officials of the Burnaby Disposal Department and they concur with my assessment of the situation but feel that the regulations in the form of Bylaw No. 2686 prohibit any change of practice.
8. When the bylaw is amended I would appreciate having any tenants garbage collection arrears removed from my tax bill.

ITEM	16
MANAGER'S REPORT NO.	46
COUNCIL MEETING	1978 06 19

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 June 12

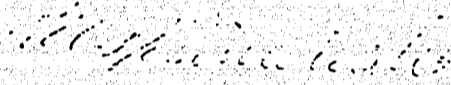
155

(Page 3)

I would be pleased to hear any thoughts members of council may have regarding my proposals and I am available at any time for consultation on what I feel is an important matter long overdue for attention.

Hoping to hear from you in the near future.

I remain
yours very truly,



Mike Minichiello.

Telephone Number

Office 291-0372

Residence 255-4296

COUNCIL AGENDA

