

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

Re: LETTER FROM CONSE-C ENTERPRISES LTD. WHICH APPEARED
ON THE AGENDA FOR THE 1978 JUNE 12 MEETING OF COUNCIL (ITEM 4b)
COLLECTION OF REFUSE

Appearing on last week's agenda was a letter from Mr. J. P. Daem, President of Conse-C Enterprises Ltd. regarding the collection of refuse from strata title developments (see attached). Following is a report from the Municipal Engineer on this matter.

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. J. P. Daem.

* * * * *

78 06 14

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
SUBJECT: LETTER FROM CONSE-C ENTERPRISES LTD. -
CORRESPONDENCE AND PETITIONS REGULAR
COUNCIL MEETING 1978 JUNE 12TH.

Mr. Daem, in his letter, has brought to our attention several matters, all related to container refuse pick-up; we will deal with these matters in the same order as they appear in the letter.

1. Castors on 4 Cubic Yard Containers

Mr. Daem claims that 4 cubic yard containers are sinking into the asphalt pads due to inadequately-sized castors. The castors purchased by the Municipality were highly recommended by the Manufacturer's Engineer and, in addition, staff canvassed the large users both in Canada and the U.S.A. before a final selection was made.

Asphalt is not the ideal material for container pads, although many containers are placed on asphalt with no adverse results. The problem in the case under discussion is most probably caused by an inadequate granular base beneath the asphalt and/or the specific asphalt mix design; also, one container was considerably over-weight with landscape refuse.

When the problem first arose, Mr. Daem, or a member of his Organization, promised our refuse supervisors that the offending pads would be reconstructed using concrete. A temporary but unsatisfactory measure was tried by placing plywood under the castors.

168

(cont'd)

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

169

We can assure Mr. Daem that 99 per cent of the castors used in Western Canada on 3 and 4 cubic yard containers are 6 inches in diameter and that the cause of his problem is certainly not the size of the castors.

2. Refusal by Municipal Crews to Remove Containers Using the Shuttle Vehicle due to Worker's Compensation Board Regulations.

Mr. Daem's statements in paragraph 4 of his letter are confused and misleading. The shuttle vehicle driver was not prevented from moving the containers by Worker's Compensation Board directive. The Worker's Compensation Board directive, which is attached as part of Appendix I, states that the containers must not be moved manually due to the danger of possible injury. The shuttle vehicle will pick up containers from any location where access is possible.

3. Damage to Buildings

Although there are some locations where access is so limited that damage to walls is inevitable, we are in all cases prepared to repair any damage caused by negligence on the part of our crews.

4. Problem Solving Discussions

We have always been prepared in the past and will be prepared in the future, to meet with any strata title owners to discuss any problems. The report from our supervisory staff, which forms part of Appendix I, clearly illustrates that the statement in paragraph 7 with reference to Coronado Drive lacks foundation. We did have a problem in the Edmonds area and the matter has been resolved.

5. Pull Out Charges

Inasmuch as Burnaby's service to strata title properties is "free" and since equitable service was desirable for all strata title properties, a more justifiable approach than pull out charges is the following Engineering Department policy which has been recommended for endorsement by Council:

"It is the customer's responsibility to move the containers to a location either inside or outside the building where they can be conveniently picked up by the container shuttle vehicle or by the container truck."

Conclusion

We would reiterate that we are more than willing at all times to discuss problems with any strata title owners or their representatives.

RECOMMENDATION:

THAT a copy of this report be forwarded to Mr. J.P. Daem.

EEO
MUNICIPAL ENGINEER

EEO/WMR/cc

Att.



WORKERS' COMPENSATION BOARD
OF BRITISH COLUMBIA

Telephone 266-0211
Telex 04-507765

5255 Heather Street,
Vancouver, B.C. V5Z 3L8

FIRM LOC. CLASS IND.

VILLA MONTECITO &
GREENTREE VILLAGE
HOUSING COMPLEXES,
BURNABY.

THE CORPORATION OF THE
DISTRICT OF BURNABY,
MUNICIPAL HALL,
4949, CANADA WAY,
BURNABY, B.C.

INSPECTION REPORT

IR No. 73982

PAGE 1 OF 1

PURSUANT TO THE WORKERS' COMPENSATION ACT THE BOARD DIRECTS THAT ONE COPY OF THIS STATEMENT BE POSTED IN A CONSPICUOUS PLACE AT OR NEAR THE OPERATION INSPECTED.

NATURE OF INDUSTRY GARBAGE COLLECTION

PORTION INSPECTED JOB SITE

DURING INSPECTION OF THESE OPERATIONS THE FOLLOWING INFRACTIONS OF W.C.B. REGULATIONS, OR OTHER HAZARDS, WERE OBSERVED.

WORKERS ARE BEING REQUIRED TO PHYSICALLY MOVE SMALL, WHEELED, GARBAGE CONTAINERS WHICH ARE GENERALLY LOCATED ON BLACKTOPPED AREAS IN TOWNHOUSE OR CONDOMINIUM COMPLEXES. THE WEIGHT OF THESE CONTAINERS, WHEN FULL, CAUSES THEIR WHEELS TO INDENT THE BLACKTOP IN SOME LOCATIONS THUS MAKING MANUAL MOVEMENT DIFFICULT AND EXPOSING WORKERS TRYING TO MOVE THEM TO THE HAZARD OF STRAINS OR OTHER INJURY.

ATTEMPTING TO MOVE THESE CONTAINERS UNDER SUCH CONDITIONS IS A CONTRAVENTION OF A.P. REG. 8.24(a) WHERE SUCH CONDITIONS EXIST, WORKERS SHALL NOT PLACE THEMSELVES IN HAZARD OF INJURY.

FIRM REPRESENTATIVE R.T. Bell POSITION SAFETY SUP^{R.} SIGNATURE R.T. Bell

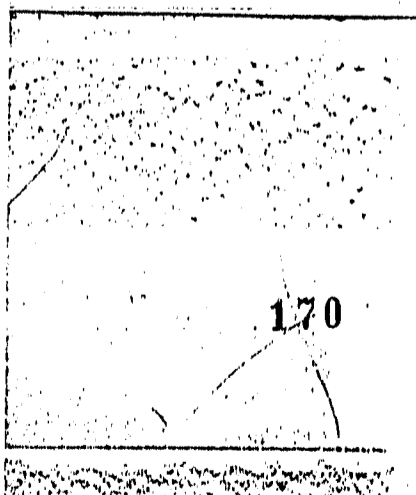
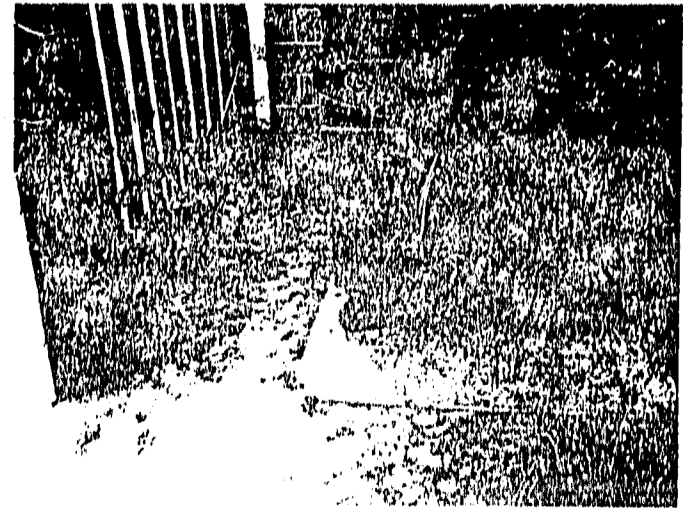
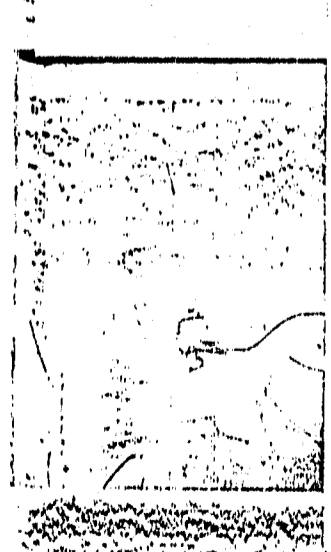
DATE 1 SEPT 1977 WORKERS' COMPENSATION BOARD
PER Brian Henshall
(HENSHALL) INSPECTOR

ADDRESS ALL COMMUNICATIONS TO: INSPECTION SUPERINTENDENT
ACCIDENT PREVENTION DEPARTMENT
WORKERS' COMPENSATION BOARD
5255 HEATHER STREET
VANCOUVER, B.C. V5Z 3L8

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

PLEASE QUOTE YOUR FIRM NUMBER AND INSPECTION REPORT NUMBER ON ALL CORRESPONDENCE.

IMPORTANT
YOU ARE REQUIRED TO CORRECT THE UNSAFE CONDITIONS SPECIFIED ABOVE WITHOUT DELAY AND NOTIFY THE BOARD, WITHIN TWO WEEKS, OF THE CORRECTIVE ACTION TAKEN.
AN EMPLOYER WHO FAILS TO COMPLY WITH REGULATIONS OR ORDERS DEALING WITH SAFETY, HEALTH, PREVENTION, INDUSTRIAL HYGIENE OR FIRST AID IS SUBJECT TO A PENALTY ASSESSMENT, PROSECUTION AND/OR CLOSURE ORDER.



170

APPENDIX I

THE CORPORATION OF THE DISTRICT OF BURNABY

INTER-OFFICE COMMUNICATION

TO: Mac Ross

DEPARTMENT: Engineering

DATE: 1978 06 01

FROM: Joe Hoffman

DEPARTMENT: Engineering

OUR FILE #

SUBJECT: "LETTER FROM CONSE-C ENTERPRISES MAY 25, 1978"

YOUR FILE # 171

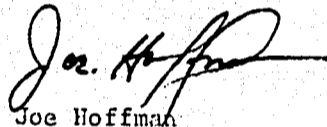
In answer to the question referred to in the letter from J.P. Daem: YES Mr Johnson & I did have a meeting with Mr. Daem about the problems at Montecito, Mr. Zen was also present. Mr. Zen was to be contacted if we had any problems at the condominiums. At that time they led us to believe they were going to put plywood floors under the containers. Plywood was laid under most of the containers immediately but at Coronado they failed to do anything. Over the past year it has become increasingly difficult to move this container because the holes in the blacktop have become deeper and deeper.

I phoned Mr. Zen and left a message he please call us about this problem. Mr. Johnson called 2 or 3 times over a period of a week and a half trying to contact Mr. Zen. For the following 2 weeks Stan & I went out to Coronado to help pull the container out for dumping as it was impossible for the regular crew to move it alone.

After this incident it was decided to leave the container full until Mr. Zen saw fit to return our call - after not being dumped for almost 2 weeks Mr. Zen returned our calls and made arrangements to have several men at the site to help pull out the full container so we could dump it.

Regarding the other problems mentioned in his letter, if he has experienced such problems, I find it difficult to understand why he has made no attempt to contact us to discuss these problems.

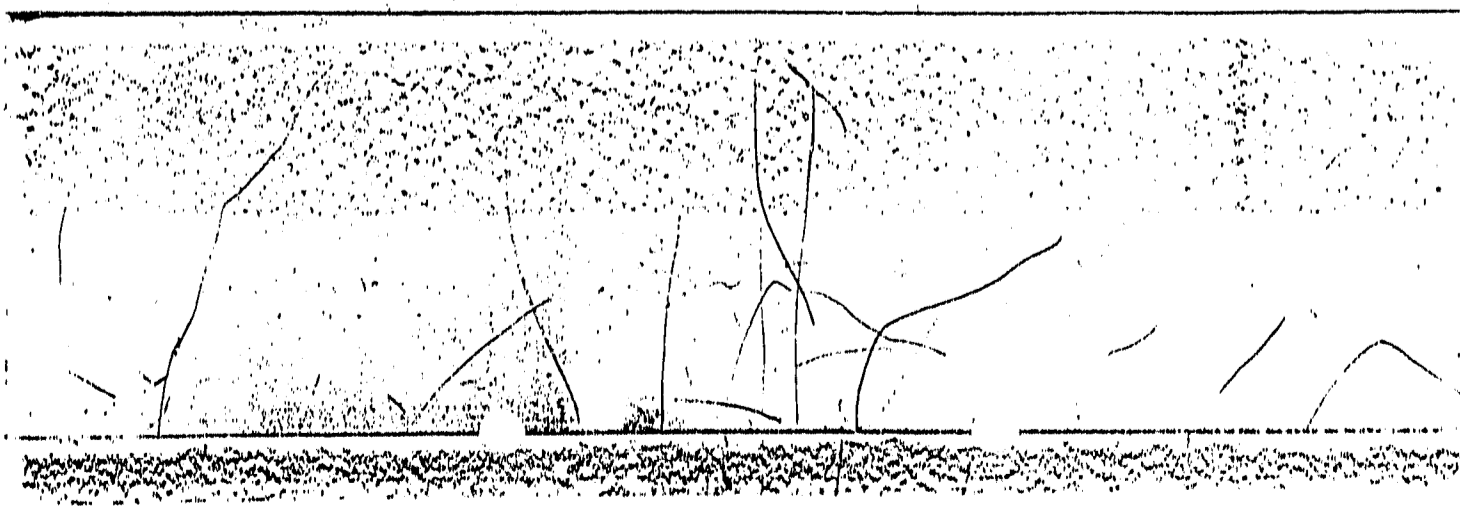
We are looking forward to a meeting with yourself and Conse-c Enterprises.



Joe Hoffman

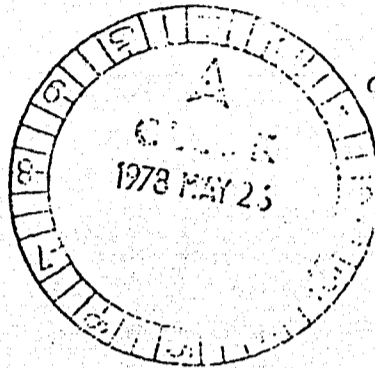
Superintendent I Shops & Sanitation

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



CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1978 June 12

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



CONDOMINIUM
• Management
• Research
• Development
• Arbitration

CONSE-C ENTERPRISES LTD.
240-4299 Canada Way, Burnaby, B.C. V5G 1H3 438-7146

May 25, 1978

Corporation of the District of Burnaby,
4949-Canada Way,
BURNABY, B.C.
V5G 1M2

Attention: Mr. Olsen - Municipal Engineer

Re: Refuse collection - Strata Corporations

Dear Mr. Olsen:

I am writing on behalf of various Strata Corporations which we manage in this Municipality and wish to bring to your attention some concerns which we have discussed with your staff in the past and which continue to be a problem.

Approximately one year ago we experienced some difficulty with staff where the four yard containers had sunk into the asphalt surfaces during the hot weather period.

As a result, we undertook to modify and repair a number of the garbage enclosure areas but we also indicated at that time that the casters which had been placed on the four yard containers were not satisfactory as they provided a much too small surface area and in fact were advised by an industrial supplier that these casters were of the three yard container size and that the four yard container required a broader surface caster to accommodate the load factor of a four yard container. To the best of my knowledge, no action was taken and we were informed by your staff that the costs of converting the casters would be too high to be absorbed by the Municipality. As a result the Strata Corporations were penalized and fairly extensive sums of money had to be expended to provide a surface which was acceptable to your staff. As an example, it would cost us in excess of \$ 6,000.00 to modify the garbage enclosures at the Montecito complex to concrete pads to accommodate your needs. We take some exception to this inasmuch as the design of the buildings as well as the provision for enclosures for garbage containers was part of the overall development plan and that we never had this problem with

: - AGENDA (1978 06 12)
: - COPY - MANAGER
- ENGINEER (FOR REPORT)

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Mr. Olsen,
May 25, 1978

Page 2173

the private contractors who had been removing the refuse from these Strata Corporations for the past 5 to 7 years. We further take exception to this matter inasmuch as we reluctantly agreed to the four yard container sizes as proposed by your Department to facilitate Burnaby's wishes to pick up refuse no more than twice a week and that we are now faced with additional costs to save you money.

We have also experienced some difficulty with some of the staff in removing a container from its designated site in the building to a location where the dump truck can pick up the container. The small forklift truck which we understood was to be used for this purpose is now refusing entry into some of the buildings on the basis that either this is not permitted by Workers' Compensation or that they are afraid to damage the walls. This again is most confusing inasmuch as you requested the four yard container size and now are saying that the containers are too heavy for your staff to move. This in turn means that the Strata Corporation must hire the staff required to move the containers to a location which is then suitable for the Municipal staff. We have been informed by the Union staff that one of the reasons they are not willing to move the containers is because it would be in contravention of Workers' Compensation Rules and Regulations. Upon checking this matter with Workers' Compensation however we find that the Municipality is covered and that the claims which have been made both to ourselves and to Strata Council members are unfounded and untrue.

To the extent that the equipment might damage the buildings, we wish to advise that we have had complaints from time to time regarding damage to buildings and that this results in careless and undue force being used when either removing or replacing the container. Any such damage is not unusual and again in the case of private contractors has been borne through their insurance coverage which we would assume is also the case with the Municipality.

We did request at one time to meet with your staff to discuss these matters and found that we had no problems for some time however they appear to be recurring again for some unknown reason.

As an example, one container on Coronado Drive had not been picked up for two weeks and we were not advised of this problem until we noted the overflowing conditions of the container. Similarly, your staff have refused to remove the container from a building located in the Edmonds area, where our caretaker is a middle-aged lady who is certainly not able to move the large four yard container.

We discussed with you some time ago the policies in existence in other Municipalities where a pull-out charge can be considered if the container is located too far into the building. To the best of our knowledge, no action has been taken in this regard although we understood that some report was to have been brought to Council regarding this matter.

We also understand from some of our colleagues that they have experienced similar difficulties in some of their buildings and we therefore feel that our problems are not isolated but may require some review of the overall Municipal policy regarding refuse removal in Strata Corporations.

Accordingly, we would like to suggest once again that our staff and yours meet to try to resolve these problems and hopefully come to some resolution which will be beneficial to those who ultimately benefit from the service, namely the Burnaby taxpayers.

Thanking you for your early reply, on behalf of the Owners I remain,

Sincerely yours,

CONSE-C ENTERPRISES LTD.

J.P. Daem, M.Sc.,
President

JPD:ni

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