
TO: CHIEF ADMINISTRATIVE OFFICER **DATE:** 2022 May 02

FROM: GENERAL MANAGER
PLANNING AND DEVELOPMENT **FILE:** 33000-01
Ref: *Construction And Demolition
Waste Diversion Bylaw*

**SUBJECT: PROPOSED CONSTRUCTION AND DEMOLITION WASTE DIVERSION
BYLAW**

PURPOSE: To obtain approval for bylaws that regulate the disposal of construction and demolition waste, in support of the City's Climate Action Framework.

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to bring forward a Construction and Demolition Waste Diversion Bylaw, substantially in the form set out in Attachment #1 of this report.
2. **THAT** Council authorize the City Solicitor to bring forward amendments to the *Burnaby Planning and Building Fees Bylaw*, as outlined in Section 3.2 of this report.
3. **THAT** Council authorize the City Solicitor to bring forward amendments to the *Burnaby Bylaw Notice Enforcement Bylaw*, as outlined in Section 3.3 of this report.
4. **THAT** Council approve the proposed Waste Diversion Deposits as outlined in Section 3.0 of this report.
5. **THAT** Council approve the proposed recommendation to amend the phase-in dates for the bylaw from 2022 August 01 to 2022 October 01, and 2023 January 01 to 2023 March 01.
6. **THAT** a copy of the report be forwarded to the Environment Committee for information.

REPORT**1.0 INTRODUCTION**

The purpose of this report is to seek Council approval of a Construction and Demolition Waste Diversion Bylaw and other related bylaw amendments. The report also responds to Council's request by introducing an alternate Waste Diversion Deposit structure.

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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 a 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 recyclable construction and demolition waste from landfill.

The implementation of a proposed 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 Framework, 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.

On 2022 February 14, Council received a report seeking approval of the proposed Construction and Demolition Waste Diversion Bylaw. Arising from the discussion, Council referred the report back to staff, and directed staff to alter the refundable Waste Diversion Deposit rate structure from a flat rate deposit to a deposit based on a building per square foot cost.

2.0 POLICY SECTION

This report aligns with the following Council-adopted plans/frameworks: *Corporate Strategic Plan* (2017) and *Climate Action Framework* (2020), and the Metro Vancouver *Integrated Solid Waste and Resource Management Plan* (ISWRMP) (2010).

3.0 DISCUSSION

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, requiring payment of a non-refundable waste diversion application fee and a refundable Waste Diversion Deposit based on the square footage of the building being demolished. It would also determine the refund rate for the required Waste Diversion Deposit. To maintain regional consistency, and to align with the aforementioned ISWRMP, the proposed Burnaby Construction and Demolition Waste Diversion Bylaw would require that all demolition permit types issued by the City meet a minimum 70 per cent diversion target for construction and demolition materials.

At the Open Council meeting on 2022 February 14, Council requested changes to the Waste Diversion Deposit structure to establish rates proportionate to the scale of a demolition project and to ensure a high compliance (diversion) rate for residential and commercial buildings alike.

In Metro Vancouver, five (5) municipalities have demolition waste diversion bylaws. Municipalities that have achieved a high construction and demolition waste diversion compliance rate (above 90%) can attribute their success to the application of a high deposit rate combined with adequate staffing levels. **Attachment #2** summarizes a regional comparison of refundable deposits, staff resourcing rates and the compliance levels achieved.

Responding to Council’s request, and drawing on research into success factors, this report brings forward adjusted implementation requirements, and the following two changes to the refundable Waste Diversion Deposit structure:

- A change of the calculation of the refundable construction and demolition deposit from a flat-rate based on building type (single or two-family, or multi-family and commercial) to a rate based on building square footage;
- An increase in the maximum allowable refundable deposit required by the bylaw to incentivize compliance.

The proposed bylaw described below incorporates these changes, and will be implemented through revisions to proposed Schedule F-1 Demolition Waste Diversion Fee and Deposits, to be added to the *Planning and Building Fees Bylaw*, as outlined in Section 3.2 of this report.

3.1 Proposed Construction and Demolition Waste Diversion Bylaw

The key elements of the Bylaw reflect changes (noted below) arising from discussion at the 2022 February 14 Open Council meeting, and are informed by regional municipal government comparisons, to implement a Waste Diversion Deposit based on the square footage of the building to be demolished:

3.1.1 Definitions

The proposed bylaw includes a suite of definitions for terms contained in the Bylaw. With a Waste Diversion Deposit rate structure based on building square footage, the definition for Waste Diversion Plan now includes specific additional language as follows:

- Definition of “**Waste Diversion Plan**” includes the requirement for the applicant to provide the total area (in square feet) of **building** being demolished.

3.1.2 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 Waste Diversion Bylaw be implemented in two stages, with an updated schedule as follows:

- for demolition of multi-family dwellings and non-residential buildings (i.e. commercial, industrial, institutional, etc.), including related accessory buildings, effective **2022 October 01**; and
- for demolition of single-family and two-family dwellings, including related accessory buildings, effective **2023 March 01**.

3.1.3 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.

Additionally, in support of the Waste Diversion Deposit rate structure based on building square footage, the owner or agent of the owner will be required to:

- provide information on the square footage of the building being demolished.

As a result of this additional information requirement, an additional offence has been added under the *Bylaw Notice Enforcement Bylaw*: submission of false or inaccurate building square footage information, as described in Section 3.3 of this report.

3.1.4 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 payments 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.

3.1.5 Application Fee and Deposits

As part of the submission of an application for a Waste Diversion Plan, it is proposed that waste diversion deposits be implemented by way of the *Burnaby Planning and Building Fee Bylaw* (see Section 3.2).

In comparing the five Metro Vancouver municipalities with demolition waste diversion deposits, those municipalities with deposit rates for single-family, two-family and duplex buildings have, for an average dwelling size of 2,200 square feet (sq. ft.), a \$5,000 deposit. This amounts to \$2.27 per square foot.

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There are two municipalities with multi-family and non-residential buildings under their bylaws. The City of Surrey has a flat deposit of \$5,000 (\$2.27 per square foot), and the City of Port Moody has a tiered deposit based on square feet, with a maximum deposit of \$11,860 (\$1.69 per square foot) for buildings 20,000 square feet and greater.

Financial drivers to divert waste for larger-scale demolitions are currently in place at a regional level, and adoption of the proposed Construction and Demolition Waste Diversion Bylaw would work to complement these measures. The complementary regional waste diversion drivers include:

- regional disposal bans for materials typically produced in building demolitions, such as wood waste and gypsum;
- additional surcharges on tipping fees for loads of waste containing banned materials;
- generally lower tipping fees for separated and diverted recyclable materials than for garbage (i.e. clean wood waste at ~ \$90 per tonne and garbage at \$155 per tonne);
- revenue streams for some recyclable materials (e.g. scrap metal).

In consideration of the size of buildings being demolished, regional financial tools to incent diversion, and comparing rates across neighbouring municipalities, staff propose the following deposit:

- a refundable Waste Diversion Deposit based on a rate of \$2.25 per square foot of the building being demolished, with a maximum deposit of \$50,000.

In addition to payment of a Waste Diversion Deposit at the time of applying for a Building Permit for demolition, owners or agents for owners would be required to:

- pay a \$250 non-refundable Demolition Waste Permit application fee.

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 a 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%:

$(\text{Level of Compliance (i.e. diversion rate)} \div 70) \times (\text{Deposit}) = \text{Refund}$
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3.1.6 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 3.3). 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.

Attachment #1 contains the proposed Construction and Demolition Waste Diversion Bylaw incorporating the changes requested by Council. Other than these changes, the bylaw remains as presented at the 2022 February 14 Open Council meeting.

3.2 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*.

As discussed in Section 3.1.5 of this report, staff recommend that the following fee and deposits be added under a new Schedule F-1 in the *Burnaby Planning and Building Fees Bylaw*. This schedule of fees reflects the Waste Diversion Deposit rate based on building square footage.

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)	
	Waste Diversion Deposit	\$2.25 per square foot (net square footage) of building being demolished, to a maximum deposit of \$50,000
Section 6.2	Refund of Waste Diversion Deposit	
	70% or greater diversion	Less than 70% diversion
	Full Deposit Refund	$(\text{Level of Compliance (i.e. diversion rate)} \div 70) \times (\text{Waste Diversion Deposit}) = \text{Refund}$

3.3 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.

3.3.1 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 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;

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;

3.3.2 Violations and Penalties

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

As outlined in Section 3.1.3 of this report, a Waste Diversion Deposit rate based on building square footage requires the provision of square footage information to the City. As this building area information will be used to calculate the Waste Diversion Deposit, an additional offence has been included in the *Bylaw Notice Enforcement Bylaw* for submission of false or inaccurate information (i.e. violation of proposed section 4.5 of the Construction and Demolition Waste Diversion Bylaw).

The following violations and penalties proposed to be added to Schedule A of the *Burnaby Bylaw Notice Enforcement Bylaw* incorporate the penalty for submitting false or inaccurate information in a Waste Diversion Plan (offence in Section 4.5 of the table below).

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
4.5	Submission of a Waste Diversion Plan containing false or inaccurate information	\$500	\$400	YES
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

3.4 Outreach and Communication

Upon adoption of the proposed Construction and Demolition Waste Diversion Bylaw, staff will launch a communication plan to inform Owners, Builders, and Contractors of the new requirements for handling demolition waste and recycling materials for all buildings being demolished.

Avenues for communication include:

- dissemination of information via builder associations (e.g. Vancouver Regional Construction Association, Home Builders Association, and the BC Construction Association etc.);
- inclusion of Burnaby’s requirements on Metro Vancouver’s website for construction and demolition waste resources;
- incorporation of advanced notification bulletins with Building Permits for Demolition packages issued by the City, and;
- inclusion of dedicated information within the City’s website and social media notifications.

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In addition to Burnaby specific resources, the City’s website will link to regional resources that includes Metro Vancouver’s Construction and Demolition Waste Management Toolkit, Residential Demolition Waste Generation Rates Calculator, information on regional licensed material recovery facilities for demolition waste, and regional disposal bans for clean wood waste and gypsum.

3.5 Resourcing

Municipalities that have achieved a high compliance rate (above 90%) have a staffing level of 1.0 FTE (full time employee) per 200 applications (see **Attachment #2**). Dedicated staffing is crucial to support the administration of the bylaw, to verify compliance reports and ensure there is no added delay to demolition permit processing time. Moving to a per square foot rate structure will create additional work for staff at the initial stage of review in order to verify the square footage of the building or structure being demolished and determine the Waste Diversion Deposit.

Based on the annual number of demolition permits issued by the City of Burnaby, staff recommended in the Construction and Demolition Implementation Plan approved by Council 2021 August 30 that a staff compliment of 1.0 FTE would be required to administer a construction and demolition bylaw based on a flat rate structure. This recommendation was included in the 2022-2026 Burnaby Financial Plan that was approved at the Open Council meeting held on 2022 January 24. Moving towards a per square foot rate structure as outlined in this report, a review of staffing resources will be included as part of the program review, as outlined in the Construction and Demolition Implementation Plan referenced above, planned for a year after commencement of the bylaw.

4.0 CONCLUSION

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 Framework, it is recommended that Council approve the proposed per square foot Waste Diversion Deposit rate structure, and authorize the City Solicitor to bring forward the Construction and Demolition Waste Diversion Bylaw substantially in the form set out in **Attachment #1** of this report.

Moving towards a Waste Diversion Deposit based on a per square foot rate from a flat rate advances proportionate fairness between different building sizes being demolished, applies a stronger incentive for applicants to divert waste and apply for their deposit refund, and sets a leading deposit rate for the region for larger demolitions projects.

Additionally, it is recommended that Council adopt the amended phased-in roll-out schedule for the Bylaw to provide the building community adequate notice to amend processes and adopt practices to ensure high diversion rates. The proposed implementation date for demolition of multi-family dwellings and non-residential buildings, including related accessory buildings, is 2022 October 01. For single-family and two-family dwellings, including related accessory buildings, the date is 2023 March 01.

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It is further recommended that amendments to the *Burnaby Planning and Building Fees Bylaw* and *Bylaw Notice Enforcement Bylaw* be brought forward concurrently, as outlined in Section 3.2 and 3.3 of this report.

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

TT:EL:CI:aab
Attachments

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

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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**.

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) total area (in square feet) of building being demolished;(c) breakdown of demolition materials by type and estimated weight;

- (d) whether each type of materials will be recycled, reused, donated or disposed; and
- (e) 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 October 1, 2022; and
 - (b) to **single family dwellings** and **two family dwellings**, including related **accessory buildings**, effective March 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**.
- 4.5 No person shall submit to the **City** a **waste diversion plan** that contains false or inaccurate information.

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

Comparison of Municipal Deposits and Compliance in the Metro Vancouver Region

Municipality	Applicable To	Approx. Annual Demolition Permits per year	Non-Refundable Application Fee	Refundable Deposit (per 2,200 sq. ft. home)	Type of Refundable Deposit	Compliance Achieved	Estimate Staff Administration (FTE)	Notes
Richmond	Single-Family/Duplex	344	\$262	\$6,600 (\$3.00/sq. ft.)	Per square foot	98%	2.0	
New Westminster	Single-Family/Duplex	78	\$270	\$5,000 (\$2.27/sq. ft.)	Flat Rate	30% (based on previous Deposit of \$2,000)	0.2	
Surrey	Single Family	641	\$250	\$5,000 (\$2.27/sq. ft.)	Flat-rate	95%	1.5	Same deposit rate for Multi-family/Commercial
Port Moody	Single Family	20	**n/a	\$4,000 (\$1.81/sq. ft.) (Maximum Refund \$3,650)	Per square foot, with deposit maximum.	70%	<0.5	Increasing deposit rates based on sq. ft., with maximum deposit for over 20,000 sq. ft. building is set at \$11,860 (\$1.69/sq. ft.)
Vancouver	Single-Family/Two-Family (pre-1950 & pre-1910)	550	\$350	\$14,650 (\$6.65/sq. ft.)	Flat Rate	98.5%	2.5	

* Comparison of Deposit based on a 2,200 sq. ft. home

**Refundable deposit includes an application fee that is deducted from the deposit to provide the maximum deposit that may be refund.