

CITY OF BURNABY

BYLAW NO. 14461

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 30th day of May, 2022

Read a second time this 30th day of May, 2022

Read a third time this 30th day of May, 2022

Reconsidered and adopted this 20th day of June, 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