

GREATER TORONTO APARTMENT ASSOCIATION
action UPDATE

Association Sues City of Toronto Over Waste Levy

May 25, 2009

For Immediate Release

Toronto, Ontario -- Last week, the Board of Directors of the Greater Toronto Apartment Association authorized and initiated a legal proceeding against the City of Toronto with respect to its waste levy system established almost one year ago through by-law. In order to request a judicial review of the by-law, a legal action must be initiated within one year of the passage of the by-law approved by Council on May 27, 2008.

The Application to the Superior Court of Ontario and the Affidavit sworn by Brad Butt, President, Greater Toronto Apartment Association (both documents attached) was filed with the court on May 21, 2009 and served on the City of Toronto today (May 25, 2009). The applications argue that the City has acted illegally in establishing the levy system, that it is discriminatory in several respects and inflicts undue hardship on owners and managers of rental apartment properties. The case will first be heard on September 15, 2009.

On Friday, May 22, 2009, Brad Butt met with representatives of Mayor David Miller's office and Geoff Rathbone, General Manager, Solid Waste of the City of Toronto to review the association's position and advise them of the pending action. The association has always prided itself on its positive relationship with the City and wants to maintain this relationship. The meeting was very positive, and although it did not lead to the association withdrawing its action, it has set a very strong basis for discussions on rectifying a number of the most offensive parts of the levy system and to hopefully speed up the billings reconciliations and the reviewing of the waste levy charges on volume of waste collected. A number of other operational, collection and billing issues were also discussed.

"Our Board, on behalf of the membership, essentially said 'enough is enough,'" said Brad Butt, President, Greater Toronto Apartment Association. "We have been warning about the impact of this for years, the likelihood of rent increases to residents and the total unfairness of this levy since day one. We had to make a statement."

It is hoped that over the next several weeks that a number of the issues can be dealt with and some substantial progress made prior to the September 15th first court date. The association is committed to working diligently on this with the City in any way.

In the meantime, it is still "business as usual" and members are encouraged to continue to work on improving waste diversion programs at their buildings, implementing the green bin program when available and participating in any other programs available. Information is fully available at www.toronto.ca/garbage or by emailing multires@toronto.ca.