

# **Odour Enforcement Mechanism**



## **Principles of Odour Enforcement Mechanism**

### **Purpose**

The purpose of the mechanism is not to establish a definitive and conclusive resolution of all odour related issues at the site. Rather it is to provide enough clarity and concreteness that members of the community feel it will supply an effective and important additional inducement to WM to ensure odour impacts are rare, minor and addressed promptly.

### **Fund**

A lump sum will be deposited in escrow on opening of the new project. If the fund is depleted in any given year, it will be topped up at the beginning of the following year. There would be normal provisions for investment in safe investments and income adding to the fund.

### **Administration**

The escrow would be administered by the four west end councillors. All references to the councillors operate on the assumption that the councillors will be amenable to their involvement.

### **Referee**

A person or agency who is technically qualified and trained in odour assessment and identification would be designated as the "odour referee" by the west end councillors and WM. If at any stage any of the councillors or WM becomes dissatisfied with the objectivity of the incumbent referee, they will discuss the matter in good faith with a view to resolving the matter. There will be provision for removal and replacement of the odour referee. Ideally this will be as a result of consensus between the councillors and WM, but a fair method of resolving any lack of consensus will be identified.

### **Claim**

At any time, a person or group of people may claim to the referee that they have suffered adverse impact. In this protocol, "adverse impact" means an odour impact which:

- persists over a specified period,
- materially and adversely affects people's enjoyment of their residential properties in the area, and
- is attributable to operations at the site

There will be provision for filing of the appropriate written claim and responses to the claim.

The costs of the decision-maker will be paid by WM.

**Investigation**

The referee will investigate the situation on the basis of such written evidence as it is available (including any written ministry conclusions and written submissions by the complainant, WM and other community members). The referee will, within no more than a specified time after the original claim was made, issue a final decision (with reasons) as to whether there has been an adverse impact. The matter will not, unless all parties agree otherwise, be considered to be confidential.

**Payment to local cause**

If the referee decides that there was an adverse impact, a payment of a specified amount (to be settled upon with the councillors) will be made from the escrow fund to such cause benefitting the local community as the councillors may designate.

**No credit**

WM will not claim any credit for the donation. This will not prevent WM from describing in simple and objective terms its role in the process.

**Not a substitute for other remedies**

None of this affects the rights of individual residents to pursue whatever other remedies they may have -- whether with the Ministry as a regulatory matter or with the courts as a civil action against WM or otherwise.