

**IN THE MATTER OF A DEPOT PERMIT APPLICATION
FOR CHANGE OF LOCATION
IN RELATION TO THE MANCHESTER BOTTLE DEPOT LTD.
SUBMITTED TO THE BCMB SEPT 23, 2020**

DECISION OF THE BCMB

I. INTRODUCTION

This is the decision of the Beverage Container Management Board (“BCMB”) with respect to a Depot Permit Application for Change of Location (the “Application”) on behalf of Manchester Bottle Depot Ltd. (“Manchester Depot”).

For the reasons set out in the decision, the Application is refused.

II. BACKGROUND

The Application was received by the BCMB on September 23, 2020.

The Application seeks to move the Manchester Depot from its current location of 410-38A Avenue in South East Calgary and to construct a new Depot in a building in North East Calgary. The Manchester Depot has been in its current location since it was relocated there in April 2009.

The Application does not include any explanation as to the reason for the proposed relocation. Under the heading “Market Justification/Viability of Business” in the Applicant’s business plan, it states “New residential districts of Red Stone, Skyview, Svana (sic) and City Scape are being developed.”

A survey obtained by the BCMB indicates that the distance between the proposed location for the Manchester Depot and the nearest depot is 3.028 km, just outside of the 3.0 km proximity requirement.

Public notification of the proposed relocation commenced on October 23, 2020 and responses were accepted over a three-week period ending on November 13th. All 19 responses received supported the proposed relocation, including the responses from the two depots already located in the vicinity. The reasons given in support included:

- The need for a Depot at this location
- Increased customer choice and convenience
- Increased accessibility
- The advantages for the surrounding communities.

III. THE DEPOT BY-LAW

At the time the Application was received, applications to relocate an existing depot were governed by the BCMB *Depot By-law* as approved on November 20, 2019. The *Depot By-law* was amended on November 25, 2020 with respect to relocation applications, but as the Application was received in

September, 2020 the previous version of the *Depot By-law* (the “2019 By-Law”) is the relevant one for the purpose of the Application.

In accordance with section 6.3 of the *2019 By-law* a Permit Holder may apply to amend, add or delete a term or condition of a Permit including the Depot location specified in that Permit.

The *2019 Depot By-law* also provided as follows:

- 3.2 In determining the number and location of Depots to be permitted in Alberta, the BCMB shall have regard to the following criteria:
 - 3.2.1 patterns of population growth;
 - 3.2.2 closure of existing Depots;
 - 3.2.3 the number and nature of complaints received from the public regarding the collection of Containers generally; and
 - 3.2.4 any other criteria the BCMB considers relevant in order to maintain a viable Container recovery system.

In accordance with section 6.9 of the *2019 Depot By-law*, the decision whether or not to grant an application for amendment is in the sole discretion of the BCMB subject to the population and proximity requirements contained in the *2019 Depot By-law*.

IV. DECISION AND REASONS

The Application meets the proximity and population requirements in the *2019 Depot By-law*. The BCMB then assessed the Application based on the relevant criteria under section 3.2 of the *2019 Depot By-law*.

According to 2019 City of Calgary Census Data there has been some population growth in the communities around the current location of the Manchester Depot. There is also demonstrated population growth in the communities near the proposed location, and as referenced in the Application, new residential districts are under development in that area. Since population growth is increasing in both areas this criterion is largely neutral.

There have been no recent Depot closures in the area of the current or proposed location for the Manchester Depot and so that is not a consideration here. Although two new Depots have opened in the vicinity of the Manchester Depot, neither are considered close enough to the Manchester Depot to create a negative impact.

Prior to the Application, the BCMB had not received any complaints from residents in the area of the current or proposed location of the Manchester Depot regarding their ability to access Depots or with respect to the Depots servicing those areas around the Manchester Depot’s proposed new location. There were emails of support received in relation to the relocation. However, 13 of those emails were received prior to any public notification of the Application to relocate. Therefore, it is unclear whether these emails came from members of the public at large, or from people with a connection to the Manchester Depot or to the two other Depots in the vicinity who received notification letters. Several of the other emails specifically referred to the name of the Depot as proposed in the Application, even though that name was not referenced in the public notification or the notification letters to the two Depots in the surrounding area. Again, this may suggest that the letters were from arms-length parties



BEVERAGE CONTAINER MANAGEMENT BOARD

to the Manchester Depot. Although input from individuals associated with Depots and the Depot network is important input, it is not the same as input from Albertans who are not associated with a specific Depot or the Depot industry.

Many of the emails in support suggest that there is a need for another Depot in this area of North East Calgary. The BCMB continually monitors the number and locations of Depots in Calgary and Edmonton, and the rest of the Province, to identify areas where there may be gaps in Depot coverage. The BCMB then initiates a Request for Application (“RFA”) process in those areas to ensure that the opportunity to apply for a Depot permit is open to anybody who might be interested. The RFA process is the standard process for dealing with the perceived need for a Depot in a particular area. Allowing an existing Depot to relocate to a new area solely on the basis of perceived need would undermine the RFA process and impede equal access to opportunities for new Depot Permits.

The BCMB also considers that moving the Manchester Depot from its current location will negatively impact Albertans living in the neighbouring communities. Although there are other Depots in the general area of the Manchester Depot, the closure of the Manchester Depot would mean increased commutes for nearby residents and could pose other potential Depot access issues for those residents.

V. CONCLUSION

Having considered the matters outlined above and the BCMB’s goal of maintaining a viable Beverage Container recovery system, the Application is refused.

Dated this 17th day of December 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent Campbell', is written over a light blue horizontal line.

Brent Campbell
Director, Operational Strategy and Projects
BCMB