

SCHEDULE B

RULES FOR STEWARDS WITH RESPECT TO PAYMENT OF FEES (2011)

These Rules do not revoke or amend any previously approved Rules for Stewards with Respect to Payment of Fees Respecting Designated Blue Box Waste.

1. Interpretation in these Rules:

Affiliates, means a steward is affiliated with another entity if it controls or is controlled by the other entity or if both entities are controlled by a common entity, where "control" in the case of a corporation has the meaning ascribed thereto by subsection 1(5) of the Business Corporations Act (Ontario) as amended from time to time;

Brand Owner with respect to a specific trademarked Printed Material which is Designated Blue Box Waste, and with respect to a specific good, the Packaging of which is Designated Blue Box Waste, where either the good or the Packaging bears a trademark means during any time in the Data Year;

- (a) a person Resident in Ontario who is the holder of the registered trademark, or
- (b) a person Resident in Ontario who is the licensee, in respect of the registered trademark, or
- (c) a person Resident in Ontario, who owns the intellectual property rights to the unregistered trademark, or
- (d) a person Resident in Ontario, who is the licensee, in respect of the intellectual property rights of the unregistered trademark;

Where "licensee" includes a person who packages goods, the Packaging of which is designated Blue Box Waste and bears a trademark, other than a packer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark;

Commencement Date means January 1, 2011;

Commercial Connection, a person has a commercial connection with Designated Blue Box Waste (DBBW) if it derives a direct economic benefit when a product that is contained in the DBBW is supplied for use in Ontario;

Data Year means the calendar year January 1, 2010 to December 31, 2010;

Designated Blue Box Waste (DBBW) means Packaging, Service Packaging and Printed Materials that are comprised of metal, glass, paper, plastics, textiles or any combination thereof but does not include packaging or printed materials used exclusively for packaging products during their shipment from their place of manufacture to their place of distribution in Ontario, and packaging that is intended for continued use as packaging by the consumer over a period of five years or more;

Excluded Waste means Designated Blue Box Waste that is retained by a steward or its commercial customer, franchisee or licensee, at a location which one of them owns or occupies and is not carried away by retail customers and is not collected by municipal waste management services;

Filed means electronically submitted by a steward to Stewardship Ontario through the interactive website, stipulated by Stewardship Ontario.

First Importer means a person Resident in Ontario, who imports into Ontario:

(a) a specific printed material which is Designated Blue Box Waste, for which a Brand Owner does not exist, or

(b) a specific good, the packaging of which is Designated Blue Box Waste, for which a Brand Owner does not exist;

and includes a person Resident in Ontario who is the first to take title to such material or good, upon or after arrival in Ontario from elsewhere during the Data Year;

Franchisor, Franchisee and Franchise System have the meaning ascribed thereto under the Arthur Wishart Act (Ontario);

Interest Rate means the prime rate established by CIBC as at the close of business on the first day of each month plus three (3) percent;

Packaging means materials that are used for the containment, protection, handling, delivery and presentation of goods sold or delivered to consumers in Ontario;

Private Label Goods means goods that carry the brand or trademark of a Brand Owner which are sold or delivered to consumers by such Brand Owner that is a retail outlet in Ontario;

Printed Materials means printed materials that are sold, issued, distributed or delivered to consumers in Ontario;

Published Address means an address in Ontario appearing in a current telephone directory or a recognized current published business directory;

Resident in Ontario, with respect to a corporation, means a corporation that has a permanent establishment in Ontario, in accordance with the provisions of Appendix A, at any time in the Data Year;

Rules means these rules;

Service Packaging is packaging which may or may not bear a trademark that is filled or delivered at the point of sale by the retail, food service or other services providers to the consumer in Ontario to enable or facilitate the delivery of goods;

Steward's Report means a report prepared by a steward and Filed with Stewardship Ontario, describing the aggregate amount of Designated Blue Box Waste, expressed in kilograms by category as required under these Rules, that were sold or delivered in Ontario in the Data Year by the steward and his Franchisees and / or his Affiliates containing the information in accordance with Appendix B;

Supplied means sold, leased, donated, disposed of, used, transferred the possession or title of, or otherwise made available or distributed for use in the Province of Ontario. Supply and Supplies have similar meanings.

2) Designation of Stewards

For the purposes of determining which person shall be designated as a Steward for a particular category of DBBW, the following provisions shall apply, in the order in which they are set out. If two or more persons are designated as a Steward pursuant to the following, then the earlier provision shall prevail.

(1) A Brand Owner is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, for which it is Brand Owner in the Data Year for which it has a Commercial Connection.

(2) A Franchisor is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, which are Supplied within the relevant Franchise System in the Data Year.

(3) In the event that there is no Brand Owner or Franchisor, a First Importer is designated as a steward with respect to all Printed Material, Service Packaging, and the Packaging of all goods, supplied for use in Ontario for which it is the First Importer in the Data Year.

(4) In the event there are two Brand Owners for the same Designated Blue Box Waste, the Brand Owner or First Importer more directly connected to the production of the Designated Blue Box Waste shall be designated as the obligated steward, provided that in the case of a Franchisor who is Resident in Ontario, the Franchisor shall be designated as the obligated steward.

(5) In the event that consumer products containing two or more independent brands are packaged together for sale in Ontario, then the Brand Owner more closely associated to the joint packaging shall be designated as the obligated steward for such joint Packaging;

(6) In the event there is not an identifiable brand for a particular Designated Blue Box Waste and if the manufacturer of the good is resident in Ontario, the manufacturer of such good shall be designated as the steward for such Designated Blue Box Waste, otherwise the First Importer shall be designated as the steward for such Designated Blue Box Waste.

(6) Any person who Supplies Service Packaging to consumers in Ontario in the Data Year.

(7) Any person who elects to become a steward respecting Designated Blue Box Waste that would otherwise be the responsibility of another steward, shall be designated a steward upon execution of a contract with Stewardship Ontario and the steward otherwise responsible is exempt from the requirement to pay fees respecting such Designated Blue Box Waste during the currency of the contract. Stewardship Ontario shall not be required to execute a contract contemplated herein.

(9) Notwithstanding the above, any person who has executed a contract with Stewardship Ontario under clause 2(8) above prior to June 30, 2006, notice of which appears on the Stewardship Ontario website, shall remain an elected steward under the terms of the agreement.

3) Fees Payable

(1) Stewards shall pay fees to Stewardship Ontario in accordance with Appendix C of these Rules. The amount of fees payable shall be the sum for categories set out in the Steward's Report in accordance with Appendix B of these Rules multiplied by the rates set out in the table of fees attached as Appendix D of these Rules.

(2) Stewards who are members of the Canadian Newspaper Association and the Ontario Community Newspapers Association shall pay applicable Stewardship Ontario administrative costs, in the aggregate, equivalent to the fees otherwise payable, and will meet their obligation for the payment of fees, as calculated by Stewardship Ontario, by providing advertising lineage in a manner approved by Waste Diversion Ontario.

4) Steward's Report

(1) Subject to Section 6, every steward shall file a Steward's Report with Stewardship Ontario not later than 90 days after Commencement Date, or 93 days after such steward is notified, whichever is later. A steward is notified:

(a) on the day the steward receives personal service via email, or

(b) three days following the sending by prepaid first class postage to the steward at its Published Address in Ontario, of a copy of these Rules or a written notice of how to obtain a copy of these Rules,

(2) Stewards may amend a Steward's Report with the consent of Stewardship Ontario to correct information in the Steward's Report that is in error or to replace data previously determined by a formula or a calculator provided by Stewardship Ontario.

(3) If a Steward's Report has not been filed within 90 days of the date specified in Section 4(1) of these Rules, Stewardship Ontario may file a Steward's Report on behalf of such steward, based on the steward's previous years Steward's Report.

(4) A Steward's Report that contains incorrect data, may upon notice from Stewardship Ontario to the steward, be deemed by Stewardship Ontario not to have been filed by the steward.

5) Penalties, Interest and Back Fees

(1) Stewards who fail to report by the dates specified in Appendix C will be subject to a penalty calculated at 10% of fees due and payable.

(2) Stewards who fail to pay fees by the date specified in the timetable set out in Appendix C will be subject to interest on the unpaid fees. Interest on unpaid fees shall accrue from such date at the prime rate established by CIBC as at the close of business on the first day of each month plus three (3) percent per annum.

(3) In the event that the amounts reported in an Annual Steward Blue Box Report are inaccurate, any deficiency in fees paid resulting from such inaccuracies will be subject to the same reporting penalties and payment interest outlined in (1) and (2) above.

(4) All penalties and interest charges begin accruing on the business day immediately following the date specified in the timetable set out in Appendix C.

(5) Where an error is identified by Stewardship Ontario on any Annual Steward Blue Box Report, Stewardship Ontario shall issue an invoice to the steward for the amount of fees owing on account of the error.

Failure to file a Steward's Report within the time frames mentioned above is a violation of these Rules and may be subject to enforcement under the Waste Diversion Act.

6) Steward Exemptions

(1) Stewards are exempt from filing a Steward's Report and paying the fees otherwise due if during the Data Year, the steward, its Affiliates, and Franchisees had combined gross revenues from the sale of all its products and services in Ontario which was less than \$2 million, which for stewards in the business of retailing the gross revenues shall be deemed to be the revenue from services provided and the cost of their merchandise sold was less than \$2 million.

(2) Stewards shall file a Steward's Report but shall be exempt from payment of fees otherwise due provided that during the Data Year, the steward, its Affiliates and Franchisees Supplied DBBW into Ontario, an aggregate quantity of less than 15,000 kilograms.

(3) A Steward, its Affiliates and Franchisees shall not file any Steward's Report reporting less than 15,000 kilograms in the aggregate if the steward, its Affiliates and Franchisees Supplied DBBW into Ontario, an aggregate quantity of less than 15,000 kilograms.

(4) For greater clarity, where a steward files a Steward's Report, respecting Affiliates or Franchisees, such Affiliates and Franchisees shall not file a Steward's report.

(5) Stewards that are not for profit entities (including municipalities, provincial agencies, colleges, universities) are not exempted by 6(1).

(6) Notwithstanding the above Stewardship Ontario may, acting reasonably require a steward to file a Steward's Report by sending a written request to a steward.

7) Record Provision and Retention

(1) Stewards shall promptly provide data including calculation methodology, packaging data, audit reports, list of brands reported and list of brands excluded from report, and allocation percentages, used by stewards in the preparation of the Steward's Report upon request from Stewardship Ontario.

(2) Stewards shall retain records to substantiate and verify the amount set out in their respective Steward's Report for a period of not less than five years from the date of the Steward's Report to which they relate. A steward shall grant access to Stewardship Ontario upon its request to examine its books and records to enable Stewardship Ontario to audit and inspect such records respecting a Steward's Report up to five years after the date of receipt of such Report by Stewardship Ontario.

8) Dispute Resolution

If any dispute arises between a steward and Stewardship Ontario as to the amount of Designated Blue Box Waste that is required to be included in a Steward's Report:

(1) The parties shall attempt to resolve the dispute through designated representatives from both Stewardship Ontario and the steward within thirty (30) days following the date upon which written notice of the dispute was first given, or as otherwise agreed upon and failing agreement as to the arbitrator within such time frame, Waste Diversion Ontario shall appoint the arbitrator on behalf of the parties.

(2) If the parties are unable to resolve the dispute within the above period, the steward and Stewardship Ontario shall within thirty (30) days thereafter jointly select an arbitrator to arbitrate the dispute and, failing agreement as to the arbitrator within such time frame, Waste Diversion Ontario shall appoint the arbitrator on behalf of the parties.

(3) The arbitrator shall render a decision on the dispute and the award arising there from, in accordance to the Arbitration Act, 1991, as amended from time to time.

(4) Non-payment or failing to file a Steward's Report by a steward shall not be items subject to arbitration.

The decision of the arbitrator shall be final and binding on the parties and shall not be subject to appeal on any grounds whatsoever, and shall be enforceable against Stewardship Ontario and the steward, as the case may be, immediately on the issue of the decision to the parties to the dispute.

9) Interpretive Memoranda

Stewardship Ontario may publish on its website interpretive memoranda describing its interpretations of these Rules and how it proposes to administer them.

Appendix A

Resident in Ontario (Corporation)

Resident in Ontario, with respect to a corporation, means a corporation that has a permanent establishment in Ontario, where:

- (a) “**permanent establishment**” includes branches, mines, oil wells, farms, timberlands, factories, workshops, warehouses, offices, agencies and other fixed places of business and
- (b) the following rules apply,

Contracting Employees or Inventory Sufficient

Where a corporation carries on business through an employee or agent who has general authority to contract for the corporation or who has a stock of merchandise owned by the corporation from which the employee or agent regularly fills orders which the employee or agent receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

Commission Agent not Sufficient

The fact that a corporation has business dealings through a commission agent, broker or other independent agent shall not of itself be deemed to mean that the corporation has a permanent establishment.

Parent of Subsidiary not Sufficient

The fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in a trade or business in a place shall not of itself be deemed to mean that the first-mentioned corporation is operating a permanent establishment in that place.

Licensed Insurance Company Sufficient

An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

Purchasing Office not Sufficient

The fact that a corporation maintains an office solely for the purchase of merchandise shall not of itself be deemed to mean that the corporation has a permanent establishment in that office.

Ownership of Land Sufficient

Where a corporation, otherwise having a permanent establishment in Canada, owns land in a province or territory of Canada, such land is a permanent establishment.

Production Packing and other Activities Sufficient

The fact that a non-resident corporation in a year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada, whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the taxation year.

Machinery or Equipment Sufficient

The use of substantial machinery or equipment in a particular place at any time in a year of a corporation constitutes a permanent establishment of such corporation in that place for such a year.

Principal Place of Business Sufficient

Where a corporation has no fixed place of business, it has a permanent establishment in the principal place in which the corporation's business is conducted.

Charter or By Laws designating Head or Registered Office Sufficient

Where a corporation does not otherwise have a permanent establishment in Canada, it has a permanent establishment in the place designated in its charter or by-laws as being its head office or registered office

Appendix B Form of Steward's Report

Required information to be included in the Steward's Report:

1. Name of Steward
2. Mailing address
3. Billing address
4. Primary Contact Person for Steward's Report Email address
5. Kilograms of Designated Blue Box Waste Sold or Delivered in Ontario in 2010 for the brands owned or first imported into Ontario in the calendar year 2010.

Category	Material
Printed Materials	Newsprint CNA/ OCNA members
	Other Newsprint Non CNA/OCNA members
	Magazine and catalogues
	Directories
	Other Printed Materials
Category	Material
Paper packaging	Gable top containers
	Aseptic containers
	Paper laminants
	Corrugated cardboard
	Boxboard and other paper packaging
Plastic packaging	PET bottles
	PET bottles > 5 Litres
	HDPE bottles and jugs
	HDPE bottles and jugs > 5 Litres
	Polystyrene
	Other rigid plastics
	Other rigid plastic > 5 Litres
	LDPE/HDPE film
	LDPE/HDPE film carry-out bags
	optional LDPE/HDPE film carry-out bag units*
	Plastic laminants
	Biodegradable plastic film
	Biodegradable rigid plastic containers
Natural and Synthetic Textiles	
Steel and other metal packaging	Aerosol containers
	Paint cans
	Other steel and metal containers and packaging
Aluminum packaging	Food and beverage cans
	Foil and other aluminum packaging
Glass packaging	Clear (flint) glass
	Coloured glass

*weight of LDPE/HDPE carry-out bags units to be included in LDPE/HDPE film-carry out bags

6. Description of methodology and data used to prepare this Steward's Report;
7. Description of Excluded Waste deductions from Report, including kilograms or percentage used by material type;
8. List of brands, trademarks or publication titles covered in this Steward's Report;
9. List of affiliates and /or franchisees included in this Steward's Report; and
10. Declaration of accuracy of contents of this Steward's Report

Appendix C

Payment and Reporting Schedule

If a steward is notified within the meaning of 4(1) before December 28, 2010, then the payment deadlines shall be as follows:

Description of Steward Responsibility	2011 Payment Due Date
Steward report filing deadline	March 31, 2011
First payment due (25% of 2011 Obligation)	April 30, 2011
Second payment due (25% of 2011 Obligation)	June 30, 2011
Third payment due (25% of 2011 Obligation)	September 30, 2011
Fourth payment due (25% of 2011 Obligation)	December 1, 2011

If a steward is notified within the meaning of 4(1) later than December 28, 2010, then the payment deadlines shall be as follows:

Notification date is after	Description of Steward Responsibility	Payment % of Obligation	2011 Due Date
December 29, 2010 and before March 27, 2011	Steward's Report filing and first payment	25	Notification date plus 93 days
	Second payment	25	June 30, 2011
	Third payment	25	September 30, 2011
	Fourth payment	25	December 1, 2011
March 28, 2011 and before June 27, 2011	Steward's Report filing and first payment	50	Notification date plus 93 days
	Second payment	25	September 30, 2011
	Third payment	25	December 1, 2011
June 28, 2011 and before August 29, 2011	Steward's Report filing and first payment	75	Notification date plus 93 days
	Second payment	25	December 1, 2011
August 30, 2011	Steward's Report filing and first payment	100	Notification date plus 93 days

Appendix D

Table of Fees: January 1 to December 31, 2011

Category	Material	Fee
Printed Materials	Newsprint CNA/ OCNA members	0.29 ¢/kg
	Other Newsprint Non CNA/OCNA members	1.12 ¢/kg
	Magazine and catalogues	2.48 ¢/kg
	Directories	2.48 ¢/kg
	Other Printed Materials	2.48 ¢/kg
Category	Material	Fee
Paper packaging	Gable top containers	23.75 ¢/kg
	Aseptic containers	23.75 ¢/kg
	Paper laminants	23.75 ¢/kg
	Corrugated cardboard	7.70 ¢/kg
	Boxboard and other paper packaging	7.70 ¢/kg
Plastic packaging	PET bottles	13.78 ¢/kg
	PET bottles > 5 Litres	13.78 ¢/kg
	HDPE bottles and jugs	13.27 ¢/kg
	HDPE bottles and jugs > 5 Litres	13.27 ¢/kg
	Polystyrene	28.16 ¢/kg
	Other rigid plastics	28.16 ¢/kg
	Other rigid plastic > 5 Litres	28.16 ¢/kg
	LDPE/HDPE film	28.16 ¢/kg
	LDPE/HDPE film carry-out bags	28.16 ¢/kg
	optional LDPE/HDPE film carry-out bag units*	
	Plastic laminants	28.16 ¢/kg
	Biodegradable plastic film	28.16 ¢/kg
	Biodegradable rigid plastic containers	28.16 ¢/kg
	Natural and Synthetic Textiles	28.16 ¢/kg
Steel and other metal packaging	Aerosol containers	6.26 ¢/kg
	Paint cans	6.26 ¢/kg
	Other steel and metal containers and packaging	6.26 ¢/kg
Aluminum packaging	Food and beverage cans	0.52 ¢/kg
	Foil and other aluminum packaging	7.50 ¢/kg
Glass packaging	Clear (flint) glass	3.69 ¢/kg
	Coloured glass	5.35 ¢/kg



October 27, 2010