



POLICY

DELEGATION OF POWERS AND DUTIES

Policy Type:	Governance	Effective Date:	2008-01-21
Department:	Corporate Services	Approval Level:	Council
Division:	Clerk's Office	Policy #:	0004
Section/Facility:	N/A	Revision #:	N/A

1.0 PURPOSE

- 1.1** This policy is made pursuant to sections 23.1 - 23.5 and 270 of the Municipal Act Act, 2001, which stipulates that a municipality is required to adopt policy and maintain policy with respect to the delegation of its powers and duties.
- 1.2** The delegation of some of its powers and duties assists Council in streamlining the decision-making process, and this policy sets out the scope and principles pursuant to which such delegation may occur.

2.0 APPLICATION

- 2.1** This policy applies to the Corporation of the City of Peterborough, its agencies, boards and commissions.

3.0 DEFINITIONS/ACRONYMS (As Required)

Act - Municipal Act, 2001, and/or its regulations.

Administrative Powers - All matters required for the management of the City which do not involve discretionary decision-making.

City - The Corporation of the City of Peterborough, its agencies, boards and commissions.

Legislative Powers - All matters in respect of which Council acts in a legislative or quasi-judicial manner, including enacting by-laws, setting policies and exercising decision-making authority.



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4.0 POLICY STATEMENT(S)

- 4.1** Council is directly accountable to its constituents in the exercise of its legislative and administrative powers. In order to manage the City efficiently, and to respond to issues in a timely fashion, it is appropriate to entrust certain powers and duties to committees and staff, while maintaining accountability and transparency.
- 4.2** All delegation of powers and duties shall be carried out in strict compliance with the Act, and respecting restrictions set forth in the Act.
- 4.3** All delegations shall be effected by by-law.
- 4.4** A delegation of power, duty or function under any by-law to a member of staff includes, in the absence of the staff member, a delegation to a person who is appointed by the CAO, or selected from time to time by the delegate, to act in the capacity of the delegate in the delegate's absence.
- 4.5** Except as provided in section 4.4, or expressly in the delegation by-law, no power, duty or function may be sub-delegated by the delegate.
- 4.6** Legislative powers which are minor in nature may be delegated by Council, subject to the limitations in the Act.
- 4.7** Administrative powers shall generally be delegated to staff, subject to the limitations in the Act.
- 4.8** Any expenditure related to a delegated matter shall have been provided for in the current year's budget, or otherwise authorized by the purchasing by-law.



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5.0 APPENDIX, RELATED POLICIES, PROCEDURES & LINKS

5.1 Pertinent Resources

Municipal Act, 2001

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm

Report # CSCLK08-002 Policies Respecting Delegation of Powers, Notice to the Public and Accountability and Transparency

http://www.peterborough.ca/City_Hall/City_Council/2008-01-14_Committee_of_the_Whole.htm?ViewMode=View&DateTime=633359268000000000&PageMode=View

5.2 Related Policies

N/A

5.3 Related Procedures

N/A

5.4 Related Forms

N/A

5.5 Miscellaneous

Report CPFPRS09-021 Authority to Award Project Management Request for Proposals for Peterborough Airport Development Program

<http://eagenda.city.peterborough.on.ca/sirepub/cache/2/qems2x45x0ds4hzubi2lzs55/813407082009042434116.PDF>

Report CPFRAS09-006 Treasurer's Report, 2008 Consolidated Financial Report, 2008 Trust Funds Financial Statement and Five-Year Review

<http://eagenda.city.peterborough.on.ca/sirepub/cache/2/qems2x45x0ds4hzubi2lzs55/660007082009042711648.PDF>

6.0 AMENDMENTS/ REVIEWS

Next Review Date

2012-01-21

Date (yyyy-mm-dd)	Section(s) Amended	Comments
2008-01-21	N/A	Policy approved by Council.
2009-01-21	N/A	Policy reviewed by City Clerk's Office and Policy Office. No changes required.

THE CORPORATION OF THE CITY OF PETERBOROUGH

By-Law Number 11-

**BEING A BY-LAW TO REPEAL BY-LAW 97-54 AND BY-LAW 00-121 AND
BEING A BY-LAW TO EXEMPT CERTAIN CLASSES OF DEVELOPMENT
FROM SITE PLAN CONTROL AND TO DELEGATE SITE PLAN APPROVAL
AUTHORITY**

WHEREAS the Council of the City of Peterborough passed By-law 1985-211 to designate the whole of the City of Peterborough as a site plan control area;

AND WHEREAS the Council of the City of Peterborough passed By-laws 97-54 and 00-121 being by-laws under Section 41 of the *Planning Act*, R.S.O. 1990, as amended to exempt certain classes of development from site plan control and to delegate site plan approval authority;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PETERBOROUGH ENACTS AS FOLLOWS:

1. That By-laws 97-54 and 00-121 be deleted in their entirety and substituting Schedule "A" to this By-law therefore.
2. This by-law shall come into effect June 6, 2011.

By-law read a first, second and third time this day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk

Schedule “A”

EXEMPT CLASSES OF DEVELOPMENT

1. The following classes of development shall be exempt from Site Plan Control:
 - (a) Any residential development containing four (4) dwelling units or less, excepting a group home;
 - (b) Any non-residential development, including any accessory building, with a building floor area less than 100 square metres;
 - (c) Any industrial development, which consists of an expansion of an industrial building by up to 10% of the existing building floor area, to a maximum of 500 square metres, where the existing industrial building, prior to expansion, has a building floor area of greater than 1000 square metres;
 - (d) Any agricultural development, including farm-related buildings or structures that are utilized in active farm operations.

SITE PLAN CONTROL

2. Notwithstanding the exemptions contained in paragraph 1, site plan control shall apply to any development:
 - (a) Where site plan control is imposed as a condition of rezoning by Council;
 - (b) Where site plan control is imposed as a condition of an approval by the Committee of Adjustment; or,
 - (c) Situated on “Environmentally Sensitive Lands” as defined in the Official Plan, if required by the Director of Planning & Development Services or his/her designate; or
 - (d) Where a dwelling unit is converted to an office or clinic use.

DESIGNATION OF AUTHORITY

3. Approval of site plans and elevation drawings for development, as required by Section 41 of the *Planning Act*, R.S.O. 1990, as amended, is hereby delegated to the Director of Planning & Development Services for the City of Peterborough or his/her designate as appointed by the Director

of Planning & Development Services or the Chief Administrative Officer, save and except the following classes of development:

- (a) Non-residential development or mixed use development, having a building floor area greater than 2,500 square metres, except any such development which is located within Major Bennett Industrial Park or Peterborough Industrial Park;
- (b) Any residential development containing more than 50 dwelling units;
- (c) Any development where Site Plan Approval by Council is stipulated as a requirement of a rezoning application;
- (d) Any development of a group home where a rezoning is required.

MEANING OF DEVELOPMENT

- 4. For the purpose of this by-law “development” shall have the same meaning as that which is set out in Section 41 of the *Planning Act*, R.S.O. 1990, as amended.

EXECUTION OF SITE PLAN AGREEMENTS

- 5. The Mayor and Clerk are hereby authorized to execute any Site Plan Agreement, which is required as a condition of Site Plan Approval.

EFFECTIVE DATE AND REPEAL

- 6.
 - (a) This by-law comes into effect on the day it receives third reading.
 - (b) By-laws 97-54 and 00121 are repealed, effective the date this by-law comes into effect.

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-(Clerk's office will assign the number)

**BEING A BY-LAW TO DELEGATE A PART OF COUNCIL'S
AUTHORITY WITH RESPECT TO PLANS OF SUBDIVISION, PLANS
OF CONDOMINIUM AND PART LOT CONTROL PURSUANT TO THE
PLANNING ACT**

WHEREAS *Ontario Regulation 516/89, Order Made Under the Planning Act, 1983* assigns the Council of the Corporation of the City of Peterborough all authority of the Minister of Municipal Affairs with respect to the approval of Plans of Subdivision and Plans of Condominium pursuant to Section 51 of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS subsection 51.2(1) of the *Planning Act*, R.S.O. 1990, as amended provides that a Municipal Council may by by-law delegate to an appointed officer identified in the by-law either by name or position occupied, all or part of Council's authority under Section 51 of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS the Council of the Corporation of the City of Peterborough has deemed it advisable to delegate by by-law certain powers to an appointed officer of the City identified by position occupied;

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That for the purpose of this By-law, "Director" shall mean the Director of Planning & Development Services for the City of Peterborough or his/her designate as appointed by the Director of Planning & Development Services or the Chief Administrative Officer.
2. All authority of Council under Section 51 of the *Planning Act*, R.S.O. 1990, as amended ("*Act*"), as assigned by the Minister of Municipal Affairs, is hereby delegated to the Director save and except for:
 - (a) the authority to enter into an agreements pursuant to subsection 51(26) of the *Act*;
 - (b) the authority to grant or refuse to grant approval pursuant to subsection 51(31) of the *Act*;
 - (c) the authority to impose a lapse of approval provision pursuant to subsection 51(32) of the *Act*;

- (d) the authority to withdraw approval or make significant changes to conditions of approval as determined by the Director pursuant to subsection 51(44) of the *Act*, and,
 - (e) the authority to withdraw final approval pursuant to subsection 51(59) of the *Act*.
- 3. Further to Section 2 of this By-law, the Director is hereby delegated the authority to approve applications submitted pursuant to subsection 50(7) of the *Act* to designate lands not subject to part lot control where the lands are within a plan of subdivision that has received Final Approval from the City of Peterborough provided the approval of the exemption from part lot control shall not take effect until Council has passed the appropriate by-law and the by-law has been registered against title to the property.
- 4. Further to Section 2 of this By-law, the Director is hereby delegated the authority to exempt a proposed Plan of Condominium from the provisions of Sections 51 and 51.1 *the Act* pursuant subsections 9(3)(b) and 9(7) of the *Condominium Act*, 1998 S.O. 1998, as amended.
- 5. Upon the granting of approval by Council pursuant to subsections 51(31) or 51(44) of the *Act* and upon the granting of approval by the Director pursuant to subsections 51(44) and 51(58) of the *Act*, the approval shall be evidenced by the signature of the Director on all Draft Plans of Subdivision, Final Plans of Subdivision, Proposed Plans of Condominium and Final Plans of Condominium for registration.
- 6. For information purposes, the Director shall provide an annual report to Council summarizing all approvals and exemptions granted by the Director under this By-law.
- 7. Notwithstanding Sections 2, 3 or 4, Council shall retain the right to exercise all of its approval authority if a decision proposed to be made by the Director in accordance with the authority delegated therein is a refusal.
- 8. The Mayor and the City Clerk are hereby authorized to execute any agreement required as a condition of approval pursuant to subsection 51(26) of the *Act*.

9. This By-law shall come into force and take effect upon final passing thereof.

By-law read a first, second and third time this day of _____, 2011.

Daryl Bennett, Mayor

Nancy Wright-Laking, City Clerk