



The Corporation of the City of Peterborough

By-Law Number 20-XXX

Being a By-law to delegate authority

Whereas subsection 23.1(1) of the **Municipal Act, 2001** authorizes a municipality to delegate its powers and duties, subject to certain restrictions;

Now Therefore, The Corporation of the City of Peterborough by the Council thereof enacts as follows:

Short Title

1. This By-law may be referred to as the “Delegation By-law”.

Interpretation

2. Unless otherwise stated:
 - a) a reference to a statute or regulation refers to a statute or regulation of the Province of Ontario;
 - b) a reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time; and
 - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law’s section, paragraph, clause or schedule.
3. The headings and table of contents in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between this By-law and any other City by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
6. In this By-law:
 - a) “Approved Budget” is as defined in the City’s Procurement By-law 18-084.
 - b) “ASC” means the City’s Administrative Staff Committee comprised of the following City staff:
 - i) CAO;
 - ii) CS Commissioner;
 - iii) CLS Commissioner;
 - iv) IPS Commissioner;
 - v) Manager, Communications Services;
 - vi) City Clerk; and
 - vii) City Solicitor.

- c) "By-law" means this By-law and includes its Schedule "A".
- d) "CAO" means the City's Chief Administrative Officer.
- e) "CBO" means the City's Chief Building Official.
- f) "Chief Planner" means the City's Chief Planner.
- g) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
- h) "City Engineer" means the City's Engineer.
- i) "City Solicitor" means the City's City Solicitor.
- j) "CLS Commissioner" means the City's Commissioner, Corporate and Legislative Services Department.
- k) "Council" means the City's Council.
- l) "CS Commissioner" means the City's Commissioner, Community Services Department.
- m) "Department Head" means any of the CS Commissioner, CLS Commissioner and IPS Commissioner.
- n) "Fair Market Value" means the monetary consideration that, in an open and unrestricted market, a reasonably prudent and informed buyer would pay to a reasonably prudent and informed seller, when acting at arm's length from one another, as determined pursuant to section 9.
- o) "Fire Chief" means the City's Fire Chief.
- p) "Highway" means a "highway" as defined by subsection 1(1) and Part III of the **Municipal Act, 2001** over which the City has jurisdiction.
- q) "IPS Commissioner" means the City's Commissioner, Infrastructure and Planning Services Department.
- r) "Licence Fee" means the aggregate of all sums due and payable by a licensee to a licensor pursuant to the terms of a licence agreement.
- s) "Rent" means the aggregate of all sums due and payable by a tenant to a landlord pursuant to the terms of a lease.
- t) "Term" means the period of time during which an agreement is effective including all extensions of the period.
- u) "Transportation Manager" means the City's Manager, Transportation Services.
- v) "Treasurer" means the City's Treasurer.

Delegation

7. Within each row of Schedule "A" to this By-law:

- a) The authority described in the column entitled, "Delegated Authority", is delegated to the person or persons identified in the column entitled, "Delegate", subject to the restrictions, if any, in the column entitled, "Restrictions".
- b) Subject to paragraph c), where more than one person is listed as a delegate, the delegated authority may be exercised by any of such persons.
- c) If any of the persons referenced in paragraph b):

- i) disagrees as to whether or the manner in which to exercise the delegated authority; or
- ii) is unable to exercise the delegated authority by reason of the person's illness or absence,

then the determination of the earlier listed person prevails.

- d) Where ASC is identified as a delegate, the delegated authority may be exercised by the determination of a majority of its members present at a meeting of ASC provided that if the CAO is present, the CAO must be one of the majority.
8. Where this By-law delegates authority or imposes a restriction related to the person first listed in one of the following paragraphs, then the second person listed in the paragraph may exercise the authority or address the restriction, subject to the direction, if any, of the person first listed:
- a) CAO; the Deputy Chief Administrative Officer from time to time appointed by Council pursuant to paragraph 1.b) of By-law 18-112;
 - b) CBO; Deputy Chief Building Official;
 - c) City Clerk; Deputy City Clerk;
 - d) City Solicitor; Associate City Solicitor;
 - e) Fire Chief; Deputy Fire Chief; and
 - f) Treasurer; Deputy Treasurer.
9. The City's Real Estate and Development Manager may determine Fair Market Value for the purpose of any restriction to authority delegated pursuant to this By-law.
10. Any exercise of authority delegated pursuant to this By-law that requires a payment by the City is subject to the availability of an Approved Budget that can accommodate the payment.
11. Any exercise of authority delegated pursuant to this By-law that requires a document is subject to the restriction that the document's form and content are acceptable to the City Solicitor.

Consequential Amendments

12. Subject to section 13, the following by-laws or parts of by-laws are repealed:
- a) 93-025, being a by-law to delegate authority respecting the moving of heavy vehicles, loads, objects or structures on Highways;
 - b) 05-083, being a by-law relating to temporary Highway closures;
 - c) 09-156, being a by-law to delegate authority for proceedings under sections 356, 357, 358 and 359 of the Municipal Act, 2001;
 - d) Sections 1 and 2 of by-law 09-157, being a by-law to authorize proceedings to the Assessment Review Board;
 - e) 10-028, being a by-law to delegate authority to the City Engineer relating to the temporary closure of Highways;
 - f) Sections 3 and 5 of by-law 11-081 being the parts of a by-law that delegates site plan approval authority;
 - g) 11-082, being a by-law to delegate authority respecting plans of subdivision, plans of condominium and part lot control; and

- h) 13-173, being a by-law authorizing the Mayor and City Clerk to sign filming permits and any related documents.

13. Each of the by-laws or parts of by-laws repealed pursuant to section 12 continue to be in effect to the extent and until such time as all rights conferred and obligations imposed by each such by-law or parts prior to their repeal have been disposed of pursuant to each such by-law or part.

General

14. For the purpose of subsection 23.2(4) of the Municipal Act, 2001, it is the opinion of Council that any legislative powers delegated to an individual pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of each such power.

15. This By-law is effective on the date of its passing.

By-law passed this ____ day of March, 2020.

Diane Therrien, Mayor

John Kennedy, City Clerk

Schedule A to By-law 20-xxx

Part 1: Land	5
Part 2: Roads and Parking	6
Part 3: Legal Proceedings.....	7
Part 4: Development	8
Part 5: Finance.....	10
Part 6: Social Services [reserved]	12
Part 7: Information and Records	12

Item	Delegated Authority	Delegate	Restrictions
Part 1: Land			
1.1	Execute on City's behalf any document related to the acquisition or disposition of an interest in land including purchase, sale, charge/mortgage, easement, lease and licence.	<ul style="list-style-type: none"> • Mayor and City Clerk • CAO • Department Head 	<ul style="list-style-type: none"> • Acquisition or disposition is approved by Council or pursuant to Items 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 or 1.9 of Schedule "A" to this By-law. • City Solicitor determines that execution of document is consistent with approval and is in City's best interests.
1.2	Execute and cause to be registered or deposited an instrument in the Land Registry Office	<ul style="list-style-type: none"> • City Solicitor 	<ul style="list-style-type: none"> • City Solicitor determines that registration or deposit of the instrument is in City's best interests.
1.3	Approve easement to City over land of third party	<ul style="list-style-type: none"> • CAO • IPS Commissioner 	<ul style="list-style-type: none"> • CAO or Department Head determines that easement is required for City purposes.
1.4	Approve easement to third party over City land	<ul style="list-style-type: none"> • CAO • IPS Commissioner 	<ul style="list-style-type: none"> • CAO or Department Head determines that easement does not materially impair City operations.
1.5	Approve lease of land to City from third party	<ul style="list-style-type: none"> • ASC • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines that lease is required for City purposes. • Term does not exceed 20 years. • Rent does not exceed Fair Market Value.
1.6	Approve lease of land to third party from City	<ul style="list-style-type: none"> • ASC • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines that lease does not materially impair City operations. • Term does not exceed 20 years. • Rent is no less than Fair Market Value. • Land is not within limits of Peterborough Municipal Airport.

Item	Delegated Authority	Delegate	Restrictions
1.7	Approve lease of land within limits of Peterborough Municipal Airport to third party from City	<ul style="list-style-type: none"> • ASC • CAO • IPS Commissioner 	<ul style="list-style-type: none"> • CAO or IPS Commissioner determines that lease does not materially impair Airport operations. • Term does not exceed 30 years. • Rent is no less than Fair Market Value.
1.8	Approve licence of land to City from third party	<ul style="list-style-type: none"> • ASC • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines that licence is required for City purposes. • Term does not exceed 5 years. • Licence Fee does not exceed Fair Market Value.
1.9	Approve licence of land to third party from City	<ul style="list-style-type: none"> • ASC • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines that licence does not materially impair City operations. • Term does not exceed 5 years. • Licence Fee is no less than Fair Market Value.
1.10	Revoke licence of land to third party from City	<ul style="list-style-type: none"> • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines in consultation with City Solicitor that revocation of licence is in City's best interests
Part 2: Roads and Parking			
2.1	Pass by-law to close a highway	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • Council approves the closure. • IPS Commissioner determines in consultation with City Engineer that Council's conditions, if any, to its approval have been satisfied.
2.2	Approve temporary closure of Highway and approve and execute licence of the Highway to third party	<ul style="list-style-type: none"> • CLS Commissioner • City Clerk 	<ul style="list-style-type: none"> • CLS Commissioner or City Clerk determines that closure and licence are necessary for the third party to undertake a parade or a procession or a social, recreational, community, athletic, cultural or cinematographic event. • Transportation Manager determines that closure does not materially impair City's transportation systems.
2.3	Approve temporary closure of Highway	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • IPS Commissioner or City Engineer determines that closure is necessary for work on or in a Highway.
2.4	Approve and execute licence of Highway to third party	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • Temporary closure of Highway has been approved. • IPS Commissioner or City Engineer determines that licence is necessary for third party to undertake work on or in a Highway or on land adjacent to Highway.

Item	Delegated Authority	Delegate	Restrictions
2.5	Pass by-law to assume a Highway for public use	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • IPS Commissioner or City Engineer determines that any maintenance or assumption period established by a development agreement has lapsed and that there are no deficiencies.
2.6	Pass by-law to establish land as part of a Highway and to assume it for public use	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner • City Engineer 	<ul style="list-style-type: none"> • Land has been acquired by the City for the purpose of widening a Highway. • IPS Commissioner, Chief Planner or City Engineer determines that it is in City's interests to pass the by-law.
2.7	Issue permit pursuant to Highway Traffic Act, s.110 for the use of a Highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in Highway Traffic Act, s. 109 or the weight limits set out in Highway Traffic Act, Part VIII	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • Permit is for a purpose set out in Highway Traffic Act, s.110(1). • City Engineer determines that the use will not damage the Highway • Transportation Manager determines that the use will not materially impair City's transportation systems.
2.8	Pass by-law to amend Schedule V "Parkades" to By-law 09-136	<ul style="list-style-type: none"> • IPS Commissioner • Transportation Manager 	<ul style="list-style-type: none"> • None
Part 3: Legal Proceedings			
3.1	Authorize legal proceeding by City in any Ontario Court or administrative tribunal	<ul style="list-style-type: none"> • CAO • Department Head 	<ul style="list-style-type: none"> • Legal proceeding is other than one to which Items 3.4 or 3.5 of this Schedule applies. • City Solicitor determines that the City's case has merit. • CAO or Department Head determines in consultation with the Treasurer and the City Solicitor that the legal proceeding is in the City's best interests.
3.2	Authorize defence to or opposition of legal proceeding against City in any Ontario Court or administrative tribunal	<ul style="list-style-type: none"> • CAO • Department Head 	<ul style="list-style-type: none"> • City Solicitor determines that the City's case has merit.
3.3	Authorize appeal by City against a decision of any Ontario Court or administrative tribunal	<ul style="list-style-type: none"> • CAO • Department Head 	<ul style="list-style-type: none"> • City Solicitor determines that the City's case has merit.

Item	Delegated Authority	Delegate	Restrictions
3.4	Authorize a proceeding by City under Parts I, II, III or VII of the Provincial Offences Act	<ul style="list-style-type: none"> • City Solicitor 	<ul style="list-style-type: none"> • Contravention the subject of the proceeding relates to a standard administered or enforced by the City. • For a proceeding under Parts I, II or III of the Act, City Solicitor determines that there is a reasonable prospect of a conviction and that it is in the public interest to proceed with the charge. • For a proceeding under Part VII of the Act, City Solicitor determines that the City's case has merit and that it is in the public interest to proceed with the appeal.
3.5	Authorize a proceeding in Small Claims Court	<ul style="list-style-type: none"> • Treasurer • City Solicitor 	<ul style="list-style-type: none"> • Proceeding is for the collection of a debt to the City
3.6	Authorize any measure to enforce an obligation to pay a debt to the City	<ul style="list-style-type: none"> • Treasurer • City Solicitor 	<ul style="list-style-type: none"> • Measure is authorized by law
3.7	Authorize any measure to enforce an administrative order	<ul style="list-style-type: none"> • CAO • IPS Commissioner • CBO • Fire Chief 	<ul style="list-style-type: none"> • Measure is authorized by law
3.8	Approve settlement of a potential or pending claim by or against the City and execute documents to effect settlement including minutes of settlement, indemnities and releases	<ul style="list-style-type: none"> • CAO • Treasurer 	<ul style="list-style-type: none"> • CAO or Treasurer determines in consultation with City Solicitor that settlement terms are in the City's best interests. • Any sums to be paid by City as a term of settlement do not exceed in the aggregate \$100,000.
3.9	Pass by-law to appoint or to revoke the appointment of an individual as a municipal law enforcement officer to enter on land for the purpose of carrying out inspections and enforcement pursuant to the Building Code Act, 1992, the Dog Owners' Liability Act, the Fire Protection and Prevention Act, 1997, the Municipal Act, 2001 or the Ontario Heritage Act	<ul style="list-style-type: none"> • CAO • Department Head 	<ul style="list-style-type: none"> • CAO or Department Head determines that the appointment or revocation of the appointment is in the City's best interests. • Determination pursuant to the Fire Protection and Prevention Act, 1997 is made in consultation with the Fire Chief. • Determination pursuant to the Building Code Act, 1992 is made in consultation with the CBO.
Part 4: Development			
4.1	Approve subdivision servicing prior to execution of a subdivision agreement and execute documents to effect approval	<ul style="list-style-type: none"> • IPS Commissioner • City Engineer 	<ul style="list-style-type: none"> • IPS Commissioner determines that approval and execution of documents is in the City's best interests.

Item	Delegated Authority	Delegate	Restrictions
4.2	Exercise authority pursuant to Planning Act, s. 51 re plans of subdivision	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • Excludes authority under Planning Act, s. 51(26) to execute agreement imposed as a condition to the approval of a plan of subdivision. • Excludes authority under Planning Act, s. 51(31) to give or refuse approval to a draft plan of subdivision. • Excludes authority under Planning Act, s. 51(32) to specify a time period for the lapsing of an approval to a draft plan of subdivision. • Excludes authority pursuant to Planning Act, s. 51(44) to withdraw approval or make changes to conditions of approval of a draft plan of subdivision. • Excludes authority pursuant to Planning Act, s. 51(59) to withdraw final approval of a plan of subdivision.
4.3	Execute agreement pursuant to Planning Act, s. 51(26)	<ul style="list-style-type: none"> • Mayor and City Clerk • CAO • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • Agreement is imposed as a condition to the approval of a plan of subdivision.
4.4	Pass by-law pursuant to Planning Act, s. 50(7) exempting land from part lot control	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • IPS Commissioner or Chief Planner determines in consultation with City Solicitor that the land is within a registered plan of subdivision. • Chief Planner determines that the exemption will facilitate proper and orderly development.
4.5	Approve an exemption and issue a certificate of exemption pursuant to Condominium Act, 1998, s. 9(7) re registration of a description or an amendment to a description	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • Chief Planner determines that the exemption is appropriate in the circumstances
4.6	Execute draft plan of subdivision, final plan of subdivision, proposed plan of condominium or final plan of condominium	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • The plan has been approved by Council or pursuant to this By-law.

Item	Delegated Authority	Delegate	Restrictions
4.7	Exercise authority pursuant to Planning Act, s. 41 re site plan control area	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • Excludes authority pursuant to Planning Act, s. 41(2) to designate site plan control area. • Excludes authority to execute an agreement required pursuant to Planning Act, s. 41(7). • Excludes non-residential or mixed use development having a building floor area greater than 2,500 square metres (except such a development within Major Bennett Industrial Park, Peterborough Industrial Park or Trent Research and Innovation Park). • Excludes development containing more than 50 dwelling units. • Site plan approval by Council has not be imposed as a condition of an approval respecting the development. • Excludes development of a group home for which a rezoning is required.
4.8	Execute agreement re site plan	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • Agreement is required pursuant to Planning Act, s. 41(7).
4.9	Approve application to remove holding symbol pursuant to Planning Act, s. 36	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • IPS Commissioner or Chief Planner determines that all conditions for the removal of the holding symbol have been satisfied. • Proposed by-law to amend the Zoning By-law to effect the approval is included on an agenda for a Council meeting following the approval and is passed by Council.
4.10	Approve application made under the Central Area Community Improvement Plan and execute documents to effect approval	<ul style="list-style-type: none"> • IPS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • IPS Commissioner or Chief Planner determines that application satisfies program criteria. • Treasurer determines that aggregate value of financial benefits does not exceed \$100,000.
4.11	Approve application made under the Affordable Housing Community Improvement Plan and execute documents to effect approval	<ul style="list-style-type: none"> • IPS Commissioner • CS Commissioner • Chief Planner 	<ul style="list-style-type: none"> • IPS Commissioner or CS Commissioner or Chief Planner determines that application satisfies program criteria • Treasurer determines that aggregate value of financial benefits does not exceed \$100,000.
Part 5: Finance			
5.1	Execute documents related to applications for funding for City programs, operations or approved capital projects	<ul style="list-style-type: none"> • CAO • Department Head • Treasurer 	<ul style="list-style-type: none"> • Funding relates to a program, operation or capital project where funding is available in an Approved Budget.

Item	Delegated Authority	Delegate	Restrictions
5.2	Exercise authority pursuant to Municipal Act, 2001, s. 345(7) re cancellation or refund of late payment charges and overcharges of taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 345
5.3	Exercise authority pursuant to Municipal Act, 2001, s. 356 re division of land into parcels	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Excludes authority under Municipal Act, 2001, s. 356(8) to delegate authority to Assessment Review Board • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 356
5.4	Exercise authority pursuant to Municipal Act, 2001, s. 357 re cancellation, reduction and refund of taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Excludes authority under Municipal Act, 2001, s. 357(11) to delegate authority to Assessment Review Board • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 357
5.5	Exercise authority pursuant to Municipal Act, 2001, s. 357.1 re cancellation, reduction and refund of payment in lieu of taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Excludes authority under Municipal Act, 2001, s. 357.1(3) to the extent of any authority to delegate authority to Assessment Review Board • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 357.1
5.6	Exercise authority pursuant to Municipal Act, 2001, s. 358 re overcharges of taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Excludes authority under Municipal Act, 2001, s. 358(12) to delegate authority to Assessment Review Board • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 358
5.7	Exercise authority pursuant to Municipal Act, 2001, s. 359 re increase of taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Excludes authority under Municipal Act, 2001, s. 359(8) to delegate authority to Assessment Review Board • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 359
5.8	Exercise authority pursuant to Municipal Act, 2001, s. 359.1 re error in calculating taxes	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 359.1
5.9	Exercise authority pursuant to Municipal Act, 2001, s. 378 re extension agreement re payment of cancellation price	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • Treasurer complies with all procedural and other requirements established by Municipal Act, 2001, s. 378

Item	Delegated Authority	Delegate	Restrictions
5.10	Exercise authority pursuant to Development Charges Act, 1997, s. 27 re early or late payment of development charge	<ul style="list-style-type: none"> • Treasurer 	<ul style="list-style-type: none"> • None
Part 6: Social Services [reserved]			
6.1	[reserved]	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
Part 7: Information and Records			
7.1	Exercise powers and duties of the head pursuant to Municipal Freedom of Information and Protection of Privacy Act, s. 49	<ul style="list-style-type: none"> • City Clerk 	<ul style="list-style-type: none"> • None
7.2	Execute agreement for the disclosure or exchange of information	<ul style="list-style-type: none"> • CAO • Department Head • City Clerk 	<ul style="list-style-type: none"> • Collection or disclosure, as applicable, of information and related record(s) complies with applicable law