



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 191-2011
To authorize the delegation of certain powers
and duties under the *Municipal Act, 2001*,
the *Planning Act* and other Acts

Whereas the Council of the City of Brampton has previously delegated authority to officers, employees, committees or tribunals in a number of areas through by-law and/or Council Resolution, in accordance with prevailing legislation;

And Whereas section 23.1 of the *Municipal Act, 2001*, S.O.2001,c. 25 confirms that a municipality has authority to delegate its powers and duties, subject to certain restrictions;

And Whereas section 51.2(4) of the *Planning Act* R.S.O. 1990 c. P.13 as amended authorizes the delegation of authority to approve plans of subdivision and this authority is extended to approval of plans of condominium pursuant to subsection 9(2) of the *Condominium Act, 1998* S.O. 1998 c. 19, as amended;

And Whereas the Council of The Corporation of the City of Brampton, considers that it is appropriate to consolidate all existing delegation of authority into one by-law;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law may be referred to as the "Delegation of Authority By-law".

DESCRIPTION OF DELEGATION

2. Council delegates the powers and duties and restrictions thereto as set out in Schedules "A" and "B" to this By-law to those officers, employees, committees or tribunals listed in Schedule "A" and "B".
3. Where this By-law has delegated authority to a Commissioner, if the Commissioner has in writing designated a Director to serve as Acting Commissioner or where an Acting Commissioner has been appointed by Council or the City Manager, in the absence of the Commissioner, the Acting Commissioner may exercise the delegated authority.
4. Where the exercise of a delegated authority requires the expenditure of money, funding for the expenditure shall be included in an approved

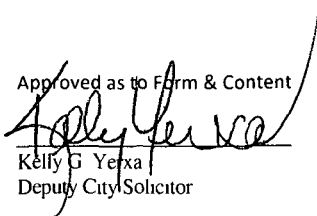
budget and all relevant requirements of Purchasing By-law 193-2007, as amended or any successor Purchasing By-law shall be followed.

5. Where the delegated authority listed in Schedule "A" or Schedule "B" authorizes the execution of a document or agreement, the document or agreement shall be approved by the City Solicitor as to form prior to its execution.
6. All relevant by-laws and policies of The Corporation of the City of Brampton shall apply to the exercise of delegated authority authorized by this By-law.
7. Council hereby confirms that it is of the opinion that all legislative powers delegated to an officer or employee of the corporation are minor in nature, within the meaning of subsection 23.2(4) of the *Municipal Act, 2001*.
8. Where dollar limits are specified in Schedule "A" or Schedule "B" to this By-law, they shall be adjusted annually on January 1 of each year commencing on January 1, 2012 in accordance with the change in the Consumer Price Index, Toronto, all items, over the previous year round to the nearest \$100.
9. The following by-laws and any amendments thereto are hereby repealed:

- a. By-law 295-79;
- b. By-law 102-90;
- c. By-law 284-83;
- d. By-law 9-97;
- e. By-law 10-97;
- f. By-law 243-2000;
- g. By-law 210-2003;
- h. By-law 97-2004;
- i. By-law 381-2004;
- j. By-law 50-2005;
- k. By-law 106-2006;
- l. By-law 229-2006;
- m. By-law 180-2007;
- n. By-law 417-2007;
- o. By-law 98-2008;
- p. By-law 153-2008;
- q. By-law 193-2008; and,
- r. By-law 322-2010.

READ a FIRST, SECOND and THIRD TIME and **PASSED** in Open Council this **22nd** day of June, 2011.

Approved as to Form & Content


Kelly G. Yerxa
Deputy City Solicitor


Susan Fenriell,

Mayor


Peter Fay

City Clerk

Schedule "A" to By-law 191 -2011

Delegated Authority

| Column 1 Description and Delegate | Column 2 Source of Original Delegation Authority |
|---|--|
| Chief Information Officer | |
| 1.1 The Chief Information Officer or his or her designate is authorized to sign, on behalf of the City, upon approval by the Executive Director, Management Services, and the City Solicitor, such agreements, contracts and other documents related to the usual operations of the Information Technology Division of the Management Services Department that are not subject to the City of Brampton's approved Purchasing Policy. | By-law 210-2003 |
| City Solicitor | |
| 2,1 The City Solicitor or designate is authorized to execute on behalf of The Corporation of the City of Brampton consents and waivers of notice of applications under the <i>Land Titles Act</i> , R.S.O. 1990 c. L 5, as amended. | By-law 180-2007 |
| 2.2 Where a transaction relating to any real property matter has been authorized by the Council of The Corporation of the City of Brampton by by-law, authority to execute by electronic means any documents requiring registration that relate to the said transaction is delegated to the: <ul style="list-style-type: none"> • City Solicitor • Director of Real Property and Commercial Law • Deputy City Solicitor–Real Property and Commercial Law; and • Legal Counsel. <p>or where the document does not require execution by a lawyer, the following legal staff:</p> <ul style="list-style-type: none"> • Legal Assistant(s); • Development Co-coordinator; and • Law Clerk. | By-law 50-2005 |
| City Manager | |
| 3.1 For the purposes of section 275 of the <i>Municipal Act, 2001</i> , if the conditions restricting Council authority have been met, then the City Manager and /or Commissioner of the applicable Department is authorized to hire or dismiss any employee in accordance with the City's existing practice and policy. | C287-2005 |
| 3.2 Where during an election year, Council's actions are restricted under section 273 of the <i>Municipal Act, 2001</i> , and during July and August of any year the City Manager and/or the Commissioner of the applicable Department is | C287-2005 |

| | |
|--|---|
| delegated the authority to undertake such actions as may be required where such actions are in accordance with existing current practice and policy except where, by statute, a resolution or by-law of council is required. | |
| | |
| Clerk | |
| 4.1 The Clerk of the City is designated as head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> . | By-law 102-90, as amended |
| | |
| Commissioner of Community Services | |
| 5.1 The Commissioner of Community Services is authorized to execute agreements relating to the usual operations of the Community Services Department in a form approved by the Commissioner of Corporate Services and City Solicitor | By-law 193-2008 |
| | |
| 5.2 The Commissioner of Community Services is authorized to approve artists contracts and marketing invoices in connection with the Rose Theatre where the amount is \$50,000 or greater. | CW129-2007 |
| | |
| 5.3 The Manager of Art, Culture and Theatre is authorized to approve artists contracts and marketing invoices in connection with the Rose Theatre where the amount is less than \$50,000. | CW401-2005 |
| | |
| Manager of Cemetery Services | |
| 6.1 The day-to-day control and management of each cemetery governed by By-law 141-92, as amended, shall be delegated to the Manager for the cemetery. All activities and use of a cemetery subject to By-law 141-92 shall be subject to the direction and supervision of the cemetery's Manager. The delegation of duties to the Manager for the cemetery shall be subject to the requirements and rules set out in By-law 141-92, as amended. | By-law 141 – 92 |
| | |
| Commissioner of Department Responsible for a Capital Project | |
| 7.1 The Commissioner of the Department responsible for a capital project or the Manager in the Department responsible for the capital project is authorized to execute any permit, licence, variance application and agreements (including those with utilities and authorities) required to implement an approved capital project. | Normal business practice formalized in this By-law. |
| | |
| Commissioner of Finance and Treasurer/Commissioner of Financial and Information Services/Director of Treasury Services | |
| 8.1 The Director of Treasury Services, or his or her designate, is authorized to execute, on behalf of the City, subject to approval of the City Solicitor, any and all forms by which the | By-law 381-2004 |

| | |
|--|---|
| Corporation's claims for damages against other parties and their insurers are released. | |
| 8.2 The Commissioner of Finance and Treasurer, Director of Revenue or Manager of Tax Billing and Administration are authorized to execute, on behalf of The Corporation of the City of Brampton, Minutes of Settlement arising out of tax appeals at the Assessment Review Board or the Ontario Municipal Board that, in the opinion of the signing officer, are in the best interests of The Corporation of the City of Brampton. | By-law 106-2006 |
| 8.3 The City Treasurer and the Risk and Insurance Manager; the Senior Manager, Investments, Risk Management and Service Planning and the Director of Treasury Services have authority to settle claims within the existing insurance deductible as follows: i) Any one of the above four named persons is authorized to settle claims up to \$25,000; and ii) Any two of the above four named persons is required to settle claims for amounts over \$25,000 and up to \$100,000 in, consultation with the City Solicitor. | By-law 322-2010 |
| 8.4 The Commissioner of Financial and Information Services is authorized, in consultation with the Engineering and Construction Division of the Works and Transportation Department, determine whether new development has advanced to the stage where environmental insurance is no longer required. | Normal business practice formalized in this By-law. |
| 8.5 The Commissioner of Finance and Treasurer and the Commissioner of the applicable department responsible for the project or program that is the subject of a grant, are authorized to execute such grant applications on behalf of The Corporation of the City of Brampton, | Normal business practice formalized in this By-law. |
| 8.6 The Commissioner of Financial and Information Services, the Commissioner of the applicable Department and the City Manager are delegated the authority to authorize expenditures and procurement in respect of active capital and current projects approved in the budget adopted by Council for that election year. | C198-2010 |
| 8.7 The Commissioner of Finance and Treasurer and the Senior Manager of Purchasing are authorized to execute, approved as to content by the Commissioner of Management and Administrative Services, in a form approved by the City Solicitor, commodity price hedging agreements in accordance with the Commodity Price Hedging Policy, including but not limited to the LAS Agreement between the City and AMO | By-law 417-2007 |

| | |
|--|---|
| to allow the City to participate in the AMO bulk electricity program. | |
| | |
| Commissioner of Parks and Recreation | |
| 9.1 The Commissioner of Parks and Recreation is hereby authorized to sign, on behalf of the City and after approval by the City Solicitor, any and all agreements, contracts and other such documents relating to the usual operations of the Parks and Recreation Department. | By-law 284-83 |
| | |
| Commissioner of Planning, Design and Development/Commissioner of Planning and Building | |
| 10.1 (i.) The Commissioner of Planning, Design and Development, the Chief Building Official or the Manager, Plans and Permits are authorized to execute on behalf of The Corporation of the City of Brampton, all agreements made pursuant to clause (c) of subsection 8(3) of the <i>Building Code Act</i> , 1992 S.O. 1992 c.23, as amended. (ii) Prior to execution, all agreements described in section 10.1 i.) shall be approved as to form by the Commissioner of Legal Services and City Solicitor, or designate. | By-law 97-2004 |
| | |
| 10.2 (i) The Commissioner of Planning and Building and the Director of Planning and Development Services are hereby delegated all of the Council's authority under Section 51 of the <i>Planning Act</i> , R.S.O. 1990 c. P. 13 as amended, and to approve condominium descriptions under section 9 of the Condominium Act, 1998 10.2 (ii.) Despite the authority delegated in paragraph 10.2(i) to the Commissioner of Planning and Building and the Director of Planning and Development Services, the Commissioner and the Director shall seek the approval of the Council prior to draft approving a plan and where a policy decision or a potentially difficult or controversial decision is being made. | By-law 9-97 By-law 10-97 By-law 153-2008 |
| 10.3 (i) The powers and authority given to Council under section 41 of the <i>Planning Act</i> as amended, are delegated to the Director of Urban Design and Zoning, 10.3 (ii) where the site plan application is a temporary structure, the powers and authority under section 41 of the <i>Planning Act</i> , may also be exercised by the Chief Building Official. 10.3 (iii) The Commissioner of Planning Design and Development or the Director of Planning and Land Development Services are authorized to execute any site plan agreement required section pursuant to clause (c) of subsection 41(7) of the <i>Planning Act</i> , and any document which may be required to implement the provisions of a site plan agreement. | By-law 96-86, as amended by By-laws 192-94 and 96-2004 |

| | |
|--|---|
| 10.3 (iv) where the site plan agreement or any document required to implement the provisions of the site plan agreement relates to a temporary sales office the Commissioner of Planning Design and Development, the Director of Planning and Land Development Services or the Chief Building Official are authorized to execute that site plan agreement. | |
| 10.4 The Commissioner of Planning, Design and Development is delegated the authority to exempt, at his/her discretion, the requirement for a public meeting under subsection 51(20) paragraph (b) of the <i>Planning Act</i> , in regard to a vacant land condominium description and/or a common elements condominium description. | By-law 153 - 2008 |
| Commissioner of Works and Transportation | |
| 11.1 The Commissioner of Works and Transportation is appointed as the person to designate construction zones in Brampton, for the purposes of subsection 128(8.1) of the <i>Highway Traffic Act</i> where a City permit involves construction or repair of a highway, or works near to a highway. | By-law 229-2006 and By-law 93-93 |
| 11.2 The Commissioner of Works and Transportation may authorize the use of a highway or boulevard during building operations and issuance of road occupancy permits subject to such conditions as the Commissioner may determine appropriate. | Special Event Road Closures Policy 14.13.0 and By-law 93-93 |
| 11.3 The Commissioner of Works and Transportation may authorized the use of a highways or sidewalks under the City's jurisdiction by persons seeking to place, construct, maintain and use objects in, on or under or over the highways or sidewalks, prescribing conditions for such use and executing any agreements required for such use. | By-law 93-93 |
| Commissioner of Department Responsible for a Capital Project | |
| 12.1 The Commissioner of the Department responsible for a capital project or the Manager in the Department responsible for the capital project is authorized to execute any permit, licence, variance application and agreement (including those with utilities and authorities) required to implement an approved capital project. | Normal business practice formalized in this By-law. |
| Brampton Appeal Tribunal | |
| 13.1 The Brampton Appeal Tribunal established under By-law 48-2008 is delegated authority to hear: (i) appeals from the decision of the License Issuer. The types of decisions | By-law 48-2008 |

| | |
|--|--------------------------------|
| <p>that carry a right of appeal to the Tribunal are set out in the City's Licensing By-law 1-2002, as amended and;</p> <p>(ii) appeals from decisions of the poundkeeper. The types of decisions that carry a right of appeal to the Tribunal are set out in the Dog By-law 250-2005, as amended,</p> <p>and the exercise of the Tribunals powers and the procedures is governed by By-law 48-2008, as amended.</p> | |
| Committee of Adjustment | |
| <p>14.1 The Committee of Adjustment for The Corporation of the City of Brampton (hereinafter referred to as the "Committee of Adjustment") as established under By-law 51-89 is authorized to grant minor variances and authority to give consents under sections 45 and 53 respectively of the <i>Planning Act</i>, as amended, and the exercise of the Committee of Adjustment's powers and the procedures is governed by section 45 of the <i>Planning Act</i> and By-law 51-89 as amended.</p> | By-law 51-89 |
| Committee of Revision | |
| <p>15.1 (i) Council establishes a Committee of Revision to hear objections against the proposed local improvement roll.</p> <p>15.1 (ii) Council appoints the members of the Committee of Adjustment as members of the Committee of Revision to sit as either a three member or five member hearing panel, the size and composition of said panel to be determined by the Chair of the Committee of Adjustment.</p> | By-law 272-2008 |
| Fire Alarm System Agreements | |
| <p>16.1 The Mayor and the Clerk are authorized to execute, after approval by City staff, any and all agreements relating to the connection of internal fire alarm systems to the Central Fire Alarm Panel operated by the City of Brampton Fire Department.</p> | By-law 295-79 |
| Municipal Access Agreements with Utility Companies | |
| <p>17.1 The Mayor and the Clerk are authorized to execute municipal access agreements in the form as approved by Council resolution CW090-2000 on October 11, 2000, including amendments as approved by the City's Legal Services Department and Works & Transportation Department, and any other documents necessary to give effect to the municipal access agreement.</p> | By-law 243-2000 and CW090-2000 |

Schedule "B" to By-law 191-2011

Delegated Authority- Real Estate Related activities

1 (1) For purposes of this Schedule "B":

(a) "Commissioner of Operating Department" means the Commissioner of Works and Transportation, the Commissioner of Planning, Design and Development, the Commissioner of Community Services or the Commissioner of Management and Administrative Services, as the context requires, or a Director designated by a Commissioner to exercise the Commissioner's authority under this section.

(b) "Limited Interest Agreement" means having a term of 21 years or less, and including but not limited to leases, licences, management and operations agreements, temporary easements, encroachments, and permissions to enter/occupy. Limited Interest Agreements with terms of more than 21 years are considered acquisitions or disposals as the case may be.

1 (2) The Mayor and Clerk are hereby authorized to execute all agreements of purchase and sale, transfers and any other documents approved by the City Solicitor that in the City Solicitor's opinion are required to complete any transaction approved in accordance with this Schedule "B".

1 (3) All Real Estate related activities not specified in this Schedule "B" By-law must be authorized by City Council.

| Column 1 Real Estate Activity | Column 2 Delegate and Source of Original Delegation |
|--|--|
| 1. Acquisition at current market value ("CMV") of \$150,000 or less, plus due diligence ("DD") costs, with pre-approved capital land acquisition budget. | Commissioner of Operating Department and Commissioner of Finance By-law 98-2008 |
| 2. Acquisition at CMV of \$50,000 or less, plus DD costs, with no pre-approved capital land acquisition budget. | Commissioner of Operating Department and Commissioner of Finance By-law 98-2008 |
| 3. Acquisition at nominal value and DD costs of \$25,000 or less, through pre-dedication, or from another government, or where CMV is \$25,000 or less. | Commissioner of Operating Department By-law 98-2008 |
| 4. Surplus declaration for property or rights with CMV of \$50,000 or less where surplus declaration was not instigated by potential purchaser(s). | Commissioner of Operating Department and City Solicitor By-law 98-2008 |
| 5. Surplus declaration for excess property or rights acquired through funding from pre-approved capital and acquisition budget. | Commissioner of Operating Department and City Solicitor By-law 98-2008 |
| 6. Surplus declaration for property or rights to be conveyed to a utility for installation/maintenance of services, or for property or rights to be conveyed to another government. | Commissioner of Operating Department and City Solicitor By-law 98-2008 |

| | |
|---|--|
| | |
| 7. Disposal of surplus property or rights at CMV of \$50,000 or less to adjacent property owner(s) who is/are sole potential purchaser(s) where disposal was not instigated by potential purchaser(s). | Commissioner of Operating Department By-law 98-2008 |
| 8. Disposal of surplus property or rights at CMV of \$50,000 or less to be conveyed to a utility for installation/maintenance of services, or for property or rights to be conveyed to another government. | Commissioner of Operating Department By-law 98-2008 |
| 9. Disposal of surplus property or rights at less than CMV to another municipal government in compliance with Standard Operating Procedure for inter-municipal transactions. | Commissioner of Operating Department By-law 98-2008 |
| 10. Limited Interest Agreements* ("LIA") pertaining to all facilities and vacant land, generating CMV rent to the City of \$150,000 or less over the term of the LIA. | Commissioner of Operating Department By-law 98-2008 |
| 11. Limited Interest Agreements* (LIA) where City is tenant and CMV rent payable is \$50,000 or less over the term of the LIA. | Commissioner of Operating Department and Commissioner of Finance By-law 98-2008 |
| 12. Procurement of due diligence reports , whether prepared in-house by non-accredited staff, or externally by accredited professionals. | Manager of Realty Services By-law 98-2008 |