

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

The Corporation of the Municipality of Clarington

By-law 2024-042

Being a By-law to provide delegations of authority from the Council of the Municipality of Clarington to Committees and Clarington Municipal Staff.

Whereas Subsection 23.1(1) of the Municipal Act, 2001, as amended, authorizes a municipality to delegate its powers and duties under the Municipal Act or any other Act to a person or body, subject to the restrictions set out in the Municipal Act;

And whereas Subsection 270(1)6 of the Municipal Act, 2001, as amended, states that a municipality shall adopt and maintain policies with respect to the delegation of its powers and duties;

And whereas Subsection 275(6) of the Municipal Act, 2001, as amended, states that nothing in this section prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council;

And whereas the efficient management of the municipal corporation and the need to respond to issues in a timely manner require Council to entrust certain powers and duties to Committees and Staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions;

And whereas, arising out of Report LGS-026-24, the Council of the Municipality of Clarington has deemed it desirable and efficient to delegate certain powers pursuant to the provisions of the Municipal Act, 2001 to enhance the efficiency of its decision making and administrative processes;

Now, therefore, the Council of the Municipality of Clarington enacts as follows:

Short Title

1. The short title of this by-law is the “Delegation of Authority By-law.”

Definitions

2. In this By-law:
- (a) “Administrative Powers” includes all matters required for the management of the Corporation which includes Staffing and the provision of services.
 - (b) “Agreement” means a contract, or other legally binding document.
 - (c) “By-law” means this By-law, as it may be amended from time to time, including schedules.
 - (d) “CAO” means the Municipality’s Chief Administrative Officer and the person who holds that position, or another person designated by Council as described in Section 229 of the Municipal Act, 2001.
 - (e) “Chief Building Official” means the Municipality’s Chief Building Official or any acting or deputy Chief Building Official.
 - (f) “Council” means the Council of the Municipality of Clarington.
 - (g) “Deputy CAO/Planning & Infrastructure” means the Municipality’s Deputy CAO/Planning & Infrastructure, or any acting Deputy CAO/Planning & Infrastructure.
 - (h) “Deputy CAO/Public Services” means the Municipality’s Deputy CAO/Public Services, or any acting Deputy CAO/Public Services.
 - (i) “Deputy CAO/Solicitor” means the Municipality’s Deputy CAO/Solicitor, or any acting Deputy CAO/Solicitor.
 - (j) “Deputy CAO/Treasurer” means the Municipality’s Deputy CAO/Treasurer, where “Treasurer” meets the definition of “Municipal Treasurer” as set out in Section 286 of the Municipal Act, 2001.
 - (k) “Deputy Treasurer” means one of the Municipality’s Deputy Treasurer or any acting Deputy Treasurer.
 - (l) “Designate” means any individual within the Municipality appointed from time to time to act on behalf of the appointing person in respect of the exercise of their delegated authority.
 - (m) “Head of Department” means a person who is responsible for a Department, and their delegate(s) or, in the event of organizational changes, another person designated by Council or the CAO.
 - (n) “Lease” means a contract by which one conveys real estate, equipment, or facilities for a specified term, for specified conditions and for a specified rent.

- (o) “Legislative Powers” includes all matters where Council acts in a legislative and quasi-judicial function, including enacting by-laws, setting policies, and exercising adjudicative decision-making authority.
- (p) “Licence” means an authorization by a regulatory authority.
- (q) “Mayor” means the head of Council or, as applicable, the Acting Mayor.
- (r) “Municipal Clerk” means the Municipality’s Municipal Clerk or any acting or Deputy Clerk, or their designate, appointed by Council to perform the duties of the Clerk described in Section 228 of the Municipal Act, 2001.
- (s) “Municipality” means the Corporation of the Municipality of Clarington.
- (t) “OLT” means the Ontario Land Tribunal under the Ontario Land Tribunal Act, 2021, or its successor organization.

General

- 3. For the purpose of subsection 270(1)6 of the Municipal Act, 2001, this By-law shall satisfy the requirement to adopt and maintain a policy on the delegation of its powers and duties.
- 4. Pursuant to subsection 23.2(4) of the Municipal Act, 2001, any legislative powers delegated within this By-law are expressly 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.

General Delegation

- 5. All delegations of Council powers, duties, and functions shall be listed in Schedule “A” of this By-law or otherwise affected by by-law or may be authorized by resolution of Council.
- 6. Unless a power, duty, or function of Council has been expressly delegated by by-law or resolution, all the powers, duties and functions of Council remain with Council.
- 7. A delegation of power, duty, or function under any by-law or resolution to any member of Staff shall include a delegation to the CAO and to any member of Staff selected from time to time by the CAO, or delegate, to act in the capacity of the delegate in the delegate’s absence.
- 8. Staff with delegated signing power may use their signature in forms that may be written, printed, including by electronic means or measures, or otherwise reproduced.

9. In exercising any delegated power, the delegate shall ensure the following:
 - (a) Any expenditure related to the matter shall have been provided for in the approved year's budget or otherwise authorized by the Purchasing By-law or related policies).
 - (b) The scope of the delegated authority shall not be exceeded by the delegate.
 - (c) Compliance with all Corporate policies, including those related to insurance and risk management; and,
 - (d) The consistent and equitable application of Council policies and guidelines.

Further Delegation

10. Within each row of a table in Appendix 1 to this By-law, the delegated authority may be exercised by any such person(s) identified. However, the CAO is in effect the head of all Departments and may intervene, sub-delegate, or exercise any authority delegated in this By-law, where legally permitted to do so, if done in writing.
11. Where authority is delegated to a specific Staff member in this By-law, the authority may be further delegated by the authorized person to staff members within the applicable department, or division, provided that such delegation is legally permissible, authorized in writing and does not exceed the authority delegated by this By-law to the authorized person.

Title Change and Conflicts

12. Where delegations of authority have been assigned to a Staff position, such authority includes the person temporarily acting in that position.
13. Where a delegation of power, duty or function is to a Staff position that no longer exists in title, those delegations shall be deemed transferred to the staff person who is assuming the responsibilities of the obsolete position.
14. The CAO is hereby authorized to resolve any conflict, or ambiguity, regarding the individual, or individuals, of the Municipality authorized to exercise any delegation.

Emergency or Special Circumstances

15. In cases of emergency or special circumstances, as determined by the CAO and/or Mayor, where it is necessary to act within the normal mandate of a department, but such action is not strictly within the terms of a delegated authority, a Deputy CAO, in respect of their specific department, may take such

action as necessary to rectify the situation. Any such action shall be reported immediately to the CAO, and to Council within a reasonable timeframe.

Inconsistency

16. In the event of any contradiction between this By-law and any other Municipal by-law, this By-law prevails to the extent of the inconsistency.

Validity of Actions Taken

17. Any variation or revocation of a delegated authority pursuant to this By-law shall have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation were varied or revoked.

Severability

18. If a court of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Amendment of Previous By-law

19. By-law 2014-059, the Traffic By-law, Subsection 18.1(1) is amended to delete the following wording:

“The Director may designate temporary permissive truck routes and temporary prohibitive no heavy truck routes and may erect official signs to those effects.”

And replace it with the following wording:

“The Delegation of Authority By-law indicates who may designate temporary permissive truck routes and temporary prohibitive no heavy truck routes and may erect official signs to those effects.”

20. By-law 2023-033, the Procedural By-law is amended to delete subsections 7.20.5 and 7.20.6 regarding authority to make minor deletions, additions, or changes to by-laws.

21. By-law 2010-139, regarding Site Plan Control Agreements, be amended as follows:

by replacing the words “to the Director of Planning and Development Services of the Municipality of Clarington” with the words “as indicated in the Delegation of Authority By-law” in section 7.

by replacing the words “to the Manager of Development Review” with the words “as indicated in the Delegation of Authority By-law” in section 7.

Repeal of By-laws

22. The following by-laws are hereby repealed, effective the date of passing of this by-law:

- By-law 2021-005, delegating authority to exercise powers and functions of Council regarding applications, to the Assessment Review Board.
- By-law 2003-031, delegating authority to make appeals to the Assessment Review Board.
- By-law 2016-087, delegating authority to make decisions and hold meetings related taxes.
- By-law 2021-004, delegating authority to make negotiate and execute tax extensions.
- By-law 2005-225, appointing the former Manager of Municipal Law Enforcement.
- By-law 90-193, appointing the head for the Municipal Freedom of Information and Protection to Privacy Act.
- By-law 2020-045, delegating authority to establish retention periods.
- By-law 2004-253, and its amendments thereto, regarding the provision of civil marriages.
- By-law 2001-072, and its amendments thereto, regarding authority for “removal of holding” symbols, temporary use zoning by-law amendments, and housekeeping by-laws related to the Zoning By-law.
- By-law 2011-119 delegating functions related to planning applications.
- By-law 92-43 delegating authority to execute agreements related to conditions of Land Severances.

Effectivity

This by-law shall come into force and effect on the date of passing.

Passed in Open Council this 23rd day September, 2024.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

Written approval of this by-law was given by Mayoral Decision MDE-2024-007 dated September 23, 2024.

SCHEDULE A (GENERAL).....8
SCHEDULE B (CAO).....11
SCHEDULE C (PUB).....14
SCHEDULE D (FSD)17
SCHEDULE E (LEG)23
SCHEDULE F (PSD).....32

Schedule A (General)

Short Description of Matter	Delegate	Specific Delegation of Authority	Council’s Authority to Delegate	Checks and Balances
Agreements – Acknowledgement of Status or Term	Head of Department or designate	To issue an acknowledgment of the status or term of agreements to which the Municipality is a party.	Municipal Act, s. 23.1	
Agreements – Confidentiality Agreements	Head of Department or designate	To execute confidentiality agreements	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor
Agreements – Data	Head of Department or designate	To execute a data license or a data sharing agreement for the provision of data of the Municipality to others or for the provision of data from others to the Municipality.	Municipal Act, s. 23.1	Accompanied by a data sharing agreement with for and content approved by the Deputy CAO/Solicitor, and the CAO
Agreements – Infrastructure to Cross	Head of Department or designate	To execute agreement with the applicable authority to permit Municipal infrastructure to cross a railway, provincial highway, pipeline, hydro-electric power corridor, watercourse, communication, transmission line or any other infrastructure as may be required.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements – Federal and Provincial – Programs	Head of Department or designate	To execute an agreement with the Federal or Provincial government, a municipality, agency, institution, utility or community partner for a Municipal undertaking, program delivery and administration.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget or in accordance with the Budget Policy. Recommended by the Deputy CAO/Solicitor
Agreements – First Nations, Metis and Inuit, or other interested parties	Head of Department or designate	To enter into any consultation agreements First Nations, Metis and Inuit, or other interested parties with regard to any Municipal undertaking.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor
Agreements – Fulfilled or Released	Head of Department or designate	To deem agreements fulfilled, or release conditions within an agreement where Municipal conditions have been fulfilled, or the agreement is no longer required.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor
Agreements – Supply of Service or Program to Municipality	Head of Department or designate	To execute an agreement (or subsequent related agreements required to operationalize the master agreement) with a government agency or a non-profit agency, for consideration, for the supply of a service for an approved program of the Municipality.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget or in accordance with the budget management policy. Agreement Reviewed by Risk Management for certificate of insurance and recommended by the Deputy CAO/Solicitor.
Flags and banners	Mayor or Designate	To approve or deny a request and determine the timeframe a flag may be displayed.	Municipal Act, s. 23.1	
Proclamations	Mayor's Office	Upon receipt of a request for a proclamation, the request shall be forwarded to the Mayor's Office for consideration.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Policy – Occupational Health and Safety	Mayor and CAO	To sign the Occupational Health and Safety policy on behalf of the Municipality.	Occupational Health and Safety Act (definition of owner)	

Schedule B (CAO)

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Administration – Telecom Protocol	CAO and the Deputy CAO/Planning & Infrastructure	That the Radiocommunication and Broadcasting Antenna Systems Protocol be delegated to the CAO and the Deputy CAO/Planning and Infrastructure Services.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	
Agreements – Construction	CAO or designate	To execute any development agreements with an area municipality with respect to the construction of a Municipal undertaking.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor and the Deputy CAO/Planning and Infrastructure.
Agreements – Cost Sharing Agreement	CAO or designate	To execute an agreement, including a cost sharing agreement with an area municipality, other government agency, railway or public utility regarding road construction and/or road maintenance pursuant to a project or program approved by Council.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget. Recommended by the Deputy CAO/Solicitor and the Deputy CAO/Planning and Infrastructure.
Agreements – Obtain Funding – Some Cost	CAO or designate	To approve, amend, extend, and execute, contribution agreements, grant agreements, and one time project-based funding agreements where Clarington is the recipient, provided that such agreements are consistent with the departmental mandate and follow the restrictions stated in the “checks and balances”.	Municipal Act, s. 23.1	<ul style="list-style-type: none"> (a) in accordance with applicable Municipal policies; (b) related to approved departmental programs and objectives; (c) within approved budget limits; and (d) contain appropriate insurance, termination, workplace safety, and indemnification provisions satisfactory to the Deputy CAO/Solicitor.

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreement – Obtain Funding – No Cost	CAO or Designate	To approve, amend, extend, and execute agreements with the Federal or Provincial government, a municipality, agency, institution, utility, or community partner, provided that such agreements are consistent with the departmental mandate and are at no cost to the Municipality, with the exception of associated operational and administrative costs that are within approved budgets.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	Operational and Administrative Costs must be within approved budgets.
Agreements – Revenue Generating	CAO or Designate	To execute a revenue generating agreement or any agreement where the Municipality is providing a service to others for a charge. Special consideration for agreements covered under the Naming Rights, Sponsorship and Advertising Policy.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor, and provided that the revenue being generated or charged by the Municipality does not exceed \$250,000 per annum or prevailing budget policy limits.
Agreements – Temporary Sales Centre and Model Home Applications and Agreements	CAO or designate	To approve all Temporary Sales Centre and Model Homes Applications and Agreements and further to this the Mayor and Clerk be authorized to sign the Agreement, prior to, concurrent with and / or after the issuance of any full, partial, or conditional Building Permit related to the temporary sales facility structure(s) and/or Model Homes.	Municipal Act, s. 23.1	<p>Agreement – In a form approved by the Deputy CAO/Solicitor and Deputy CAO/Planning & Infrastructure</p> <p>Council will be advised electronically, prior to signing the Agreement. The Deputy CAO, or their designate, may forward controversial or significant applications for Council's consideration and approval at their discretion.</p>

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Budget - Transfers	CAO or Designate	To make budget transfers to effect changes resulting from new or amended legislation or regulations, additional unforeseen revenues, accounting standards or rules, program budgeting or to increase transparency and accountability and to make any necessary administrative budget re-allocation between program areas or budget lines to accommodate corporate reorganization or internal processes and procedures provided the re-allocation has no net change to the tax rate.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	Anything over \$200,000 shall be reported to the appropriate Standing Committee on at least a quarterly basis.
Claims – under \$250,000	CAO or Designate	To abandon or write-off all or any portion of a claim or debt in relation to any uninsured claim having a monetary value not greater than \$250,000 exclusive of interest, provided that any action taken under this authority is subsequently reported to Council.	Municipal Act, s. 23.1	
Grants –Submit Applications to obtain funding	CAO, or designate	To submit grant applications to provincial and federal governments, agencies or funds and letters from Council or the Mayor necessary to apply for grant funding. Includes submission of reports after grants are received.	Municipal Act, s. 23.1	Related to approved departmental programs and objectives.
Human Resources – Union negotiations	CAO	Labour Negotiations	Municipal Act, s. 23.1	
Human Resources – Mileage Reimbursement	CAO, or designate	To adjust the mileage reimbursement rate as required and in accordance with the Canada Revenue Agency (CRA) rate.	Municipal Act, s. 23.1	
Purchasing - Vendor Disqualification	CAO or designate	To disqualify consultant, contractor or other supplier for a defined period or for an event-based matter.	Municipal Act, s. 23.1	In accordance with the Purchasing By-law Subject to the application of any predefined Council approved criteria and as Recommended by the relevant Deputy CAO.

Schedule C (PUB)

Public Services

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements - Defibrillator Program	Deputy CAO Public Services or designate of Community Services	To approve subsequent renewals of agreements with Lakeridge Health that pertaining to the renewal of the Lakeridge Health Public Access Defibrillator Program	Municipal Act, s. 23.1	
Agreements – Adopt-A-Road	Deputy CAO Public Services or designate	To enter into agreements with volunteer citizen groups for “Adopt-A-Road” litter removal programs.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor
Agreements – Tiered Response	Director of Emergency & Fire Services	To determine the medical tiered response model that Clarington Emergency and Fire Services will follow.	Municipal Act, s. 23.1 Fire Prevention and Protection Act	
Agreements - Automatic Aid	Director of Emergency & Fire Services	To enter into automatic aid agreements to provide or receive initial or supplemental response to fires, rescues, emergencies as per the Fire Prevention Act, p.II.	Municipal Act, s. 23.1	
Fire Protection Services	Director of Emergency & Fire Services	To provide such fire protection services as it has been determined in accordance with municipal needs and circumstances Fire Prevention Act, p.II.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Property – Interest and requests	Deputy CAO Public Services or designate	To advise of interest or non-interest in acquiring surplus land notifications circulated to the Municipality, including authority to request any partial transfers, easements, or permissions necessary to maintain current or future Municipal infrastructure or comments regarding proposed stop up and closure of local roads.	Municipal Act, s. 23.1	Reviewed by all Deputy CAOs
Roads – Access agreements	Deputy CAO Public Services or designate	To execute an agreement for access to and/or from a Municipal road.	Municipal Act, s. 23.1	
Roads – Close - Dangerous Situation	Deputy CAO Public Services or designate	To temporarily close any highway or any portion of a highway for any period due to a situation which would endanger traffic and/or the public.	Municipal Act, s. 23.2(5)	
Roads – Close – Construction	Deputy CAO Public Services or designate	To temporarily close any highway or portion thereof for any period during the construction, repair or improvement initiated by the Municipality or by a utility company with statutory rights permitting occupancy on the highway;	Municipal Act, s. 23.2(5)	
Roads – Close - Non-Critical	Deputy CAO Public Services or designate	To temporarily close a any highway or any portion of a highway for a social, recreational, community, athletic, or cinematographic purpose.	Municipal Act, s. 23.2(5)	Compliance with the Special Events By-law, including provision of insurance coverage and security deposit.
Roads – Impose Conditions	Deputy CAO Public Services or designate	To impose conditions on the use of highways.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Roads – Reduced Loads	Deputy CAO Public Services or designate	To establish reduced load periods on Municipal roads.	Municipal Act, s. 23.1	
Roads - Speed Limits – Construction Zones	Deputy CAO Public Services or designate	To designate a highway, or a portion of a highway, under the Municipality's jurisdiction a construction zone and require that it be marked with signs in accordance with regulations; and set a lower rate of speed for motor vehicle driven in the designated construction zone.	Municipal Act, s. 23.1	
Traffic By-law – Truck Routes	Deputy CAO Public Services or designate	To designate temporary permissive truck routes and temporary prohibitive “no heavy truck routes” and may erect official signs to those effects as per the Traffic By-law.	Municipal Act, s. 23.1	
Traffic By-law – Permit for heavy vehicles	Deputy CAO Public Services or designate	To issue a permit for the moving of heavy vehicles, loads, objects, or structures in excess of the dimensional limits set out in Section 92 of the Highway Traffic Act, as may be amended from time to time, or the weight limits set out in Part VII of the said Act, upon any highway under the jurisdiction of the Corporation.	Municipal Act, s. 23.1	
Trees on Municipal Property	Deputy CAO Public Services or designate	To arrange for, and permit the planting of, trees on Municipal property, including Municipal rights of way and easements for underground infrastructure.	Municipal Act, s. 23.1 Municipal Act, s. 23.2(5)3iii	Recommended by Deputy CAO/Planning and Infrastructure or designate.

Schedule D (FSD)

Financial Services

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Borrowing – Between DC Reserve Funds	Deputy CAO/Treasurer or Designate	To internally borrow, for cash flow purposes, between the Municipality's Development Charge Reserve Funds, as required, to finance the Development Charge portion of Council-approved growth projects	Municipal Act, s. 23.1	Must be related to a Council-approved growth project.
Budget Policy Authorities	Deputy CAO/Treasurer	<p>Authorities as approved in Council adopted Budget Policy, including such items as:</p> <ul style="list-style-type: none"> • Define current and capital projects and cost centres • Coordinate and implement financial service level indicators • Ensure necessary funding is available to finance the expenditures within the parameters of Council approvals • Monitor, and where necessary, report on material and non-material leases and update the calculation of the Municipal debt and financial obligation limit. 	Municipal Act, s. 23.1	
Insurance Contracts	Deputy CAO/Treasurer	To place or renew contracts for insurance when such contracts are outside of the general coverage as determined and provided by the Board of the Durham Municipal Insurance Pool (DMIP) in accordance with the Subscribers Agreement.	Municipal Act, s. 23.1	
Insurance requirements' exceptions	Deputy CAO/Treasurer	To approve exceptions to Municipality's minimum insurance requirements as set out and included in by-laws and/or policies enacted or approved by Council from time to time.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Loans under the Tile Drainage Act	Deputy CAO/Treasurer	To approve loans on behalf of the Municipality pursuant to Section 3 of the Tile Drainage Act for the purpose of constructing drainage works on the conditions set out in the "checks and balances"	Municipal Act, s. 23.1	<p>(a) the amount of monies loaned shall be in accordance with Section 7 of the Tile Drainage Act;</p> <p>(b) approval of the loan shall not result in an expenditure of Municipal funds;</p> <p>(c) the amount of the loan to each individual owner of agricultural land shall be in accordance with existing Provincial policies and guidelines and shall not exceed \$50,000.00 in any one fiscal year or any other amount as may be determined by the Province of Ontario from time to time as the maximum amount of the loan available to an individual in one fiscal year;</p> <p>(d) the approval of loans shall be subject to a sufficient unused balance being available under the by-law authorizing the issuing of debentures by the Municipality pursuant to the Tile Drainage Act; and</p> <p>(e) the approval of loans shall be subject to funds being made available in the fiscal year for the purpose of the Tile Drainage Act.</p>
Reserves - Consolidate Discretionary Reserves	Deputy CAO/Treasurer	To consolidate discretionary reserves (i.e. for administrative purposes).	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Taxes - Assessment Review – Appeals	Assessment Review Board	To exercise certain powers and functions of Council pursuant to Section 357(1)(d.1) of the Municipal Act regarding every application for cancellation, reduction, or refund of taxes due to sickness or extreme poverty. Note: Subsections 357 (6), (7), (8), (9) and (10) of said Act do not apply to such applications due to the delegation of authority.	Municipal Act, s. 23.1 and s. 357(11)	
Taxes - Assessment – To make appeals	Deputy CAO/Treasurer or designate	To appeal assessments to the Assessment Review Board on behalf of the Municipality of Clarington.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Taxes – Extension Agreement	Deputy CAO/Treasurer or Designate	To negotiate and execute tax extension agreements on behalf of the Municipality of Clarington, subject to limitations, as per Section 378 of the Municipal Act, 2001.	Municipal Act, s. 23.1 & s. 386(5)	<ul style="list-style-type: none"> a. The tax extension agreement must be requested by and entered into with any owner of the land, the spouse of any owner of the land, any mortgagee, any tenant in occupation of the land or any person the Treasurer is satisfied has an interest in the land, in accordance with Section 378 of the Municipal Act, 2001; b. The tax extension agreement must be compliant with the requirements of Section 378 of the Municipal Act, 2001; c. The tax extension agreement can only be entered into after a tax arrears certificate has been registered, and before the expiry of the one-year period; and d. Conforms to the Collection Policy guidelines
Taxes – holding meetings	Deputy CAO/Treasurer or designate	<p>To make decisions and hold meetings under the following subsections of the Municipal Act:</p> <p>Subsections 356(1) & 356(4) = Division into parcels</p> <p>Subsections 357(1) & 357(5) = Cancellation, reduction, refund of taxes</p> <p>Subsections 358(1) & 358(9) = Overcharges</p> <p>Subsections 359(1) & 359(3) = Increase of taxes due to any undercharge caused by an error.</p>	Municipal Act, s. 23.1 & s. 386(5)	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Revenue – Collect Accounts	Deputy CAO/Treasurer or designate	To extend payment terms on outstanding accounts or collect such accounts, including referring accounts for collection by agencies or use of legal proceedings, where it is deemed necessary.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.
Revenue – Interest on Temp Loans for Capital	Deputy CAO/Treasurer	To charge interest on temporary loans to external parties to finance capital projects.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.
Increase Project – Additional Funds	Deputy CAO/Treasurer	To make capital budget funding adjustments to refinance any capital project or program to effect changes resulting from new funding sources.	Municipal Act, s. 23.1	
Court Matters – Small Claims – Write Off	Deputy CAO/Treasurer or designate	To approve the cancellation of accounts and monies owed to the Municipality for amounts up to the prevailing limit for Small Claims Court actions.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.
Agreements – Procurement	Delegates as set out in Purchasing By-law	To enter into contracts and agreements procured under the prevailing Purchasing By-Law.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.
Letters of Credit – Developer Securities	Deputy CAO/Treasurer	To approve, accept, and release, letters of credit as security for performance and payments relating to development agreements.	Municipal Act, s. 23.1	By written recommendation from Planning and Infrastructure Staff.

Schedule E (LEG)

Legislative Services

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements – Confidentiality	Deputy CAO/ Solicitor	To execute confidentiality agreements.	Municipal Act, s. 23.1	
Agreements – Boundary Road	Deputy CAO/Solicitor	To enter into Boundary Road Agreements provided there is a proportional sharing of costs between adjacent municipalities.	Municipal Act, s. 23.1	
Agreements – Lease renewal/extensions	Deputy CAO/ Solicitor or designate	To execute lease renewal/extension agreements for community agencies that occupy space in a municipal facility.	Municipal Act, s. 23.1	Subject to the limitations in Budget Policy and recommended by the Deputy CAO/Solicitor
Agreements – Licensing of Municipal Entities	Deputy CAO/ Solicitor or designate	To take measures on behalf of the Municipal Corporation to obtain or maintain copyright, trademark, patent, intellectual property, and personal property rights or interests.	Municipal Act, s. 23.1	
Agreements – Trail License	Deputy CAO/Solicitor	To execute agreements with Ontario Power Generation related to the use of public recreational trails.	Municipal Act, s. 23.1	
Agreements – Parking on Private Property	Deputy CAO/Solicitor or designate	To approve the execution of agreements for parking enforcement on private property. The delegation also applies equally to any amendment or termination of such agreements.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements – Exchange/Release FOI information	Deputy CAO/Solicitor or designate	To execute an agreement for the exchange or release of information under the Municipal Freedom of Information and Protection of Privacy Act.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor
Animals - Appoint – Livestock Valuer	Deputy CAO/Solicitor or designate	To appoint or withdraw the appointment, as the case may be, of municipal investigators (livestock valuers) for the Municipality as may be required for the purposes of the Ontario Wildlife Damage Compensation Program as per the Livestock, Poultry and Honey Bee Protection Act	Livestock, Poultry and Honey Bee Protection Act	
Animals - Appeals – Order to Restrain Hearings	Deputy CAO/Solicitor or designate	To adjudicate requests under section 105 of the Municipal Act, 2001 related to muzzling a dog	Municipal Act, s. 23.1 and 23.5 (Delegations regarding hearings)	In accordance with the rules outlined in the Municipal Act, s. 23.5
Animals – Shelter animals from other jurisdictions	Deputy CAO/Solicitor or designate	To have the discretion to shelter animals from other jurisdictions/organizations on an adhoc basis, or a longer term basis, with an agreement.	Municipal Act, s. 23.1	
Court Matters – Commence, Defend, Conduct under instructions	Deputy CAO/Solicitor	To commence, defend, or conduct any proceeding before any court, administrative tribunal or other decision-making or advisory body in accordance with instructions received from Municipal Council or from officers or employees of the Municipality having operational responsibility for the subject matter of such proceeding.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Court Matters - Commence, Defend, Conduct under own initiative (Non-POA)	Deputy CAO/Solicitor	To commence, defend, or conduct any proceeding before any court, administrative tribunal or other decision-making or advisory body on the Deputy CAO/Solicitor's own initiative where necessary to protect, preserve or assert the best legal interests of the Municipal Corporation until such time as the matter can be reported to the appropriate instructing authority for consideration and direction.	Municipal Act, s. 23.1	
Court Matters – Appeals (Non-POA)	Deputy CAO/Solicitor	To commence and conduct appeals of the decisions of courts, administrative tribunals, or other decision-making or advisory bodies; apply for standing; or make applications for judicial review of decisions; provided that any such measures undertaken shall be reported to Council as soon as reasonably practicable.	Municipal Act, s. 23.1	
Court Matters – Small Claims	Deputy CAO/Solicitor	To commence, defend, conduct, or settle any uninsured claim in the Ontario Small Claims Court on behalf of the Municipality.	Municipal Act, s. 23.1	
Court Matters - Settlement of Claims under \$250,000	Deputy CAO/Solicitor	To settle uninsured claims (whether or not asserted in litigation), and authorize payment or acceptance of payment in settlement of such claims in an amount not to exceed \$250,000, exclusive of interest, provided that any action taken under this authority is subsequently reported to Council.	Municipal Act, s. 23.1	With concurrence of the CAO
Court Matters - Costs	Deputy CAO/Solicitor	To authorize the payment of any expenses, disbursements or costs reasonably incurred by or awarded against the Municipality in the course of a legal proceeding.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Court Matters – Debt Enforcement	Deputy CAO/Solicitor	To take all steps reasonably necessary or desirable to enforce orders, decisions, awards, and judgements made in favour of the Municipality.	Municipal Act, s. 23.1	
Election Agreements	Municipal Clerk	To execute agreements and contracts for the purposes of securing equipment, facility rentals, purchasing of goods and other services in order to conduct Municipal and School Board Elections.	Municipal Act, s. 23.1	
Enforcement - Appoint private parking enforcement officers	Deputy CAO/Solicitor or designate	To appoint persons affiliated with private parking authorities, as per Subsection 15(1) of the Policy Services Act, to enforce the Clarington Traffic By-law.	Municipal Act, s. 23.1	
Governance – Ombudsman	Deputy CAO/Solicitor	Designated as the head under the Ombudsman Act of Ontario s. 1.1(1)(a) 1.1(2)(a).	Section 23.1 of the Municipal Act Ombudsman Act, s. 1.1(1)(a)	All reports from the Ombudsman will be presented to Council at a General Governance Committee meeting.
Legal Affairs - Reporting	Deputy CAO/Solicitor	To report to Municipal Council for the provision of legal advice and for obtaining instructions and direction touching upon the legal affairs of the Municipality.	Municipal Act, s. 23.1	
Land – Agreement for Appraisal	Deputy CAO/Solicitor	To direct the preparation of appraisal reports for the acquisition, or disposition, of land by either internal, or external, resources as required and deemed appropriate.	Municipal Act, s. 23.1	All appraisals to be completed by appraisers who hold the Accredited Appraiser Canadian Institute (AACI) or Certified Residential Appraiser (CRA) designations in good standing with the Appraisal Institute of Canada.

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Land - Agreements - Encroachment	Deputy CAO/Solicitor	<p>To approve and execute agreements for the encroachment of existing buildings onto Municipal land, including land that is a public highway or unopened road allowance.</p> <p>And, to execute an agreement to permit the Municipality to have access to, or to encroach on, land owned by others for Municipal purposes.</p> <p>And, to execute an agreement to permit access to, or an encroachment on, Municipal lands including rights-of-way, water and sanitary sewerage easements and facilities by third parties and to release those agreements as required.</p>	Municipal Act, s. 23.1 & 23.2(5)	
Land – Agreements for entry onto land	Deputy CAO/Solicitor	To approve and execute agreements for temporary permission to enter onto Municipal land for durations not to exceed one year.	Municipal Act, s. 23.1	
Land –Agreements for extensions	Deputy CAO/Solicitor	To approve and execute agreements to extend the closing date of purchase and sale transactions.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Land –Easement Abandonment	Deputy CAO/Solicitor	To execute releases or notices of abandonment of easements owned by the Municipality over lands where those easements are no longer required for municipal purposes subject to the checks and balances stated in the Delegation of Authority By-law.	Municipal Act, s. 23.1	<p>Where the easement was acquired by the Municipality:</p> <p>for no consideration, through the development process or otherwise, there will be no consideration payable for the release, with the exception of fees chargeable under by-law for processing the request.</p> <p>for consideration, the applicant seeking the release will pay whatever consideration was paid by the Municipality in acquiring the easement, together with the fees chargeable under by-law for processing the request.</p>
Land –Easements to 3 rd Parties	Deputy CAO/Solicitor	To convey easements and licences to third parties over Municipally-owned lands where the easement/licence rights are minor in nature or are for the purposes of providing a right of access for public utilities, telecommunications, municipal services or natural heritage protection purposes and the easement/licence will not substantially interfere with municipal purposes.	Municipal Act, s. 23.1	For the purposes of this section, an easement which is minor in nature will have an appraised value of \$5,000.00 or less.
Land - Agreements for purchase, sale or exchange (Capital Projects)	Deputy CAO/Solicitor	To approve and execute agreements of purchase and sale and all transfers for the purchase, sale, or exchange of land, including easements, for any approved capital project.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Land – Execute documents	Deputy CAO/Solicitor or designate	To approve and execute undertakings, certificates, declarations, and any other documents required for the completion of any transaction involving the purchase, sale, or exchange of any interest in land, including any documents required to be delivered under the applicable agreement of purchase and sale.	Municipal Act, s. 23.1	The acquisition of land or land interests are included as part of a project or program approved by Council, and/or the monetary obligation captured in approved budget. The recording of any asset changes and financing confirmed by the Treasurer.
Land – Release Option	Deputy CAO/Solicitor	To release any option to repurchase, notice, agreement or restrictive covenant in favour of the Municipality, where the provision in favour of the Municipality has been satisfied, expired or is no longer required.	Municipal Act, s. 23.1	
Land –Sale of interest incidental to subdivision or condominium	Deputy CAO/Solicitor	To execute documents related to the conveyance of any interest in land incidental to a subdivision or condominium referenced within the subdivision or condominium agreements, and shall include, but not be limited to, the conveyance of easements and reserves or the release of or abandonment of easements.	Municipal Act, s. 23.1	
Land –under \$25,000	Deputy CAO/Solicitor or designate	To approve and execute agreements for the purchase and sale of land on behalf of the Municipality provided that the total consideration or estimate of the purchase and sale price is reasonable and does not exceed \$25,000	Municipal Act, s. 23.1	
Land Titles – Applications	Deputy CAO/Solicitor	To submit applications under the Land Titles Act or Registry Act in respect of lands owned by the Municipality.	Municipal Act, s. 23.1	
Land Titles – Municipal Interest	Deputy CAO/Solicitor	To register any instrument on behalf of the Municipality against the title to the lands in which the Municipality has an interest.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Licensing – Public Event Designation	Municipal Clerk	To designate a “Public Event” pertaining to a Special Occasion Permit issued (i.e. an event of municipal significance) and authority to comment on a Liquor License Application, as per Section 24(4) of the Regulation 389/91 Liquor License Act.	Municipal Act, s. 23.2(5)2	Based on the following guidelines adopted in Report CLD-028-12: <ul style="list-style-type: none"> • Historical Events (ie, Orono Fair) • Community Events (ie, an event that will promote neighbours meeting neighbours) • Economic Spinoffs (ie, Boots & Hearts, business grand openings) • Recognition Events. (ie, Sports Hall of Fame) • Raising Funds for Charity or Community Works (ie, Mayor's Golf Classic)"
Licensing – Commenting on Tailgate Events	Municipal Clerk	To determine whether it is appropriate to support a Tailgate Event on Municipal Property.	Municipal Act, s. 23.1	In consultation with applicable Deputy CAOs.
Marriages	Municipal Clerk, or designate	To provide civil marriages, for the Municipality of Clarington, as per the Marriage Act, and Regulations, in the Clarington Council Chambers, or otherwise, at the discretion of the Municipal Clerk.	Municipal Act, s. 23.1	
Records Management - MFIPPA Head	Municipal Clerk	To act as head of the municipality for the purposes of the Municipal Freedom of Information and Protection to Privacy Act.	Subsection 3(3) of MFFIPPA and Subsection 23.1 of the Municipal Act	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Records Management - By-laws – minor corrections	Municipal Clerk	To make minor deletions, additions, or other administrative or typographical changes to any by-law to ensure that the correct and complete implementation of the actions of Council form the subject matter of the by-law.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	If there is a substantive error in an approved by-law, this is not a reconsideration and Staff shall bring it to the attention of Council at its earliest convenience for consideration.
Records Management - By-laws – Exhausted Authority	Municipal Clerk	To repeal by-laws that are expired, have been replaced, or have otherwise ceased in their purpose	Municipal Act, s. 23.1	Consultation with the Deputy CAO/Municipal Solicitor and (for planning-related by-laws) Deputy CAO/Planning and Infrastructure.
Records Management - Retention Schedule	Municipal Clerk	<p>To establish or amend retention periods for all municipal records in the Records Retention Schedule as per Subsection 254(1) of the Municipal Act, 2001 (records), Subsection 255(3) of the Municipal Act, 2001 (retention), and Subsection 255(2) of the Municipal Act, 2001 (destruction).</p> <p>Upon the Municipal Clerk being satisfied that the relevant retention period established has expired, and that no reason exists for further retention, the Municipal Clerk may order the records to be destroyed, or to be set aside for permanent retention in an archival facility designated by the Municipal Clerk, as per Subsection 255(2) of the Municipal Act, 2001 (destruction).</p>	Municipal Act, s. 23.1 & 254(1) & 255(3) & 255(2)	Unless minor in nature, proposed revisions to records classifications to be reviewed by relevant department Staff and/or Legal Division prior to approval by the Municipal Clerk.

Schedule F (PSD)

Planning and Infrastructure Services

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements – Releases	Deputy CAO, Planning & Infrastructure	To release agreements where development has not proceeded or if imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act, in connection with the development of land.	Municipal Act, s. 23.1	Releases to be in a form as approved by the Deputy CAO/Solicitor.
Agreements – Subdivisions, Condos, Land Division, Removal of Part Lot Control, Site Plans, Rezoning	Deputy CAO, Planning & Infrastructure	To execute agreements imposed, or required, in satisfaction of any condition of approval under the Planning Act in connection with the development of land such as subdivisions, plans of condominium, land divisions, removal of part lot control, site plans and rezoning.	Municipal Act, s. 23.1	Agreements to be in a form as approved by the Deputy CAO/Solicitor. If second signature is required – it would be Legal Services.
Agreements - Approve and execute CIP agreements	Deputy CAO, Planning & Infrastructure	To approve and execute agreements under the Community Improvement Programs and Section 28 of the Planning Act.	Municipal Act, s. 23.1	Implements CIP program requirements. Annual reporting to Council.
Agreement - Land Conveyance – Parkland	Deputy CAO, Planning & Infrastructure	To approve, as a condition of development, the conveyance of land, cash-in-lieu of conveyance of parkland, or combination thereof for park or other recreational purposes whichever option, in the opinion of the Deputy CAO, Planning & Infrastructure, is appropriate and in compliance with the applicable Official Plan policies and Municipal policies and by-laws.	Municipal Act, s. 23.1	In accordance with the Parkland and Open Space Dedication By-law.

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreement - Land Conveyance – Highway	Deputy CAO, Planning & Infrastructure or Designate	To request the conveyance of land for a highway widening and/or for a reserve as a condition of development approval, as per the Planning Act, subsections 41(7)(a)(1), 41(8)(a)(1) and 41(9)	Municipal Act, s. 23.1	Record in asset management system even if transaction is non-monetary and consistent with Planning Act, subsections 41(7)(a)(1), 41(8)(a)(1) and 41(9).
Agreement – Extension of Development Agreements	Deputy CAO, Planning & Infrastructure	To execute extension of development agreements where the agreement is not being altered in a significant way.	Municipal Act, s. 23.1	Agreements to be in a form as approved by the Deputy CAO/Solicitor.
Agreements – Minor Variance	Deputy CAO, Planning & Infrastructure or designate	To execute on behalf of the Corporation of the Municipality of Clarington agreements required to implement the conditions of approval imposed by the Committee of Adjustment under Section 45 of the Planning Act.	Planning Act, Sections 5 & 66	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreements – Release for non-Site Plan Control	Deputy CAO, Planning & Infrastructure	<p>to approve the release of agreements, including maintenance and liability agreements and encroachment agreements entered into as a condition of subdivision, condominium, cash-in-lieu of parking, demolition control, or zoning approvals, or heritage agreements, as part of the compliance or enforcement process subject to the following conditions:</p> <p>an owner or authorized agent or bona fide purchaser or authorized agent or mortgagee has requested the release in writing;</p> <p>the requirements of the agreement have been fulfilled;</p> <p>all parties having jurisdiction over the terms or conditions of the agreement have agreed to its release; and</p> <p>the applicant for the release agrees to assume all costs associated with the release of this agreement.</p>	Municipal Act, s. 23.1	
Agreement – Sewage System Management Agreement with Region	Deputy CAO, Planning & Infrastructure	To execute subsequent renewals of the Sewage System Management Agreement with the Regional Municipality of Durham.	Municipal Act, s. 23.1	
Agreements - Site Plan Control	Deputy CAO, Planning & Infrastructure	To execute any agreement with the Municipality dealing with ensuring the provision of any or all of the facilities, works or matters referred to in Section 41(7)(a) and the maintenance thereof referred to in Section 41(7)(b) or with the provision and approval of the plans and drawings pursuant to Section 41(4) of the Planning Act, as may be required to be made by the owner of the land with the Municipality as a condition of the approval of the plans and drawings referred to in Section 41(4) of the Planning Act R.S.O. 1990, as amended.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Agreement – Utilities or Telecommunications for Municipal Property	Deputy CAO, Planning & Infrastructure	To execute an agreement respecting utilities or telecommunications required to service a Municipal property or facility.	Municipal Act, s. 23.1	For any agreement outside of the online application, such additional agreement is to be reviewed by the Treasurer for billing arrangements and Recommended by Legal Services.
Apartments-in-House Official Registrar	Deputy CAO, Planning & Infrastructure or designate	To be the Official Registrar for Apartments-in-Houses	Municipal Act, s. 23.1	
By-laws – Minor Nature Planning	Deputy CAO, Planning & Infrastructure	<p>Arising out of OPA 132, delegation of authority for the following additional functions, under Section 34 of the Planning Act:</p> <p>Removal of Holding “H” Symbols.</p> <p>Temporary Use Zoning By-law Amendments; and</p> <p>Housekeeping By-laws for the purposes of making clerical or other changes to assist in the interpretation of a Zoning By-law.</p>	Section 39.2 of the Planning Act	<p>The Planning Act requires that the Official Plan provide policies to specify the types of by-laws that may be delegated. The Planning Act also provides that the delegation may be subject to conditions set out by Council, and that Council may withdraw this authority at any time through a by-law, including in anticipation of a by-law for which a final decision has not yet been made.</p> <p>The delegation does not:</p> <ul style="list-style-type: none"> • Alter any notice or public meeting requirements; • Limit appeal rights; or • Change the requirement for planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.

<p>Heritage Conservation Districts</p>	<p>Deputy CAO, Planning & Infrastructure</p>	<p>The following authority with respect to properties that are designated under Part V of the Ontario Heritage Act:</p> <ul style="list-style-type: none"> to receive and issue notices of receipt for heritage permit applications that are received by the Municipality pursuant to Section 42 (3) of the Ontario Heritage Act; to prescribe the required contents of an application under Section 42(1), pursuant to Section 42(2.2) of the Ontario Heritage Act; to enter into agreements with property owners to waive or extend the 90-day timeline prescribed in Section 42(4), for applications made under Section 42(1) of the Ontario Heritage Act; to approve heritage permit applications under Section 42(1) of the Ontario Heritage Act that meet the definition of an emergency application; to approve heritage permit applications under Section 42(1) of the Ontario Heritage Act which include the following classes of alterations: <ul style="list-style-type: none"> restoration or preservation projects including projects funded through the Heritage Grant Program for Building Restoration, alterations to accessory or outbuildings such as changes to barns, garages, and sheds that meet the requirements of the applicable heritage conservation district plan or guidelines, landscape alterations including but not limited to tree removal, new hard or soft landscaping and new driveways where the proposed alterations meet the requirements of the applicable heritage conservation district plan or guidelines, alterations that do not adversely impact the heritage attributes of the property or the heritage conservation district and that meet the requirements of the applicable heritage conservation district plan or guidelines; additions that meet both of the following criteria: 	<p>Ontario Heritage Act, s. 42(16)</p>	<p>The authority does not include the authority to approve applications with conditions. The authority does not include the power to refuse an application.</p>
--	--	--	--	---

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
		<p>1.the size is less than 30% of the gross floor area of the existing building; and</p> <p>2.the proposal meets the heritage conservation district guidelines or heritage conservation district plan.</p> <p>additions that do not exceed 50% of the existing gross floor area that create new residential unit(s) and meet the policies and guidelines of the applicable heritage conservation district plan;</p> <p>construction of detached accessory structures that meet the requirements of the applicable heritage conservation district plan or guidelines;</p> <p>demolition of detached accessory structures including barns, outbuildings, and garages where the demolition does not impact the cultural heritage value of the property or district and meets the applicable heritage conservation district plan or guidelines;</p> <p>demolition of additions where the demolition does not impact the cultural heritage value of the property or heritage conservation district and meets the applicable heritage conservation district plan or guidelines; and</p> <p>extension or re-issuance of heritage permits previously considered by the Heritage Committee and issued by Council where the proposal and the relevant policy framework are substantially unchanged since the initial approval</p>		

<p>Heritage Properties – Various actions</p>	<p>Deputy CAO, Planning & Infrastructure</p>	<p>The following authority with respect to properties designated under Part IV of the Ontario Heritage Act (OHA):</p> <ul style="list-style-type: none"> (a) to issue notices of inclusion in the Register according to Section 27(5) and (6) of the OHA; (b) to process notices of objection under Section 27(8) of the OHA; (c) to receive notices of intention to demolish non-designated buildings or structures listed on the Register pursuant to Section 27(9) of the OHA; (d) to request plans and information pursuant to Section 27(11) required as part of the 60 days' notice required under Section 27(9) of the OHA; (e) to enter into agreements with property owners to waive or extend the 90-day timeline for issuance of a Notice of Intention to Designate after the occurrence of a prescribed event, as described in Ontario Regulation 385/21 –General - Section 1; (f) to process Notices of Objection under Section 29(6) of the OHA and ensure consideration by Council within statutory timelines; (g) to enter into agreements with property owners to waive or extend the 120-day statutory timeline for the passage of a designation by-law under Section 29(8) of the OHA, and as described in Ontario Regulation 385/21 – General - Section 2; (h) to enter into agreements with property owners to waive or extend the 90-day timeline prescribed under Sections 33(6) and 34 (6), pursuant to Sections 33(7) and 34 (4.3), of the OHA; (i) to prescribe additional materials and information required for applications under Sections 33(1) and 34(1), pursuant to Section 33(3) and 34(3) of the OHA; (j) to receive and issue notices of complete or incomplete application for heritage permits pursuant to Section 33 and Section 34 of the OHA; 	<p>Ontario Heritage Act, section 33(15)</p>	<p>Section 33(15) requires consultation with the Heritage Committee prior to delegation:</p> <p>The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power.</p>
--	--	--	---	---

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
		(k) to approve heritage permit applications under Section 33 of the OHA that meet the definition of an emergency application.		

Heritage – Minor Alterations	Deputy CAO, Planning & Infrastructure	<p>To approve heritage permit applications relating to minor alterations which include the following classes of alterations:</p> <ul style="list-style-type: none"> (i) restoration or preservation projects including projects funded through the Heritage Grant Program for Building Restoration; (ii) changes or renovations to additions or outbuildings such as changes to barns, garages, or modern additions not identified in the Statement of Reason for Designation or the Statement of Cultural Heritage Value; (iii) landscape alterations including but not limited to tree removal, new hard landscaping, new soft landscaping, and new driveways where the proposal does not impact the heritage attributes of the designated property; (iv) alterations that do not adversely impact or remove the heritage attributes of a property; (v) additions that meet both of the following criteria: <ul style="list-style-type: none"> 1. the size is less than 30 per cent of the gross floor area of the existing building and, 2. the proposal does not adversely impact the heritage attributes of the property as defined in the Statement of Cultural Heritage Value or Statement of Reason for Designation; (vi) additions that do not exceed 50% of the gross floor area of the existing building that create new residential unit(s), as defined by the Zoning By-law as amended, and do not adversely impact the cultural heritage value or attributes of the property as defined in the Statement of Cultural Heritage Value; (vii) construction of detached accessory structures, which do not impact the heritage attributes of the property; (viii) demolition of detached accessory structures including barns, outbuildings, and garages where the demolition does not impact the cultural heritage value of the property; 	Municipal Act, s. 23.1	The authority does not include the authority to approve applications with conditions. The authority does not include the power to refuse an application.
------------------------------	---------------------------------------	---	------------------------	--

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
		<p>(ix) demolition of additions not identified in the Statement of Reason for Designation or the Statement of Cultural Heritage Value; and</p> <p>(x) extension or re-issuance of heritage permits previously considered by the Heritage Committee and issued by Council where the proposal and the relevant policy framework are substantially unchanged since the initial approval</p>		
Heritage - Approve minor heritage permits	Deputy CAO, Planning & Infrastructure	To issue minor Heritage Permits for alterations and additions, as described in the Beech Avenue Heritage Conservation District Plan.	Municipal Act, s. 23.1	<p>Excludes construction of new buildings, additions to buildings, demolition of all or a portion of a building, relocation of a building on a property, relocation of a building outside of the district, site and park functions at Clarington Beech Centre and streetscape improvements.</p> <p>Requires periodic reporting to Council as necessary.</p>
Permits - Tree	Deputy CAO, Planning & Infrastructure	To receive applications and the required fees, and to issue permits and to attach conditions thereto in accordance with the Tree By-law	Municipal Act, s. 23.1	
Planning Applications - Complete	Deputy CAO, Planning & Infrastructure or Designate	To give notice of complete applications to the prescribed persons and public bodies, in the prescribed manner and accompanied by the prescribed information; and make the prescribed information and material available to the public, as per S. 22(6.4), 34(10.7) and 51(19.4) of the Planning Act.	Municipal Act, s. 23.1	Notice provided to Members of Council

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Planning – Applications Approve - Condominium applications	Deputy CAO, Planning & Infrastructure	To approve descriptions under the Condominium Act: 1) To endorse public meeting notifications 2) To endorse the Notices of Decision of Council with respect to draft approval of plans of subdivision / plans of condominium and to endorse the draft approved plans, subject to the conditions imposed by Council 3) To endorse the Notices of Decision of Council with respect to all other Planning Act applications.	S.51,51.1 and 51.2 Planning Act Section 9 of the Condominium Act Section 9(10) of the Condominium Act and Reg. 544/06 of the Planning Act	Consistent with approved site plan and Zoning By-law. Periodic reporting to Council
Planning Application - Fees	Deputy CAO, Planning & Infrastructure or Designate	To refund all, or part, of a planning application fee to facilitate the withdrawal of a Municipal planning application where planning merits cannot be adequately justified, or to correct an error in the original fee calculation.	Municipal Act, s. 23.1	
Planning Application – Municipal Applicant	Deputy CAO, Planning & Infrastructure or Designate	To prepare and file an application, submission, declaration, representation and execute any agreement imposed or required in the satisfaction of any condition of approval under the Planning Act or the Building Code Act, 1992 in connection with the development or redevelopment of Municipal property or building, where the Municipality is the applicant.	Municipal Act, s. 23.1	Project has been approved by Council.
Planning Applications – Notice	Deputy CAO, Planning & Infrastructure or Designate	To provide notice that the information and material required under any application under the Planning Act has either been provided or not provided and that the application is deemed to be complete or incomplete, as the case may be, as per S. 22(6.1), 34(10.4) and 51(19.1) of the Planning Act.	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Planning - Applications- Part Lot Control – Applications and By-laws	Deputy CAO, Planning & Infrastructure	To approve applications, and by-laws, for the removal of part lot control, as per S. 50 (7) of the Planning Act.	Municipal Act, s. 23.1	Removal of Part Lot Control to be presented to next Council meeting for adoption. Periodic reporting to Council
Planning Applications - Refuse inactive	Deputy CAO, Planning & Infrastructure or Designate	To refuse an application made under the Planning Act which is inactive for over one year.	Municipal Act, s. 23.1	Applicant must be notified and provided 60 days to respond with no objection. Requires periodic reporting to Council.
Planning Applications - Subdivision Applications - Approve - Plan of Subdivision	Deputy CAO, Planning & Infrastructure or designate	To approve plans of subdivision under the Planning Act: 1) To endorse public meeting notifications 2) To endorse the Notices of Decision of Council with respect to draft approval of plans of subdivision / plans of condominium and to endorse the draft approved plans, subject to the conditions imposed by Council. 3) To endorse the Notices of Decision of Council with respect to all other Planning Act applications.	Sections 23.1 to 23.5 of the Municipal Act Section 51.2(1) of the Planning Act	This authority extends only in these matters in respect of which Council adopted procedures.
Planning Applications – Withdrawals	Deputy CAO, Planning & Infrastructure or designate	To sign for development application withdrawals	Municipal Act, s. 23.1	

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances
Site Plan Control - Agreements – Release for Site Plan Control	Deputy CAO, Planning & Infrastructure	<p>To approve the release of agreements, including maintenance and liability agreements and encroachment agreements entered into as a condition of site plan control where:</p> <p>an owner or authorized agent or bona fide purchaser or authorized agent or mortgagee has requested the release in writing;</p> <p>the requirements of the agreement have been fulfilled;</p> <p>all parties having jurisdiction over the terms or conditions of the agreement have agreed to the release;</p> <p>in the case of residential developments governed by site plan control agreements, all financial securities have been released;</p> <p>in the case of non-residential developments governed by site plan control agreements, the release of the agreement is no earlier than five (5) years following the release of all financial securities; and</p> <p>the costs associated with the registration of the release of the agreement are incurred by the applicant.</p>	Municipal Act, s. 23.1	
Site Plan Control Area	Deputy CAO, Planning & Infrastructure	The powers and authority of Council under Section 41 of the Planning Act, except the authority to define any class or classes of development as mentioned in Section 41(13)(a)	Municipal Act, s. 23.1	Prior to stamping drawings, written concurrence will be provided by the Manager of Development Engineering. This will be done in consultation with the Director of Public Works as required.