

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 99-2012

A by-law to delegate various approvals to staff and
to repeal by-law 14-2010, as amended and by-law 20-2012.
Files: 110-02 and 155-03-10 (CL-25-12)

WHEREAS section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that Council may delegate by by-law some of its powers and duties under this or any other *Act* to City staff; and

WHEREAS section 224 (d) of the *Municipal Act* S.O. 2001 c. 25, as amended, states it is the role of Council to ensure that administrative practices and procedures are in place to implement the decisions of Council; and

WHEREAS section 227 of the of the *Municipal Act* S.O. 2001 c. 25, as amended, states it is the role of the officers and employees of the municipality to; (a) implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions; and (c) carry out other duties under this or any other *Act* and other duties assigned by the municipality; and

WHEREAS section 33 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, provides that Council may delegate its authority to consent to alterations of properties designated under Part IV of the *Ontario Heritage Act*; and

WHEREAS the Council of the Corporation pursuant to subsection 33(15) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, consulted with its Heritage Advisory Committee prior to delegating powers under the *Act*; and

WHEREAS it is deemed necessary to update the various approvals to staff to reflect; changes to the organizational structure of the Planning & Building Departments, current and proposed heritage planning processes, and additional approvals delegated to staff since the enactment of By-law 14-2010 as amended; and

WHEREAS the Council of the Corporation of the City of Burlington deems it necessary to repeal and replace by-law 14-2010 as amended.

NOW THEREFORE the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. **Road Closures:**

Approval for short-term emergency and temporary road closures (5 days or less) is designated to the Director of Transportation Services, Director of Engineering, Director of Roads and Parks Maintenance, and Fire Chief, or their designate(s), subject to compliance with appropriate legislation.

2. Joint Use Agreements:

Approval to review, revise and sign all on-going Joint Use Agreements with user groups who have joint use of City buildings or parts thereof where the original use is maintained in accordance with City standards and conditions (e.g. Tennis Club; Gymnastic Centres; Drama Centre) is delegated to the Director of Parks and Recreation or their designate.

3. Roads and road widening:

Approval to dedicate parcels of land acquired for roads or road widening as part of the public highway is delegated to the Director of Engineering or their designate.

4. Removal and Replacement of Trees for Capital Projects:

Authority to remove and replace trees for capital projects on public highways and creek blocks is delegated to the Director of Engineering or their designate, in consultation with the City Forester or consulting arborist.

5. Assumption of Subdivisions for traffic control purposes:

Approval for assuming subdivisions for traffic control purposes only is delegated to the Director of Transportation Services, in accordance with Traffic By-law 86-2007 and Parking By-law 87-2007.

6. Transit:

Approval for operational changes, within programs, to bus routes, schedules, the Handi-Van and community transportation initiatives, is delegated to the Director of Transit or their designate.

7. Amendments to Parking By-law 87-2007, as amended and Traffic By-law 86-2007, as amended:

Approval to amend the following schedules to Parking By-law 87-2007, as amended, and Traffic By-law 86-2007, as amended, is delegated to the Director of Transportation Services or their designate, subject to compliance with appropriate legislation;

Traffic By-law 86-2007

Schedule 1- Section 12 (1) – Through Highways – Stop

Schedule 2- Section 12 (2) – Intersections – Stop Signs

Schedule 3- Section 13 (1) – Through Highways – Yield

Schedule 4- Section 13 (2) - Intersections – Yield Signs

Schedule 6- Section 14 (1) (B) – Do Not Enter – Signs On Display

Schedule 7- Section 14 (1) (C) – Prohibited Turns – Signs On Display

Schedule 8 -Section 14 (2) –Multi-Lane Turns – Signs On Display

Schedule 9- Section 15 – One-Way Streets – Signs On Display

Schedule 10- Section 16 (1) –Centre Lane Turns– Signs On Display
Schedule 11- Section 16 (2) – Reversible Lanes – Signs On Display
Schedule 14- Section 18 – Reduced Loads On Highways
Schedule 15- Section 19 – Truck Route – Signs On Display
Schedule 17- Section 21 (1) – Payment

Parking By-law 87-2007

Schedule "2"Part V, Section 20 Fire Routes
Schedule "3"Part Vi, Section 25 Disabled Parking
Schedule "4"Part Vii, Section 28.3 Angle Parking – Signs On Display
Schedule "5"Part Vii, Section 29 Loading Zones
Schedule "6"Part Vii, Section 31.2(A) No Parking - Restricted Times
Schedule "7"Part Vii, Section 31.2(B) No Parking Anytime
Schedule "8"Part Vii, Section 32. 2(A) No Stopping Anytime
Schedule "9"Part Vii, Section 32.2(B)No Stopping Restricted Times
Schedule "11"Part Vii, Section 32.2(F) School Bus Loading Zones; and

Approval to amend schedule 2 of Parking By-law 87-2007, as amended, with regard to administrative matters only, is delegated to the Fire Chief or their designate, subject to compliance with appropriate legislation; and

All delegated authority reports since the repeal of the following by-laws 1984-1, 71-1983, 130-1976 and 101-1990 are hereby confirmed.

8. Release and Discharges:

The approval for releases and discharges of lands from the covenants and conditions set out in the Deeds for properties located within the City's Centennial and Progress Business Parks is delegated to the City Solicitor or their designate.

9. Real Estate Matters:

Authority to approve the acquisition, disposition or lease of designated classes of, or interests in land, authority to approve and enter into Agreements and authority to release covenants and conditions is delegated as follows:

(a) Acquisitions:

Authority to approve the acquisition of land or any interest in land (except for a leasehold interest) is delegated to the Manager of Realty Services, City Manager or General Manager of the relevant Division, or their designates, within the limits set out below and subject to the following conditions:

- (i) Sufficient funds are available within the departmental budgets approved by City Council;
- (ii) The acquisition price is at or below fair market value;

- (iii) Fair market value is determined by appraisal; (internal appraisal to be documented in a memo on file, including the criteria to determine value, or an external written appraisal)
- (iv) Authority related to the acquisition price shall not exceed:
 - (1) \$ 50,000 for the Manager of Realty Services;
 - (2) \$150,000 for a General Manager;
 - (3) \$250,000 for the City Manager;
- (v) The acquisition is on terms and conditions and in a form satisfactory to the City Solicitor.

(b) Dispositions:

Authority to approve the disposition of land or any interest in land (except for a leasehold interest) is delegated to the Manager of Realty Services, City Manager, General Manager of the relevant Division, or their designates, within the limits set out below and subject to the following conditions:

- (i) The departmental circulation process continues to be used for land considered to be surplus to a department;
- (ii) The sale of land is carried out in accordance with Council approved policy and procedures, including the giving of Notice, governing the sale of real property;
- (iii) The disposition price is at or greater than fair market value;
- (iv) Fair market value is determined by appraisal; (internal to be documented in a memo on file, including the criteria used to determine value or external written appraisal)
- (v) The signing authority related to the disposition price shall not exceed:
 - (1) \$ 50,000 for the Manager of Realty Services;
 - (2) \$150,000 for a General Manager;
 - (3) \$250,000 for the City Manager;
- (vi) The disposition shall be on terms and conditions and in a form satisfactory to the City Solicitor.

(c) Leases:

The authority to approve the lease of land for ten year terms or less, by or to the city, including any renewal of existing or expired leases, is delegated to the Manager of Realty Services, City Manager, General Manager of the relevant Division, or their designates, within the limits set out below and subject to the following conditions:

- (i) The annual rent is at fair market value;
- (ii) Fair market value rent be determined by appraisal; (internal to be documented in a memo on file, including the criteria used to determine value or external written appraisal)
- (iii) Authority for annual fair market value rent not to exceed:
 - (1) \$ 50,000 for the Manager of Realty Services;
 - (2) \$150,000 for a General Manager;
 - (3) \$250,000 for the City Manager;
- (iv) The lease be on terms and conditions and in a form satisfactory to the City Solicitor.

(d) Agreements with Landowners:

Authority to approve any Agreements with landowners, including but not limited to Encroachment, Landscaping, License, and Parking Agreements, is delegated to the department responsible for the land provided:

- (i) The nature of the Agreement is minor, as determined and approved by all affected departments and agencies; and
- (ii) The form, terms and conditions of the Agreements are satisfactory to the City Solicitor; and
- (iii) The permit, legal fees and other costs, as determined by the City, are paid by the Applicant.

10. **Amendments to Subdivision Agreements:**

Approval to amend non-financial, and other minor conditions, of subdivision agreements or approvals, is delegated to the Director of the department determining that such an amendment is necessary.

11. Model Home Agreements:

Approval to execute the Model Home Agreements on behalf of the City is delegated to the City Solicitor and Director of Planning & Building, or their delegates.

12. Licensing, Regulating and Governing of Public Vehicles:

The administrative and legislative responsibilities regarding the licensing, regulating and governing of public vehicles, is delegated and assigned to the Manager, By-law Enforcement and Licencing or their designate, as outlined in by-law 20-2009.

13. Amendments to Parkway Belt

Approval of minor amendments to the Parkway Belt Regulations is delegated to the Director of Planning & Building or their designate.

14. Delegated and non-delegated applications:

The powers and authority of the Council of the Corporation of the City of Burlington, pursuant to subsections 4, 7 and 8 of section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended (hereinafter referred to as the "*Act*"), and any amendments or successors thereto, including the power to grant extensions to approvals and to approve changes to update conditions of approval, for both delegated and non-delegated applications, is delegated to the Director of Planning & Building, the Manager of Development Services, and the Manager of Policy.

15. Delegation by City Council to the Director of Planning & Building:

Subject to the conditions contained in Regional Council By-law No. 180/98, the Council of the Corporation of the City of Burlington delegates to the Director of Planning & Building, or in his/her absence from the Department, the Manager of Development Services, or the Manager of Policy, the authority to:

- (a) refuse to accept or further consider an Application until the prescribed information and material and the required City and Regional fees are received pursuant to subsection 53(3) of the *Act*;
- (b) grant a provisional consent, in accordance with the *Act* and regulations thereunder, where the Application is not in dispute or where any dispute is resolved without a hearing;
- (c) change the conditions of a provisional consent as per subsection 53(24) of the *Act* at any time before a consent is given, and to determine if a change to conditions is minor or not as per subsection 53(26), for the purposes of giving notice;

- (d) refuse an Application which has remained inactive for more than one year, and only after the applicant has been given written notification that the Application will be refused, and given 60 days to respond;
- (e) enter into negotiations/dispute resolution with the parties involved in an objection to a consent.

16. Delegation by City Council to the Committee of Adjustment:

Subject to the delegation contained in section 16 herein, the Council of the Corporation of the City of Burlington hereby delegates to the Committee of Adjustment the authority to hold hearings and decide whether to grant any Application for Consent made to the City of Burlington in accordance with the *Act* and regulations thereunder, where either of the following occurs:

- (a) the Application also involves an application for minor variance, or
- (b) the Application is in dispute and cannot be resolved without a hearing.

17. Authority to Impose Conditions:

The Council of the Corporation of the City of Burlington hereby delegates to the Committee of Adjustment and the Director of Planning & Building, or in his/her absence from the department, the Manager of Development Services, or the Manager of Policy, the authority to impose such conditions to the granting of a consent as in their opinion are reasonable.

18. Authority of the Director of Planning & Building to determine whether a Plan of Subdivision is Required:

The Council of the Corporation of the City of Burlington hereby delegates the authority to determine whether an Application for Consent under the *Act* should be refused and not referred to the Committee of Adjustment, on the basis that the Application requires a Plan of Subdivision for the proper and orderly development of the City of Burlington, to the Director of Planning & Building, the Manager of Development Services or the Manager of Policy;

Any determination by the Director of Planning & Building or the Manager of Development Services, or the Manager of Policy, that an Application for Consent under the *Act* should be refused and not referred to the Committee of Adjustment, on the basis that the Application requires a Plan of Subdivision, shall be confirmed by the Council of the Corporation of the City of Burlington and if not confirmed, the Application shall be referred to the Committee of Adjustment for a decision on the understanding that a Plan of Subdivision is not required.

19. Draft Plans of Subdivision, Draft Plans of Condominium and Part Lot Control By-laws:

- (a) The Council of the Corporation of the City of Burlington delegates to the Director of Planning & Building authority to:

- (i) refuse to accept or further consider the application until the prescribed information and material and the required City and Regional fees and the draft plan are received pursuant to subsection 51(18) of the *Planning Act*;
- (ii) upon receipt of a recommendation from City Council, settle and give draft plan approval for a three year term or refuse to give draft approval to any proposed Plan of Subdivision and exercise all the powers of the approval authority related to subdivisions as set out in the *Act* including those set out in the Memorandum of Understanding (MOU) and this by-law. When the proposed decision of Director involves the approval or denial of the draft plan contrary to the recommendations of Council, then the Director shall consult with Council and they shall make the decision;
- (iii) sign proposed Plans of Subdivision for the purpose of indicating draft approval of such Plans by the Director of Planning & Building or City Council;
- (iv) exempt proposed Plans of Condominium from approval in accordance with section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, and settle and give draft approval for a three year term to any uncontested proposed Plan of Condominium and exercise the powers of the approval authority related to condominiums as set out in the *Act* including those set out in the MOU and this by-law; and upon receipt of a recommendation from City Council, settle and give draft approval for a three year period or refuse to give draft approval to any contested proposed Plan of Condominium and exercise the powers of the approval authority related to condominiums as set out in the *Act* including those set out in the MOU and this by-law. When the proposed decision of the Director involves the approval or denial of the draft plan contrary to the recommendation of Council, then the Director shall consult with Council and they shall make the decision;
- (v) sign proposed Plans of Condominium for the purpose of indicating draft approval of such Plans by the Director of Planning & Building or City Council;
- (vi) enter into negotiations/dispute resolution with those parties involved in an objection of a draft plan of subdivision or condominium or conditions thereof;
- (vii) approve Part-Lot Control by-laws concerning lands within a Plan of Subdivision final approved by the City of Burlington and passed under section 51 of the *Act*;
- (viii) change the conditions of draft approval imposed by the Director of Planning & Building or by City Council pursuant to subsection 51(44) of the *Act* where such a change is consistent with the Council recommendation of the Draft Plan of Subdivision;

- (ix) decide whether a change to a condition of draft approval is minor for the purpose of giving notice;
 - (x) sign final Plans of Subdivision and final Plans of Condominium for the purpose of indicating the final approval of the Director of Planning & Building or City Council, as the case may be, and the acceptability of the said Plan or Plans for tendering for registration;
 - (xi) grant extensions of draft approval to proposed Plans of Subdivision or Plans of Condominium for not more than twelve (12) months, where the Council for the Regional Municipality of Halton or its delegate concurs with such an extension, and where no issues remain unresolved with the City or with the Applicant;
 - (xii) extensions of draft approval to proposed Plans of Subdivision or Plans of Condominium for not more than three (3) months on an emergency basis without the concurrence of the Regional Municipality of Halton, in order that a decision may be obtained from the Council for the Regional Municipality of Halton or its delegate in respect of any requested extension unless the Director of Planning & Building has been given written notice of an objection to an extension by the Regional Municipality;
 - (xiii) withdraw the approval of a draft Plan of Subdivision at any time before the approval of the final Plan of Subdivision under subsection 51(58), pursuant to subsection 51(44) of the *Act*;
 - (xiv) refuse an application for draft Plan of Subdivision or draft Plan of Condominium where the file has remained inactive for more than one (1) year, and only after the applicant has been given written notice that the draft Plan will be refused, and given sixty (60) days to respond.
- (b) That upon the coming into force of this by-law, the Director of Planning & Building has in lieu of the Council of the Corporation of the City of Burlington, all powers and rights in respect of the authority hereby delegated, and the Director of Planning & Building shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of the *Act*;
- (c) The Director of Planning & Building is authorized to do all acts necessary to carry out the authority vested in the Director of Planning & Building pursuant to this by-law, including affixing his signature as required to all documents and Plans;
- (d) When the Director of Planning & Building is absent or the office is vacant, then the Manager of Development Services, or the Manager of Policy, shall act in the place and stead of the Director of Planning & Building under this by-law and while so acting, the Manager of Development Services, or the Manager of Policy, has and may exercise all the rights, powers and authority of the Director of

Planning & Building as delegated by this by-law subject to the same responsibilities and limitations as set out in the sections above;

- (e) The Development and Infrastructure Committee of Council shall hold the public meeting required under subsection 51(20)(b) of the *Act*.

20. Site Plan approval for new detached and semi detached dwellings:

The powers and authority of the Council of the Corporation of the City of Burlington pursuant to subsections (4), (5), and (7) of section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, and any amendments or successors thereto, are hereby delegated as follows:

- (a) Council's powers and authority respecting development of single family dwellings and semi-detached dwellings as defined in the City of Burlington By-law 2020, as amended, are delegated to the Director of Planning and Building, the Manager of Development Services, or the Manager of Policy for the City of Burlington except when located in an R1, R2, R3 and R4 zone of By-law 2020, as amended.

21. Designations Pursuant to the *Ontario Heritage Act*:

- (a) Delegations of consent for alterations to designated properties:
 - (i) the Council of the Corporation of the City of Burlington delegates to the Director of Planning & Building all of the power that Council has respecting the granting of consents and approvals for alterations to properties designated under Part IV of the *Ontario Heritage Act*;
 - (ii) the delegated authority in section 22(a)(i) includes the power to grant an application for an alteration with terms and conditions;
 - (iii) the delegated authority in section 22(a)(i) does not include the right to refuse an application for an alteration. Where the Director would refuse an application for an alteration, if he/she had the authority to do so, he or she shall so advise Council who retains all decision making power in relation to that application;
 - (iv) when the Director is absent through illness or vacation or his/her office is vacant, then the Director's delegate shall act in the place and stead of the Director. While so acting, the Director's delegate has all the rights, powers and authority of the Director as delegated by this By-law;
 - (v) the Council of the City of Burlington delegates to the Director all of the authority under the *Ontario Heritage Act* to request plans, information, reports and any other documents that Council may request from an Owner when an application is made to Council to:
 - (1) alter, erect, demolish or remove any building, structure or property under Part IV of the *Ontario Heritage Act*;

- (2) repeal a by-law, or portion thereof, under Part IV of the *Ontario Heritage Act*; and
- (3) demolish a building or structure located on a property that is listed in the City's Heritage Register.
- (vi) despite section 22(a)(v), Council retains the authority to request plans, information, reports and any other document that it considers necessary that were not requested by the Director;
- (vii) the Director shall prescribe all forms necessary to implement this By-law and may amend such forms from time to time as the Director deems necessary;
- (viii) the Director is authorized to undertake all acts necessary to carry out the authority vested in the Director under this By-law, including affixing his or her signature to documents;
- (ix) Council delegates to the Director all of the powers that Council has to administer Heritage Permits in accordance with the terms of this By-law and to establish any practices and procedures necessary to implement the Heritage Permits in accordance with the terms of this By-law and any decisions made by Council pursuant to this By-law;

(b) Heritage Permits for designated properties:

- (i) an owner wishing to alter a property designated under Part IV of the *Ontario Heritage Act* shall submit an application for a Heritage Permit in writing to the Director of Planning & Building on a form prescribed by the Director and shall supply any of the following information that is requested by the Director:
 - (1) the name, address, telephone number, fax number and e-mail address, if applicable, of the Owner or the Owner's authorized representative;
 - (2) a site plan or sketch showing the location of the proposed work on the property;
 - (3) a statement of the proposed scope of work;
 - (4) drawings of the proposed work showing materials, dimensions and extent of the work;
 - (5) written specifications for the proposed work in accordance with the "Standards and Guidelines for the Conservation of Historic Places in Canada";

- (6) photographs showing the existing building or landscape condition;
 - (7) documentation pertaining to the proposal, including archival photographs, pictures or plans of similarly styled buildings in the community;
 - (8) a signed statement by the Owner authorizing the application;
 - (9) a heritage impact statement/heritage evaluation prepared by a qualified professional recognized by the Canadian Association of Heritage Professionals (CAHP);
 - (10) any other information relating to the application as required by the Director.
 - (11) an application for a heritage permit shall be deemed complete upon receipt of all information as requested by the Director.
- (ii) an Owner wishing to demolish or remove a building or structure or any material part thereof, on a property that is designated under Part IV of the *Ontario Heritage Act* shall submit an application for a Heritage Permit in writing to the Director of Planning & Building on a form prescribed by the Director and shall supply any of the following information that is requested by the Director:
- (1) the name, address, telephone number, fax number and e-mail address, if applicable, of the Owner or the Owner's authorized representative;
 - (2) a site plan or sketch showing the location of the proposed demolition or removal;
 - (3) photographs showing the existing building condition including front and side elevations;
 - (4) a building condition assessment of the building or structure proposed to be demolished or removed;
 - (5) a signed statement by the Owner authorizing the application;
 - (6) a heritage impact statement prepared by a qualified professional recognized by the Canadian Association of Heritage Professionals (CAHP); and
 - (7) any other information relating to the application as required by the Director.

- (8) an application for a heritage permit shall be deemed complete upon receipt of all information as requested by the Director.
- (iii) any Owner wishing to repeal all or a portion of a designating by-law for a property designated under Part IV of the *Act* shall submit an application for a Heritage Permit in writing to the Director of Planning & Building and shall supply any information as required by the Director. An application for a heritage permit shall be deemed complete upon receipt of all information as requested by the Director;
- (iv) approval by the Director of Planning & Building is required for an application for a Heritage Permit to alter a building or structure on a property designated under Part IV of the *Ontario Heritage Act*;
- (v) the Director of Planning & Building shall, before approving an application for a Heritage Permit to alter a property designated under Part IV of the *Ontario Heritage Act*, consult with the City's Municipal Heritage Committee with respect to the application;
- (vi) approval by Council is required for an application for a Heritage Permit:
 - (1) to demolish or remove a building or structure on property designated under Part IV of the *Ontario Heritage Act*;
 - (2) to repeal all or a portion of a designating by-law for a property under Part IV of the *Ontario Heritage Act*;
 - (3) where a request for an alteration is not approved by the Director.
- (c) Issuance of Heritage Permits:
 - (i) the Director of Planning & Building shall issue, within the prescribed timelines, a Heritage Permit to an Owner of property that has made an application under this By-law in the following instances:
 - (1) where Director approval has been provided for an alteration of property under Part IV of the *Ontario Heritage Act*;
 - (2) where Council approval has been provided for the alteration of property, demolition or removal of a building or structure on property designated under Part IV of the *Ontario Heritage Act*;
 - (3) where Council or the Director is deemed to consent to an application made under Part IV of the *Ontario Heritage Act*;
 - (4) where the Ontario Municipal Board orders that the City consent to a demolition or removal of a building or structure under Part IV of the *Ontario Heritage Act*.

(d) Conditions for Heritage Permits:

- (i) all Heritage Permits under this By-law shall be subject to the following conditions:
 - (1) all applications, documents, reports and plans form part of the heritage permit;
 - (2) all work shall be carried out in accordance with the plans, specifications, reports, documents and any other information that forms the basis upon which a permit is issued;
 - (3) any material change to the plans, specifications, report, documents or other information that forms the basis upon which a permit is issued shall require a further application;
 - (4) the permit holder shall advise the City's heritage planning staff upon completion of the work;
 - (5) the permit holder shall allow City staff to inspect the work done under the scope of the heritage permit;
 - (6) such other terms and conditions as the Director deems necessary to maintain the heritage character of the property;
 - (7) such other terms and conditions as Council may require to provide consent to the application;

(e) Council may retain any delegated authority:

- (i) regardless of any authority delegated to the Director of Planning & Building under this By-law, Council may, after notifying the Director, exercise any authority that it delegated to the Director;
- (ii) the decision by Council to exercise any authority that it delegated to the Director of Planning & Building may be exercised with respect to the administration of this By-law, or with respect to a particular application or notice made under this By-law;
- (iii) the Director of Planning & Building may refer any application for an alteration to a property designated under Part IV of the *Ontario Heritage Act* to Council for Council approval;

22. Financial Matters:

(a) Payment Authorization:

Approval for payment authorization for various transactions (e.g. purchase and cheque requisitions, invoices etc.) is delegated to staff in accordance with the limits disclosed in the payment authorization table maintained by the Finance Department. This payment authorization excludes expense reports and purchase card statements.

(b) Progress Payments:

Approval to authorize progress payments, which are payments processed against a Council approved capital construction project, is delegated to staff as follows:

- (i) Managers responsible for Capital Projects up to \$250,000;
- (ii) Directors up to \$350,000;
- (iii) City Manager, General Manager and Director of Finance – Unlimited.

(c) Payments from Contingency:

Approval to authorize payments from contingency is delegated to staff as follows:

- (i) Payments from contingency for legal matters - authorized by the City Solicitor with the Director of Finance;
- (ii) Payments from contingency for human resource - authorized by the Director of Human Resources with the Director of Finance;
- (iii) Payments from contingency for other matters – authorized by the City Manager with the Director of Finance.

(d) Discretionary:

Approval is delegated to Directors to authorize other signing limits as deemed necessary within an overall departmental range of \$5,000 to \$50,000.

(e) Expense Reports Authorization:

Approval of expense reports and purchase card statements is delegated to staff as follows:

- (i) Staff up to the position of General Manager by their direct Supervisor;
- (ii) General Managers by City Manager or Director of Finance;
- (iii) Mayor and Council by City Manager or Director of Finance;
- (iv) City Manager by Director of Finance.

(f) Current Budget Variances:

Approval to report all Current Budget expenditure and revenue variances greater than \$100,000 at the 'net program' level for Council's approval on a twice-yearly basis is delegated to the Director of Finance. Reports are to be presented to Council reflecting June and December month ends.

(g) Year End Transfers:

Approval is delegated to the City Manager and Director of Finance to authorize year-end transfers for accruals, deferred revenues, carry forwards and transfers to Reserves and Reserve Funds as part of a pre-approved disposition strategy.

(h) Capital Budget Variances:

Approval of variances, post tender approval is delegated to the respective staff level and the Director of Finance prior to the over expenditure. Notification of the possible over expenditure may take the form of an e-mail to the Director of Finance and the Coordinator of Budgets and Policy. Approval must be documented in writing and a funding source identified in advance of over expenditure. Where written documentation is not in place prior to spending, a staff report is required to go before Council or form part of the annual Capital Variance and Closure report. Notwithstanding the delegated authority variance, all capital project expenditure and funding variances greater than \$50,000 are to be reported and approved by Council and;

Approval of capital variances is delegated to staff per Capital project variance as follows:

- (i) Directors with the Director of Finance up to \$20,000;
- (ii) General Managers with the Director of Finance up to \$30,000;
- (iii) City Manager with the Director of Finance up to \$50,000.

(i) Tax Extension Agreements:

The Director of Finance is authorized to negotiate and execute Tax Extension Agreements on behalf of the City of Burlington. The authority is subject to the following limitations:

- (i) The Tax Extension Agreement must be requested by and entered into with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land, in accordance with Section 378 of the *Municipal Act, S.O.2001*; and
- (ii) The Tax Extension Agreement must be compliant with the requirements of section 378 of the *Municipal Act, S.O. 2001*; and
- (iii) The Tax Extension Agreement must be entered into no later than the Redemption Date for that property.

(j) Adjustment of Taxes:

The Director of Finance of the City of Burlington is authorized to adjust taxes on behalf of the City of Burlington in accordance with sections 356, 357 and 359 of the *Municipal Act*.

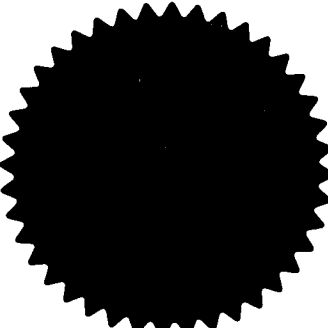
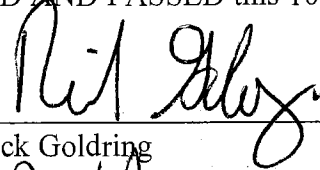
23. Roads and Parks Maintenance approval of traffic signal installations:

Approval for traffic signal legal drawings for traffic signal installations under the jurisdiction of the City of Burlington is delegated to the Director of Roads and Parks Maintenance and the Director of Transportation Services.

24. The Mayor and City Clerk are authorized to sign any documents, approved by the City Solicitor, in connection with any transactions pursuant to sections 1 to 24 of this by-law.


25. THAT By-law 14-2010, as amended, and By-law 20-2012 be and are hereby repealed and By-law 99-2012 comes into effect upon the date of its passage.

ENACTED AND PASSED this 10th day of December, 2012.

Rick Goldring

MAYOR



Grant Biyol

DEPUTY CLERK