

The Corporation of the City of Burlington
City of Burlington By-law 71-2023
A by-law to delegate approvals to staff and
to repeal by-laws 07-2022, 53-2022 and 197-1990.

CL-17-23

Whereas sections 8, 9 and 11 of the *Municipal Act, S.O. 2001, c. 25*, as amended (the "*Municipal Act, 2001*"), authorize The Corporation of the City of Burlington (the "City") to pass by-laws necessary or desirable for municipal purposes, and in particular, subsection 23.1 specifies that sections 9 and 11 authorize the City to delegate its powers or duties under the *Municipal Act, 2001* or any other Act to City staff, subjects to certain restrictions; and

Whereas *Municipal Freedom of Information and Protection of Privacy Act* section 3(3)(a) designates Council as the head and section 49(1) authorizes the head to delegate a power or duty granted or vested in the head to an officer or officers of the institution; and

Whereas section 33 of the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, 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. 0. 18*, consulted with its Heritage Advisory Committee prior to delegating powers under the Act; and

Whereas Section 286 of the *Municipal Act, 2001*, authorizes the municipality to appoint a treasurer who is responsible for handling the financial affairs of the municipality, and to appoint deputy treasurers, and to ensure investments of the municipality are made in compliance with the regulations made under section 418; and

Whereas Section 287 of the *Municipal Act, 2001*, allows the municipality to provide that the signatures on a cheque of the municipality be mechanically or electronically reproduced; and

Whereas pursuant to Section 15 of the *Police Services Act, R.S.O. 1990, c.P.15*, a municipal council may appoint persons as enforcement officers, who shall be peace officers for the purpose of enforcing municipal by-laws; and

Whereas Council passed By-law 07-2022 delegating certain powers or duties to staff; and

Whereas it is deemed necessary to update the various approvals to staff to reflect changes to the organizational structure, to update delegated authority reporting requirements to improve efficiencies, reporting to centralize additional approvals delegated to staff, and to delegate certain functions to staff to improve daily business

efficiencies and to ensure the continuity of business and the delivery of uninterrupted customer service; and

Whereas the Council of The Corporation of the City of Burlington deems it necessary to repeal and replace by-law 07-2022, as amended;

Now therefore the Council of the Corporation of the City of Burlington enacts as follows:

PART 1 – DEFINITIONS

1.1 In this By-law:

“approve” or **“approval”** means authority to negotiate and/or sign for approval agreement, contract, release, waiver, payment authorization, application or document intended to bind the City, and includes any renewal, amendment or termination thereof, but does not include authority to execute;

“approved as to content” means that the content, substance and material dealt with in the document are approved and are in accordance with authority delegated under this By-law;

“approved as to form” means that the document is approved for execution in the correct form, style and procedures of the City in accordance with the authority delegated under this By-law;

“By-law” means this By-law and includes its Schedules;

“Chief Financial Officer” means the statutory officer position of Treasurer as prescribed by the *Municipal Act*, as appointed by Council from time to time;

“Chief Information Officer” or CIO means the Executive Director of Information Technology reporting directly to the City Manager;

“City” or **“City of Burlington”** means The Corporation of the City of Burlington;

“City Clerk” means the holder of statutory officer position of City of Burlington City Clerk as prescribed by the *Municipal Act*, as appointed by Council from time to time;

“City Manager” means the individual appointed by Council as City Manager;

“City Solicitor” means the Executive Director of Legal Services and Corporation Counsel;

“Claims” means demand, action, application or other proceeding, and includes both potential and existing claims;

“Council” means the Council of the City of Burlington;

“delegate” means the person who has been delegated by Council an authority and includes any person:

- (a) sub-delegated such authority in accordance with this By-law; and,
- (b) acting temporarily in the delegate’s position due to an absence or vacancy;

“Director” means the corporate position of executives as approved by the City Manager;

“emergency” means a situation or an impending situation of danger that could result in serious harm to persons or substantial damage to property, including the loss of an essential service or damage to infrastructure or equipment;

"equipment" includes but not limited to underground conduits and pipes, cabinets, poles, towers, anchors, guy wires, brackets, cross arms, insulators, foundations, overhead and underground conductors, wires, lines, cables and transformers, access nodes, ancillary appliances and fittings and reasonably required associated protective installations;

“execute” or **“execution”** means to sign, on behalf of the City, an agreement, contract, release, waiver, payment authorization, application or document intended to bind the City, and includes any renewal, amendment or termination thereof;

“Executive Director” means the corporate position of senior executives as approved by the City Manager;

“fair market value” means the most probable price which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests and assuming the price is not affected by undue stimulus;

“Procurement By-law” means City of Burlington’s Procurement By-law, as amended or replaced from time to time;

“rent” means the net of all sums due and payable by a tenant to a landlord pursuant to the terms of a lease;

“sub-delegation record” means a written record of any sub-delegation; and,

"work" means work on equipment that affects any land and includes any excavation, or installation, material alteration, demolition, repair, replacement or extension of equipment on, in, over, above, under, across, or along any land.

PART 2 – NATURE AND SCOPE OF DELEGATION OF POWERS AND DUTIES

2.1 The following schedules are attached to and form part of this By-Law, delegating the powers and duties thereof:

- (1) Schedule A – City Clerk
Schedule B – Planning
Schedule C – Heritage
Schedule D – Financial Management
Schedule E – Transit
Schedule F – Legal Services & Real Estate
Schedule G – Engineering Services
Schedule H – Roads, Parks and Forestry
Schedule I – Recreation, Community and Culture
Schedule J – Information Technology
- (2) The delegates named in Column 3 of Schedules A through J are delegated the authority in Column 2 subject to the conditions or restrictions, if any, in Column 4.
- (3) A delegated authority shall not be sub-delegated unless sub-delegation is permitted in Column 3 of Schedules A through J or is permitted by resolution, by-law or other Council approved document.
- (4) Each delegate named in Column 3 of Schedules A through J shall:
 - (a) maintain a written record of any sub-delegation and file a copy of the written sub-delegation record with the Office of the City Clerk;
 - (b) maintain at least one original of a document executed under their delegated authority; and
 - (c) forward one original of an agreement executed under their delegated authority to the City Clerk unless otherwise directed by the City Clerk
- (e) Inability to produce the sub-delegation record required under subsection 2.1(4) does not invalidate action taken pursuant to authority otherwise sub-delegated in accordance with this By-law.

2.2 A delegated authority in Schedules A through J is subject to such direction as may be given by a Standing Committee or Council from time to time.

2.3 Despite section 2.1 of this By-law, Council retains the authority to amend, revoke or reconsider, at any time and without notice, any delegated authority that has been delegated pursuant to this By-law.

- 2.4 Any exercise of a delegated authority that requires the expenditure of money or subjects the City to a potential financial obligation or loss, is subject to:
- (1) funding for the expenditure or provision for the obligation or loss being included in an approved budget;
 - (2) the authority being reasonably incidental to the authority given to the delegate named in Column 2 of Schedules A through J to carry out their duties and responsibilities on behalf of the City of Burlington; and
 - (3) ensuring that all relevant requirements of Procurement By-law are followed as a condition to the exercise of the delegated authority.
- 2.5 Despite the provisions of the Procurement By-law, the delegated authority limitations in connection with Real Estate acquisition activities shall be in accordance with this By-law.

PART 3 – EXECUTION AND AMENDMENT OF DOCUMENTS

- 3.1 A delegated authority to execute documents set out in Schedules A through J includes the authority to:
- (1) execute any ancillary or subsidiary documents necessary to give effect to the delegation of authority; and
 - (2) amend the original document or any document that is ancillary or subsidiary to it, including extending the term of an agreement, provided that funding relating to any additional financial obligation is included in an approved budget.
- 3.2 A document executed under authority delegated by this By-law shall first be approved as to content by the delegate named in Column 3 of Schedules A through J as the person authorized to approve the document, and, in a case of an agreement or contract, approved as to form by the City Solicitor.
- 3.3 The execution or amendment of any document under a delegated authority in Schedules A through J shall be subject to compliance with any applicable City of Burlington by-laws, resolutions or policies, whether or not such by-laws, resolutions or policies are listed in Column 4 of Schedules A through J.
- 3.4 In addition to authorities otherwise delegated in Schedules A through J, the Mayor and City Clerk are authorized to execute any documents, approved as to form and content, in connection with any transactions taken under authorities delegated in those schedules.
- 3.5 When required in column 4 of Schedules A through J, the delegate shall report through the City Clerk on the exercised authority to Council, or a Standing Committee of Council.

PART 4 – GENERAL

- 4.1 This By-law may be referred to as the “Delegated Authority By-law” or the “Burlington Delegated Authority By-law”.
- 4.2 Unless otherwise provided in this By-law, this By-law shall not be construed as waiving any provision of the Procurement By-law, or any other by-law or resolution delegating authority and such by-law or resolution shall continue to apply. In the event of any inconsistency between this By-law or any other City by-law (except the Procurement By-law) or resolution that pre-dates this By-law, this By-law shall prevail to the extent of the inconsistency.
- 4.3 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.
- 4.4 Throughout this By-law: (a) the term "including" or phrases "e.g." or "for example" shall be interpreted to mean "including, without limitation", (b) the singular includes the plural and vice-versa and (c) any gender includes the other gender, unless the context requires otherwise.
- 4.5 If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue in force.

PART 5 – REPEAL AND ENEACTMENT

- 5.1 That By-Law 07-2022 being a by-law to delegate approvals to staff, as amended through By-Law 53-2022, be hereby repealed.
- 5.2 That By-law 197-1990, being a By-Law to designate a Head of the Municipal Corporation for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, as amended, are hereby repealed.
- 5.3 This By-Law comes into force on the date of its passing.

Enacted and passed this 14th day of November 2023

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE A to By-law XX-2023

City Clerk

No.	Delegated Authority	Delegate	Conditions/Restrictions
1.	Execute authorized requestor agreements with His Majesty the King in Right of Ontario which provide designated users access to certain information from the Authorized Requester Information System of the Ministry of Transportation for the Municipal Parking Tag Program, including vehicle and driver abstracts for various internal enforcement, safety and administrative purposes.	City Clerk	
2.	Appoint By-law Enforcement Officers for purposes of enforcing the municipal by-laws of the City of Burlington.	City Clerk	
3.	Approve and execute routine confidentiality and non-disclosure agreements.	City Clerk or Executive Director of the applicable operational department	
4.	Powers and duties of Council as the Head for the purposes of the <i>Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, M.56</i>	City Clerk or delegate	
5.	Authority to submit recordkeeping affiliated by-law amendments required for (a) new or changing City programs or services, or (b) recordkeeping requirements to remain legislatively compliant, to Council for approval without the submission of a corresponding staff report	City Clerk or delegate	

SCHEDULE B to By-law XX-2023

Planning

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Official Plan Amendments		
1.	Authority to: (a) declare an application complete or incomplete pursuant to subsection 22(6) of the <i>Planning Act</i> ; (b) accept complete or refuse to accept incomplete applications pursuant to subsection 22(6) of the <i>Planning Act</i> .	Director of Community Planning or delegate	
	Zoning By-law Amendments		
2.	Authority to: (a) declare an application complete or incomplete pursuant to subsection 34(10.3) of the <i>Planning Act</i> ; (b) accept complete or refuse to accept incomplete applications pursuant to subsection 34(10.3) of the <i>Planning Act</i> .	Director of Community Planning or delegate	
	Plans of Subdivision		
3.	Authority to: (a) declare an application complete or incomplete and refuse to accept incomplete applications pursuant to subsection 51(19) of the <i>Planning Act</i> ; 	Director of Community Planning or delegate	

	<ul style="list-style-type: none"> (b) upon receipt of a recommendation from City Council, grant draft plan of subdivision approval with or without conditions; (c) refuse an application if inactive for more than one year subject to 60 days' notice being provided to the applicant to respond; (d) grant extensions to draft plan of subdivision approval, subject to the concurrence of applicable department and external agencies; (e) withdraw the approval of draft plan of subdivision prior to final approval of subdivision plans pursuant to subsections 51(44) and 51(58) of the <i>Planning Act</i>; (f) sign plans for the purposes of indicating final approval of subdivision plans; (g) Approve a plan of subdivision where such plan is essential to the implementation of a previously approved Zoning By-law Amendment. 		
4.	Approve non-financial and other minor amendments to conditions in plan of subdivision approval.	Director of Community Planning or delegate	
	Condominium		
5.	<p>Authority to:</p> <ul style="list-style-type: none"> (a) refuse to accept incomplete applications pursuant to the <i>Condominium Act</i>; (b) exempt eligible applications for condominium from the requirements of the <i>Planning Act</i> in accordance with section 9 of the <i>Condominium Act</i>; 	Director of Community Planning or delegate	

	<p>(c) grant extensions to draft plan of condominium approval, subject to the concurrence of applicable department and external agencies and recommendation from City Council, where applicable;</p> <p>(d) amend criteria to be satisfied prior to registration for standard and common element condominiums;</p> <p>(e) refuse an application if inactive for more than one year subject to 60 days' notice being provided to the applicant to respond;</p> <p>(f) 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 <i>Condominium Act</i>;</p> <p>(g) sign plans for the purposes of indicating that plans are ready for registration.</p>		
	Model Home Agreement		
6.	Approve the model home agreements.	Director of Community Planning or delegate	
	Parkway Belt		
7.	Comment on applications to amend regulations in the Parkway Belt Plan.	Director of Community Planning or delegate	
	Site Plan		
8.	Authority to:	Director of Community Planning or delegate	

	<ul style="list-style-type: none"> (a) Declare a site plan application complete or incomplete and refuse to accept incomplete site plan applications; (b) Approve site plan applications with or without conditions including a condition to require the approval of minor variances for the project by the Committee of Adjustment becoming final and binding; (c) amend conditions of site plan approval; (d) grant extensions to site plan approvals. 		
	Consent to Sever Land		
9.	<p>Authority to:</p> <ul style="list-style-type: none"> (a) determine if a plan of subdivision is required or if an application for consent is appropriate; (b) refuse to accept incomplete applications; (c) grant provisional consent to undisputed applications with or without conditions; (d) amend conditions of provisional consent to undisputed applications, and provide notice if amendments are not minor. 	Director of Community Planning or delegate	Subject to the conditions contained in Regional Council By-law No. 180/98
10.	<p>Authority to:</p> <ul style="list-style-type: none"> (a) hold Committee of Adjustment hearings for an application for consent where either of the following occurs: 	Committee of Adjustment Members	

	<ul style="list-style-type: none"> (i) the Application also involves an application for minor variance, or (ii) the Application is in dispute and cannot be resolved without a hearing. <p>(b) approve with or without conditions, or refuse an application for consent heard at a Committee of Adjustment hearing.</p>		
	Minor Variance		
11.	<p>Authority to:</p> <ul style="list-style-type: none"> (a) hold Committee of Adjustment hearings for an application for minor variance; (b) approve with or without conditions, or refuse an application for minor variance. 	Committee of Adjustment Members	
	Part Lot Control		
12.	<p>Authority to:</p> <ul style="list-style-type: none"> (a) refuse to accept incomplete applications; (b) upon receipt of a recommendation from City Council, approve applications for part lot control with or without conditions within a registered plan of subdivision; (c) refuse applications for part lot control; (d) amend conditions of a part lot control approval; (e) grant extensions to a part lot control approval. 	Director of Community Planning or delegate	
	Niagara Escarpment Commission		
13.	Authority to:	Director of Community Planning or delegate	

	<p>(a) review development permit applications from the Niagara Escarpment Commission;</p> <p>(b) submit comments on behalf of the City to the Niagara Escarpment Commission regarding development permit applications.</p>		
Execution of Development Agreements			
14.	<p>Authority to:</p> <p>a) 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, part lot control removal, site plans and rezonings.</p> <p>b) Releases of agreements where imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act, in connection with the development of land</p>	Director of Community Planning or delegate	Agreements to in a form as approved by the City Solicitor
Lifting of Holding "H" Zones			
15.	<p>Authority to:</p> <p>(a) Approve applications to lift a Holding "H" Zone.</p> <p>(b) Amend the applicable sections and maps in the Zoning By-law to reflect the lifting of a Holding "H" Zone.</p>	Director of Community Planning or delegate	

SCHEDULE C to By-law XX-2023

Heritage

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Heritage Permits		
1.	Authority to: (a) Establish practices and procedures to administer complete Heritage Permit applications in accordance with the <i>Ontario Heritage Act</i> ; (b) Approve Heritage Permits, with conditions as needed, for alterations to a building or structure on a property designated under <i>Ontario Heritage Act</i> ; (c) Issue Heritage Permits, with conditions as needed, where Council approval has been provided for the alteration, demolition, or removal of a building or structure on a property designated under the <i>Ontario Heritage Act</i> ; (d) Issue Heritage Permits, with conditions as needed, where the Ontario Land Tribunal orders that the City consent to a demolition or removal of a building or structure under Part IV of the <i>Ontario Heritage Act</i> .	Director of Community Planning or delegate	Consult with the Heritage Burlington Advisory Committee, as needed.
	Community Heritage Fund		
2.	Establish practices and procedures to administer Community Heritage Fund applications.	Director of Community Planning or delegate	Consult with the Heritage Burlington Advisory Committee, as needed.

3.	Approve Community Heritage Fund grant applications with a requested grant amount under \$5,000	Director of Community Planning or delegate	
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SCHEDULE D to By-law XX-2023

Financial Management

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Payments and Transfers		
1.	Approval to authorize other signing limits as deemed necessary up to and including \$50,000.	Directors of the applicable operational department	<p>Maximum payment authority limits apply to approval of purchase requisitions, payments and invoices. This payment authorization excludes expense reports and purchase card statements.</p> <p>Contract signing authority for procurements and revenue generation are per the Procurement By-law.</p>
2.	Approval to authorize payments, in writing, or electronically through the use of workflows within the enterprise resource planning (ERP) system, which are payments processed against purchases within budgets and all other financial transactions requiring signing authorization including purchase requisitions, payments, and invoices up to a value of \$100,000.	Directors of the applicable operational department or their delegate	
3.	Financial transactions approved by Council.	The Executive Director & Chief Financial Officer, City Manager and City Clerk – unlimited.	

4.	Approval to authorize payments, in writing, or electronically through the use of workflows within the enterprise resource planning (ERP) system, which are payments processed against a Council approved capital construction project.	<p>Managers responsible for Capital Projects up to \$250,000;</p> <p>Directors responsible for Capital Projects up to \$350,000;</p> <p>The City Manager, Executive Director EICS or Executive Director & Chief Financial Officer - Unlimited.</p>	
5.	Approval to authorize payments from contingency for legal matters.	City Solicitor and Executive Director & Chief Financial Officer	Finance to report to a Standing Committee a minimum of three times per year on the status of the contingency reserve.
6.	Approval to authorize payments from contingency for human resource matters.	Executive Director of Human Resources and Executive Director & Chief Financial Officer	Finance to report to a Standing Committee a minimum of three times per year on the status of the contingency reserve.
7.	Approval to authorize payments from contingency for all other matters (not legal or human resource matters).	City Manager and Executive Director &	Finance to report to a Standing Committee a minimum of three

		Chief Financial Officer	times per year on the status of the contingency reserve.
8.	Approval of expense reports and purchase card statements.	<p>Staff up to the position of Director by their direct Supervisor;</p> <p>Executive Directors by City Manager or Executive Director & Chief Financial Officer;</p> <p>Mayor and Council by City Manager or Executive Director & Chief Financial Officer;</p> <p>City Manager by Executive Director & Chief Financial Officer.</p>	In accordance with the Travel Expenses Organizational Policy and the Payment Card User Policy and Procedures reference guide.
9.	Approval to authorize year-end transfers for accruals, deferred revenues, carry forwards and transfers to Reserves and Reserve Funds as part of year-end close process.	City Manager and Executive Director & Chief Financial Officer	Report annually on year-end close and retained savings disposition results.

10.	Approval to reallocate operating budgets.	Executive Director & Chief Financial Officer	<p>The Chief Financial Officer may authorize reallocations of budgets between services provided they do not affect overall service levels or the net overall operating budget for the City.</p> <p>Service Leads are responsible for managing within their existing service budget.</p>
11.	Approve capital variances post tender approval.	<p>Director responsible for the Capital Project and the Executive Director & Chief Financial Officer up to \$30,000;</p> <p>Director of Engineering Services and Executive Director & Chief Financial Officer up to \$50,000;</p> <p>City Manager, Executive Director EICS, Executive Director & Chief Financial Officer up to \$100,000.</p>	<p>In accordance with the Capital Budget Variance Reporting Corporate Policy, approval must be documented in writing and a funding source identified in advance of over expenditure.</p> <p>Prior to over expenditure, notification of the possible over expenditure may take the form of an e-mail to the Chief Financial Officer and the Manager of Budgets and Policy.</p> <p>All post tender capital project net variances greater than \$100,000 are to be reported and approved by Council.</p>

12.	Approve the transfer of funds from the Public Art Reserve Fund.	Director of applicable operational department or delegate	Pending consultation with the affected ward councillor and approval from the Public Art Development Implementation Team.
	Taxes		
13.	Approve and execute Tax Extension Agreements on behalf of the City.	Executive Director & Chief Financial Officer or delegate	<p>Subject to the following limitations:</p> <p>(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, a 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 <i>Municipal Act, 2001, S.O. 2001</i>; and</p> <p>(ii) The Tax Extension Agreement must be compliant with the requirements of section 378 of the <i>Municipal Act, 2001, S.O. 2001</i>; and</p> <p>(iii) The Tax Extension Agreement must be executed no later than the Redemption Date</p>

			for that property.
14.	Authorized to adjust taxes on behalf of the City in accordance with sections 345(7), 356, 357, 357.1, 358, 359 and 359.1 of the <i>Municipal Act, 2001, S.O. 2001.</i>	Executive Director & Chief Financial Officer or delegate	
15.	Authorize apportionment of unpaid taxes for properties in accordance with section 356 of the <i>Municipal Act, 2001, S.O. 2001.</i>	Executive Director & Chief Financial Officer or delegate	
16.	Authorize the appeal of Current Value Assessment, represent the City before the Assessment Review Board, execute Minutes of Settlement and submit Requests for Reconsideration.	Executive Director & Chief Financial Officer or delegate	Finance to report to a Standing Committee annually on city initiated appeals if required.
	Grant Agreements and Transfer Payment Agreements		
17.	Approve, execute and submit operating grant applications, agreements, and any and all other required documentation for receipt of funding by the City.	Manager of Government Relations or Manager or Director of applicable operational department	If the grant requires a Transfer Payment Agreement, authority to execute the agreement is as set out in sections 25 and 26 of Schedule D.
18.	Approve, execute and submit capital grant applications, agreements, and any and all other required documentation for receipt of funding by the City.	Executive Director & Chief Financial Officer or Manager or Director of applicable	If the grant requires a Transfer Payment Agreement, authority to execute the agreement is as set out in sections 25 and 26 of Schedule D.

		operational department	Unless application requires resolution of Council as part of grant application.
19.	Approve any and all required documentation, including transfer payment agreements and attestations, for receipt of funding by the City from Federal or Provincial governments.	<p>Executive Director & Chief Financial Officer or City Manager for transfer payment agreements equal to or greater than \$100,000;</p> <p>Executive Director & Chief Financial Officer or Director of the department receiving the funding for transfer payment agreements less than \$100,000.</p> <p>Executive Director & Chief Financial Officer for Attestations</p>	
20.	Execute any and all required documentation, including transfer payment agreements, for receipt of funding by the City from Federal or Provincial governments.	Mayor and Clerk	

21.	Authorized to submit any by-law(s) required to authorize the execution of a transfer payment agreement directly to Council for approval without the submission of a corresponding staff report.	Executive Director of Strategy, Risk and Accountability	Subject to approval by City Solicitor.
	Donations and Sponsorships		
22.	Authorized to accept all donations and sponsorship submissions.	Director of the applicable operational department	In accordance with the Donations and Sponsorship Corporate Policy . Agreement is required for any donation or sponsorship valued at \$50,000 and over.
23.	Approve and execute donation or sponsorship agreements for donations.	Director of the applicable operational department.	In accordance with the Donations and Sponsorship Corporate Policy . Agreement is required for any donation or sponsorship valued at \$50,000 and over.
	Rates and Fees		
24.	Authority to submit amendments to the rates and fees by-law directly to Council for approval without the submission of a corresponding staff report.	Director of applicable operational department	In accordance with the Public Notice Corporate Policy

	MPAC Data Sharing Agreements		
25.	Authority to execute data sharing and services agreements with the Municipal Property Assessment Corporation (“MPAC”) relating to data/information shared between the parties.	Executive Director & Chief Financial Officer	

SCHEDULE E to By-law XX-2023
Transit

No.	Delegated Authority	Delegate	Conditions/Restrictions
1.	Authority to approve operational changes within programs, to bus routes, schedules, the Specialized Transit and community transportation initiatives.	Director of Transit or delegate	

SCHEDULE F to By-law XX-2023

Legal Services & Real Estate

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Retain External Counsel/Experts:		
1.	Retain external legal counsel, any expert or other person to assist in legal matter or proceeding as the City Solicitor considers necessary to protect the City.	City Solicitor or delegate	
2.	Retain any expert or other person to assist in City real estate matters.	City Solicitor or delegate	
	Accept Service:		
3.	Accept service of any legal document on behalf of the City.	City Clerk or City Solicitor, or delegate of either	
	Claims:		
4.	Take any and all necessary steps to defend any claim made against the City.	City Solicitor or delegate	Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.
	Small Claims Court Proceedings:		

5.	<p>Commence, maintain or settle any claim within the jurisdiction of the Small Claims Court, including the authority to:</p> <p>(a) initiate proceedings or participate in proceedings initiated by another party;</p> <p>(b) take any steps within an active proceeding (including, but not limited to, commencing or defending a Defendant's Claim, motion or appeal);</p> <p>(c) negotiate resolutions and participate in any mediation, arbitration or other dispute resolution technique;</p> <p>(d) approve and execute minutes of settlement, agreements, releases, indemnities, consents, or other documents required for the settlement or disposition of any claim made by or against the City; and,</p> <p>(e) withdraw from proceedings.</p>	City Solicitor or delegate	<p>Proceedings within Small Claims Court monetary jurisdiction limit applicable at the time of the proceeding, plus interest, costs and disbursements.</p> <p>Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.</p>
	<p>Claims and Court and Administrative Proceedings (Other than those within the jurisdiction of the Small Claims Court and POA)</p>		
6.	<p>Commence, maintain, obtain standing in, or settle any claim within a Court or Tribunal jurisdiction other than Small Claims Court and POA, including the authority to:</p>	City Solicitor or delegate	<p>This authority relates to proceedings other than to which section 5 (Small Claims Court) and section 10 (Municipal Prosecutions) apply.</p>

	<p>(a) initiate proceedings or participate in proceedings initiated by another party;</p> <p>(b) take any steps within an active proceeding (including, but not limited to, commencing or defending a motion, cross-claim, third party claim, counterclaim or appeal);</p> <p>(c) negotiate resolutions and participate in any mediation, arbitration or other dispute resolution technique;</p> <p>(d) approve and execute minutes of settlement, agreements, releases, indemnities, consents, or other documents required for the settlement or disposition of any claim made by or against the City;</p> <p>(e) withdraw from proceedings.</p>		<p>Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.</p> <p>Financial Limits:</p> <p>For insured claims and legal proceedings:</p> <ul style="list-style-type: none"> i) up to the City's applicable insurance deductible; or ii) in excess of the City's applicable insurance deductible in consultation and with the approval of the insurance provider or its legal counsel. <p>For uninsured claims – unlimited value - provided that Corporate Legal Services will report to confirm its instructions to either the next round of applicable Committee and Council or in its</p>
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			scheduled litigation report, as deemed appropriate by the City Solicitor.
	Proceedings – Limitation Period, Protection of Interests or Emergency		
7.	Commence any legal proceeding, including a proceeding above the financial limits set out in section 6 of Schedule F, on behalf of the City to ensure limitation period or other time restriction does not expire, in an emergency, or where immediate action is required to protect the City’s interests.	City Solicitor or delegate	Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.
	Ontario Land Tribunals:		
8.	<p>Represent the City or proceedings before Ontario Land Tribunal as City Solicitor considers necessary to protect the City, including the authority to:</p> <ul style="list-style-type: none"> (a) support Committee of Adjustment approvals where City staff have no objections or are in support of the application; (b) support the Committee of Adjustment refusals where City staff support the refusal of an application; (c) take all necessary steps to respond to appeals filed in accordance with Council 	City Solicitor or delegate	Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.

	<p>decisions and file and respond to procedural matters, as deemed necessary; and</p> <p>where time does not allow for obtaining Council authority, take all steps necessary to respond to appeals prior to the expiry of any time restrictions or limitation periods.</p>		
	Collection of Debts and Enforcement of Orders:		
9.	Take all necessary steps to collect debts and outstanding accounts, and to enforce orders, decisions, awards and judgments made in favour of the City, including commencing legal proceeding as part of the enforcement.	City Solicitor or delegate	Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.
	Municipal Prosecutions:		
10.	Authority to conduct prosecutions under Parts I, II, III or VII of the <i>Provincial Offences Act</i> (which includes prosecutions of municipal by-laws and statutory offences enforced by the City (including Building and Fire Safety).	City Solicitor or delegate	<p>Contravention the subject of the proceeding relates to a standard administered or enforced by the City.</p> <p>For a proceeding under Parts I, II or III of the Act, City Solicitor or delegate determines that there is a reasonable prospect of a conviction and that it is in the public interest to proceed with the charge.</p>

			<p>For a proceeding under Part VII of the Act, City Solicitor or delegate determines that the City's case has merit and that it is in the public interest to proceed with the appeal.</p> <p>Corporate Legal Services will report to a Standing Committee a minimum of three times per year on all legal proceedings involving the City.</p>
	Routine Real Estate Matters:		
	Routine rights as owner, occupier, landlord or tenant:		
11.	Take all necessary steps to protect or pursue routine rights of the City in its capacity as an owner, occupier, landlord or tenant of property.	City Solicitor or delegate	
	Acquisitions:		
12.	Approve transactions and execute agreements, offers and other documents in connection to acquisition of land or any interest in land (except for leasehold interest).	Manager of Realty Services up to \$200,000;	<p>Subject to the following limitations:</p> <p>(i) Sufficient funds are available within the</p>

		<p>Director of the relevant department up to \$300,000;</p> <p>City Manager up to \$500,000.</p>	<p>departmental budgets approved by City Council;</p> <p>(ii) The acquisition price is at or below fair market value;</p> <p>(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);</p> <p>(iv) Any agreements, offers and other documents in connection with transactions approved under this provision shall be to the satisfaction of the City Solicitor or delegate.</p> <p>Reported at a minimum quarterly through the City Clerk on all instances where the authority is exercised</p>
	<p>Dispositions:</p>		

13.	Approve transactions and execute agreements, offers and other documents in connection to disposition of land or any interest in land (except for a leasehold interest).	<p>Manager of Realty Services up to \$200,000;</p> <p>Director of the relevant department up to \$300,000;</p> <p>City Manager up to \$500,000.</p>	<p>Subject to the following limitations:</p> <p>(i) The departmental circulation process continues to be used for land considered to be surplus to a department;</p> <p>(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, where applicable;</p> <p>(iii) The disposition price is at or greater than fair market value;</p> <p>(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);</p> <p>(v) Any agreements, offers and other documents in connection</p>
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			<p>with transactions approved under this provision shall be to the satisfaction of the City Solicitor or delegate.</p> <p>Reported at a minimum quarterly through the City Clerk on all instances where the authority is exercised</p>
	Leases and Licences:		
14.	Approve and execute lease/licence of land or buildings for ten-year terms or less, by or to the City, including any renewal of existing or expired leases/licenses.	<p>Authority for annual fair market value rent not to exceed:</p> <p>Manager of Realty Services up to \$200,000;</p> <p>Director of the relevant department up to \$300,000;</p> <p>City Manager up to \$500,000.</p>	<p>Subject to the following limitations:</p> <p>(i) The annual rent is at fair market value;</p> <p>(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);</p> <p>(iii) The lease/licence be on terms and conditions and in a form satisfactory to the City Solicitor.</p>

			Reported at a minimum quarterly through the City Clerk on all instances where the authority is exercised
	Day to Day Real Estate Transactional Matters:		
15.	<p>The Authority to:</p> <p>(a) Execute any document in accordance with the <i>Land Registration Reform Act (Ontario)</i> as required to permit registration of such document under the <i>Land Titles Act (Ontario)</i> or <i>Registry Act (Ontario)</i>, as applicable, for any action otherwise approved;</p> <p>(b) Register any instrument on behalf of the City against the title to the lands in which the City has interest;</p> <p>(c) Execute and register all applications on behalf of the City for entry or removal of a notice or caution of any kind, an inhibiting order, reference plan or similar registration of any kind in the Land Registry Office;</p> <p>(d) Execute and register routine releases of subdivision and other agreements, subject to the prior approval of the operational department responsible for the agreement;</p> <p>(e) Approve and execute undertakings, certificates, declarations and any other documents required for</p>	City Solicitor or delegate	

	<p>the completion of any transaction otherwise approved involving the purchase, sale, acquisition, disposition, dedication or exchange of any interest in land including any documents required to be delivered under an applicable agreement of purchase and sale;</p> <p>(f) Execute affidavits required in connection with the <i>Land Transfer Tax Act</i>, and,</p> <p>(g) Approve and execute agreements to extend the closing date of purchase and sale transactions.</p>		
16.	Approve consent and waivers of notice forms under <i>Land Titles Act (Ontario)</i> .	City Solicitor or delegate	Applicant to pay all fees applicable to such requests.
17.	Execute and register documents in connection with routine release of easements and routine releases of any other interest in land.	City Solicitor or delegate	Subject to departmental circulation process for any release of easement/interests in land, including approval of operational department responsible for or benefitting from easement/interest in land
	Insurance		

18.	Approve and execute any agreement or other legal document on behalf of the City that is necessary to secure or maintain City's municipal insurance.	City Solicitor or delegate	
	Agreements:		
19.	Approve and execute any agreement or other legal document on behalf of the City that is necessary to carry out the City Solicitor's delegated authority under this Schedule.	City Solicitor or delegate	

SCHEDULE G to By-law XX-2023

Engineering Services

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Permission to Enter and Crossing Agreements		
1.	Authority to approve and execute the following documents: (a) Easement agreements and any associated documents with other levels of government and agencies including conservation authorities; (b) Memoranda of understanding and undertakings and any associated documents with other levels of government and agencies including conservation authorities.	Director of the relevant operational department	
2.	Approve and execute agreements with landowners, including Permission to Enter, Encroachment, Landscaping and Parking Agreements.	Director of the relevant operational department responsible for the land and/or agreement.	Subject to the nature of the Agreement being minor, as determined and approved by all affected departments; and The permit, legal fees and other costs, as determined by the City, are paid by the applicant or landowner seeking to enter into the agreement.
3.	Approve and execute crossing agreements where City is seeking to conduct work.	Director of Engineering Services	
	Municipal Access Agreements		

4.	Approve municipal access agreements to permit work within City rights-of-way and other City owned land.	Director of Engineering Services	
5.	Execute municipal access agreements to permit work within City rights-of-way and other City owned land.	Mayor and Clerk	
	Road Widenings		
6.	Authority to submit any by-law(s) required to dedicate parcels of land acquired for roads or road widening as part of the public highway directly to Council for approval without the submission of a corresponding staff report.	Director of Engineering Services or delegate	
	Geospatial data license agreements		
7.	Authority to enter into geospatial data license agreements used to support internal programs and services	Director of Engineering or delegate	
	Dedicated locate service agreements		
8.	Authority to execute dedicated locate service provider agreements as the project owner/or the infrastructure owner as required.	Director of Engineering or delegate	

SCHEDULE H to By-law XX-2023

Roads, Parks and Forestry

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Vehicle Identification and Drivers Abstracts		
1.	Approve authorized requestor agreements with His Majesty the Queen in Right of Ontario which provide designated users access to certain information from the Authorized Requester Information System of the Ministry of Transportation for the Municipal Parking Tag Program, including vehicle and driver abstracts for various internal enforcement, safety and administrative purposes.	Supervisor of Parking Services or Manager of By-law enforcement or Manager of Fleet Services	
	Temporary and Emergency Road Closures		
2.	Approve emergency road closures up to 30 days.	Director of Transportation Services, or Director of Engineering Services, or Director of Roads, Parks and Forestry, or Fire Chief, or delegate(s), as applicable	In accordance with the Road Closure – Temporary and Permanent Corporate Policy .

3.	Approve temporary road closures up to 30 days.	Director of Transportation Services, or Director of Engineering Services, or Director of Roads, Parks and Forestry, or delegate(s), as applicable	In accordance with the Road Closure – Temporary and Permanent Corporate Policy , Traffic By-law and permit requirements.
	Road Maintenance and Boundary Road Agreements		
4.	Approve agreements between the City and neighbouring municipalities for the provision of highway maintenance and repair.	Director of Roads, Parks and Forestry and Director of Transportation Services	
5.	Execute agreements between the City and neighbouring municipalities for the provision of highway maintenance and repair.	Mayor and Clerk	
	Traffic Control and Posting of Speed Signs		
6.	Authority to designate a highway or portion of a highway as a construction zone and to set a lower rate of speed within the designated construction zone, in accordance with subsection 128(8.1) of the <i>Highway Traffic Act</i> .	Director of Transportation Services and Director of Engineering Services	

	Traffic		
7.	Approve routine amendments to Traffic By-law 086-2007, as amended from time to time, and submit the required by-laws directly to Council for approval without the submission of a corresponding staff report.	Director of Transportation Services	
8.	Authority to approve traffic signal drawings and to erect and install traffic control signals and signal systems.	Director of Transportation Services	
	Permits for Large Vehicles		
9.	Authority to issue permit pursuant to <i>Highway Traffic Act</i> , s.110 for the use of a Highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in <i>Highway Traffic Act</i> , s. 109 or the weight limits set out in <i>Highway Traffic Act</i> , Part VIII.	Director of Transportation Services	
	Forestry		
10.	Authority to remove and replace trees for capital projects on public highways and creek blocks.	Director of Engineering Services	In consultation with the City Forester or consulting arborist.
	Cemeteries		
11.	Approve and execute care and maintenance agreements for the maintenance of cemetery lands where the cemetery board retains ownership of the lands.	Director of Roads, Parks and Forestry and City Solicitor	Reported through the City Clerk each time the authority is exercised

SCHEDULE I to By-law XX-2023
Recreation, Community and Culture

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Joint Use Agreements		
1.	Approve and execute amendments to on-going relationship and partnership agreements with user groups who have dedicated or exclusive use of City buildings or parts thereof (e.g. Tennis Club; Gymnastic Centres; Drama Centre, Burlington Performing Arts Centre, Art Gallery of Burlington, Tourism Burlington, Museums of Burlington).	Director of Recreation, Community and Culture	
	Facility Rental		
2.	Approve and execute facility rental agreements.	Director of Recreation, Community and Culture	In accordance with Facility Rentals Corporate Policy . Facility rental denials are reported through the City Clerk each time the authority is not exercised.
	Provision of Recreation, Community and Culture Services		
3.	Approve and execute agreements for the provision of recreation, community and culture services.	Director of Recreation, Community and Culture	In accordance with the Framework for Community Recreation in Burlington Corporate Policy .

4.	Approve and execute reciprocal agreements with local school boards.	Director of Recreation, Community and Culture	
	Events		
5.	Approve all events on City property meeting the Special Events Teams (S.E.T.) criteria.	Director of Recreation, Community and Culture or delegate	In consultation with the affected stakeholders and ward councillor.

SCHEDULE J to By-law XX-2023

Information Technology

No.	Delegated Authority	Delegate	Conditions/Restrictions
1.	Approve and execute routine software service agreements and any associated documents.	Chief Information Officer	