



SUBJECT: Delegated Authority third quarter report

TO: Committee of the Whole

FROM: Legal and Legislative Services

Report Number: CL-23-24

Wards Affected: all

Date to Committee: October 7, 2024

Date to Council: October 15, 2024

Recommendation:

Approve the requested new delegated authority submissions provided in legislative services report CL-23-24 Delegated Authority third quarter report; and

Enact the by-law substantially attached as Appendix A to legislative services report CL-23-24, being a by-law to amend the By-law 71-2023, a by-law to delegate approvals to staff.

PURPOSE:

Vision to Focus Alignment:

- ☐ Designing and delivering complete communities
- ☒ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☒ Driving organizational performance

Executive Summary:

This report lists exercised delegated authority reported quarterly through Legislative Services during the period of June 20, 2024 to September 20, 2024, and submissions for new requested delegations of authority.

Background and Discussion:

The purpose of this report is to fulfil delegated authority reporting requirements through the City Clerk exercised by delegates for the time period between June 20, 2024 through to September 20, 2024, and review and provide updates on maintenance considerations for new delegated authorities.

The following exercised delegated authorities have been reported to the City Clerk for this time frame:

Department	Subject	Decision
Acquisitions		
Legal Services	Real Estate Agreement DA Schedule Number 12 DA-9-2024	Authorize the purchase of a road widening located at 798 Brant Street, being PART 1 on Reference Plan 20R-22604, from Brant Realty Inc.
Leases and Licenses		
Legal Services	Real Estate Agreement DA Schedule Number 14 DA-10-2024	City to enter into a five-year term licence agreement.
Legal Services	Real Estate Agreement DA Schedule Number 14 DA-11-2024	City to enter into a five-year term licence agreement.
Legal Services	Real Estate Agreement DA Schedule Number 14 DA-12-2024	City to enter into a licence agreement for one day.
Legal Services	Real Estate Agreement DA Schedule Number 14 DA-13-2024	City to enter into a licence agreement to construct and maintain pathway over TCPL lands.

Future Delegated Authority Notices

The following delegated authorities are scheduled to be provided over the next three months:

- There are no future delegated authority notices at this time.

Strategy/process/risk

The delegated authority by-law is reviewed for routine maintenance to ensure that city operations can be efficiently run. The proposed amending by-law includes housekeeping updates to repeal and replace all references to staff titles to reflect the City's organizational restructuring.

New or Clarified Delegations of Authority

Included in the quarterly report is the opportunity to propose new or clarified delegations of authority to be amended via an amendment to the Delegated Authority By-Law 071-2023.

In each case, the requesting area(s) provided rationale to support existing inefficiencies, delays or impacts to customer services and/or project completion. New requested authorities include:

Affordable Housing Agreements – Schedule D, section 26

Approve and execute agreements to exempt affordable residential housing units (rental and owned) from payment of development charges and community benefits charges, and from parkland dedication requirements and to secure obligations in respect of those exemptions.

- Committee and Council will recall that staff reported on Bill 23 and Bill 185 in Finance and Planning Reports [F-10-23](#) and [PL-42-24](#). These reports described a series of amendments to the *Development Charges Act* and *Planning Act* that exempted affordable residential housing units (rental and owned) from payment of development charges and community benefits charges, and from parkland dedication requirements, provided the units remain affordable for 25 years. An Affordable Housing Agreement is required under the *Development Charges Act* to signal owners' intention to provide the units affordably, and to secure the waived development charges in the case that the units do not remain affordable. To ensure maximum efficiency, staff recommend that waived parkland dedication fees and community benefits charges be included in this agreement. In addition to identifying the intention to provide affordable residential units, the agreement requires owners to agree to registration of instruments on title to ensure the City is notified when the property is sold. These instruments include a mortgage in

favour of the City and Region, in the amount of the waived fees. The Affordable Housing Agreement has been prepared in cooperation with the Region of Halton and the other Halton local municipalities to provide consistency across the Region.

Rationale: The fee waivers being identified and secured in the Affordable Housing Agreement have been imposed by the Province through amendments to the *Development Charges Act* and the *Planning Act*. Delegating authority to execute these agreements to staff will avoid delays in the approval process, allowing housing units to be approved more expeditiously.

Registration of Charges/Mortgages – Schedule F, Section 18

- In the City's capacity as chargee/mortgagee, take all steps necessary to effect the registration of a charge/mortgage on title to real property.
 - **Rationale:** From time to time the City may advance funds by way of loan to be secured by mortgage on real property. Examples include loans under the Burlington Community Heritage Fund and anticipated collateral mortgages to secure development charges/fees that may be exempted for affordable housing pursuant to *Development Charges Act* amendments noted above. An amendment to Schedule F of By-law 071-2023 is proposed to confirm and clarify the authority of the City Solicitor or delegate to take all steps necessary to effect the registration of a charge/mortgage on title to real property in the City's capacity as chargee/mortgagee.

Options Considered

The decision to request new delegated authorities at this time was considered to increase efficiencies at the City and ensure business continuity.

Financial Matters:

Not applicable.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Climate Implications:

Not applicable.

Engagement Matters:

If approved, relevant staff will receive education and training on the scope of their authority.

Conclusion:

This report summarizes the delegated authorities exercised and reported through the Office of the City Clerk as required in Delegated Authority By-law 71-2023. The submission of new or clarified delegated authority is also presented for Council Consideration.

Respectfully submitted,

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Elections Officer

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Appendices:

- A. Proposed amending by-law to By-law 71-2023 being a by-law to delegate authority to staff

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and Commissioner, Legal and Legislative Services/City Solicitor.