



Supplemental Staff Memo

SUBJECT: Potential amendment to the proposed by-law to amend by-law 71-2023, to delegate approvals to staff, as attached to legislative services report LLS-35-25 Delegated Authority By-law Review and Enabling Official Plan Amendments

TO: Council

FROM: Legal and Legislative Services
Legislative Services

Report Number: LLS-35-25

Wards Affected: Not applicable

Date to Council: June 17, 2025

This memorandum is to provide additional information and a potential amendment to report LLS-35-25 – Delegated Authority By-law Review and Enabling Official Plan Amendments, which was considered at the June 9/10 Committee of the Whole meeting.

Section 'Minor administrative updates to existing delegated authorities' of the report, proposed an amendment in Schedule I, Recreation, Community and Culture, section 5 to remove the words "and ward councillor" from the sentence "In consultation with the affected stakeholders and ward councillor" in the 'Conditions and Restrictions' column. The proposed amendment aims to eliminate redundancy, as council members are already affected stakeholders. Staff have delegated authority to approve minor and recurring major events on City property, as well as new major events or significant changes to existing ones. Approvals follow the [Festivals and Events Policy](#), including but not limited to a review by the Festivals and Events Strategy Team (F.E.S.T.), community consultation (including the ward councillor), and assessment by the Special Events Team (S.E.T.). Staff are responsible for informing the relevant council member of approvals. The amendment does not alter existing delegated authority. Since there could be ambiguity in how the appropriate council member is determined for consultation, as affected stakeholders is a broad term, staff propose the removal of the amending provision number 9 from the proposed by-law, by deleting the words:

"9. That Schedule I to By-law No. 71-2023, Recreation, Community and Culture, section 5, column 4 titled "Conditions/Restrictions", be amended by deleting the words "and ward councillor".

A motion amending the main motion to remove the words is required by Council. Should the amendment pass, a revised by-law with the wording removed will be presented to Council for approval. This revised by-law is attached as Appendix A.

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Attachments:

A. Draft by-law to amend By-law 71-2023 being a by-law to delegate authorities to staff

Memo Approval:

Supplemental staff memos are reviewed and approved by the Commissioner.

The Corporation of the City of Burlington

City of Burlington By-law 37-2025

A by-law to amend By-law 71-2023, to delegate approvals to staff
(LLS-35-25)

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 Council of The Corporation of the City of Burlington passed By-Law 71-2023 being the Delegated Authority By-law delegating certain approvals to staff; and

Whereas it is deemed necessary to amend Schedule B of the Delegated Authority By-law to streamline decision making processes for various planning matters related to policy, regulation, and development approvals; and

Whereas it is deemed necessary to amend Schedule C of the Delegated Authority By-law to streamline the approval process for grant applications in accordance with the Community Heritage Fund and allow for extension of timelines for notices of intention to designate a property under the *Ontario Heritage Act*; and

Whereas it is deemed necessary to amend Schedule D, section 12 of the Delegated Authority By-law to clarify the delegate of the approved authority to approve the transfer of funds from the Public Art Reserve Fund; and

Whereas it is deemed necessary to amend Schedule E of the Delegated Authority By-law to streamline and reduce delays to negotiation processes for the purpose of improving the integration of transit services, fares, regional connectivity and supporting fare and service integration programs; and

Whereas it is deemed necessary to amend Schedule I of the Delegated Authority By-law to update staff position titles to reflect City of Burlington organizational restructuring; and

Whereas it is deemed necessary to add Schedule K to the Delegated Authority By-law to allow the Fire Chief to make operational decisions and recommendations directly to the Chief Administrative Officer to minimize disruptions and maintain continuity of service; and

Whereas it is deemed necessary to amend by-law 71-2023 to reflect the addition of Schedule K – Fire Services in the listing of schedules throughout the by-law.

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

1. That Part 2 – Nature and Scope of Delegation of Powers and Duties, subsection 2.1 (1), be amended by adding the words “Schedule K – Fire Services”, immediately following “Schedule J – Information Technology”.
2. That Part 2 – Nature and Scope of Delegation of Powers and duties, subsection 2.1 (2) through to (4), section 2.2, and subsection 2.4(2) be amended by deleting the words “Schedules A through J” and replacing them with words “Schedules A through K”.
3. That Part 3 – Execution and Amendment of Documents, sections 3.1 through to 3.5 be amended by deleting the words “Schedules A through J” and replacing them with words “Schedules A through K”.
4. That Schedule B to By-law No. 71-2023 be deleted and replaced in its entirety with Schedule B as appended to this amending by-law.
5. That Schedule C to By-law No. 71-2023, Heritage, Section Number 3, be amended by replacing with the following:

3.	Authority to approve Community Heritage Fund grant applications.	Director of Community Planning or delegate	Consult with the Heritage Burlington Advisory Committee, as needed.
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6. That Schedule C to By-law No. 71-2023, Heritage, be amended by adding the following section titled Agreement to Extend Timelines immediately following section No. 3:

	Agreement to Extend Timelines		
4.	Authority to: (a) Enter into agreements with property owners to waive or extend: (i) The 90 day timeline following a prescribed event to give notice of intention to designate under	Director of Community Planning or delegate	

	<p>Section 29 (1.2) of the Ontario Heritage Act; and,</p> <p>(ii) The 120 day timeline for passing a designating by-law under Section 29 (8) of the Ontario Heritage Act.</p>		
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7. That Schedule D to By-Law No. 71-2023, Financial Management, section 12, column 3 titled 'Delegate' be amended by replacing the words "applicable operational department" with "Recreation, Community and Culture", and by deleting the words "consultation with the affected ward councillor and" in column 4 titled 'Conditions/Restrictions'.
8. That Schedule E to By-Law No. 71-2023, Transit, be amended by adding the following new sections, immediately following section No. 1:

2.	<p>Authority to approve and execute agreements, and amending agreements, for purposes relating to the integration of transit services, fares, regional connectivity and supporting fare and service integrations program.</p>	<p>Director of Transit or delegate</p>	<p>Subject to the approval as to form of the Commissioner of Legal Services/City Solicitor</p> <p>Subject to the approval as to content of the Commissioner of Community Services</p> <p>Final authority to enter into the agreement to be brought to Council if there is a financial impact on the City.</p>
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9. That Schedule I to By-law No. 71-2023, Recreation, Community and Culture, section 6, column 4 titled "Conditions/Restrictions", be amended by deleting the words "Environment, Infrastructure, and".
10. That By-law No. 71-2023 be amended by adding new Schedule K, Fire Services, immediately following Schedule J, as appended to this amending by-law.
11. Subject to the amendments made in this By-law, in all other respects, By-Law No. 71-2023 is hereby confirmed and remains unchanged.
12. This By-law comes into force on the date of its passing.

Passed this 17th day, of June, 2025

Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____

SCHEDULE B to By-law 71-2023

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	Director of Community Planning or delegate	Interpretation and administration of conditions shall not alter the purpose and intent of the draft plan approval.

	<p>pursuant to subsection 51(19) of the <i>Planning Act</i>;</p> <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 an application for approval of a plan of subdivision where such plan is essential to the implementation of a previously approved Zoning By-law Amendment; (h) interpret and administer conditions of draft plan approval to provide flexibility; (i) approve non-financial and other minor amendments to conditions in plan of subdivision approval. 		
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	Condominium		
4.	<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>; (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; (d) amend criteria to be satisfied prior to registration for standard and common element condominiums; (e) refuse an application if inactive for more than one year subject to 60 days' notice being provided to the applicant to respond; (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>; (g) sign plans for the purposes of indicating that plans are ready for registration. 	Director of Community Planning or delegate	

	Model Home Agreement		
5.	Authority to approve the model home agreements.	Director of Community Planning or delegate	
	Parkway Belt		
6.	Authority to comment on applications to amend regulations in the Parkway Belt Plan.	Director of Community Planning or delegate	
	Site Plan		
7.	<p>Authority to:</p> <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. 	Director of Community Planning or delegate	

	Consent to Sever Land		
8.	<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	
9.	<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: <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; (b) approve with or without conditions, or refuse an application for consent heard at a Committee of Adjustment hearing. 	Committee of Adjustment Members	

	Minor Variance		
10.	<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	
	Minor Revisions to plans approved by the Committee of Adjustment		
11.	<p>Authority to:</p> <ul style="list-style-type: none"> a) approve minor revisions to plans included as a condition of approval an application by the Committee of Adjustment. 	Director of Community Planning or delegate	Minor revisions must be in substantial conformity to the plans included as a condition of approval of an application by Committee of Adjustment.
	Validation Certificate		
12.	<p>Authority to:</p> <ul style="list-style-type: none"> a) determine if a Validation Certificate Application is required or if an application for consent is appropriate; b) refuse to accept incomplete applications; c) approve with or without conditions, or refuse, an application for Validation Certificate. 	Director of Community Planning or delegate	
	Part Lot Control		

13.	<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		
14.	<p>Authority to:</p> <ul style="list-style-type: none"> a) review development permit applications from the Niagara Escarpment Commission; b) submit comments on behalf of the City to the Niagara Escarpment Commission regarding development permit applications. 	Director of Community Planning or delegate	

	Execution of Development Agreements		
15.	<p>Authority to:</p> <ul style="list-style-type: none"> a) execute agreements 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; b) release 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. 	Director of Community Planning or delegate	Agreements to in a form as approved by the Commissioner, Legal and Legislative Services/City Solicitor

SCHEDULE K to By-law 71-2023
Fire Services

No.	Delegated Authority	Delegate	Conditions/Restrictions
	Memoranda of Understanding and Service Level Agreements		
1.	Authority to approve and execute memoranda of understanding, service level agreements, including dispatch agreements and aid agreements, and any other related agreements or documents, relating to emergency fire services and/or the delivery of 9-1-1 fire communications services with other municipalities or other levels of government.	Chief Administrative Officer or Director of the Fire Department or delegate	Subject to the approval as to form of the Commissioner of Legal Services/City Solicitor
2.	Authority to approve and execute agreements with telecommunication carriers related to the delivery of 9-1-1 fire communication services.	Chief Administrative Officer or Director of the Fire Department or delegate	Subject to the approval as to form of the Commissioner of Legal Services/City Solicitor