
SUBJECT: Statutory Public Meeting - Delegated Authority By-law Amendments and enabling
Official Plan Amendments

TO: Committee of the Whole

FROM: Legal and Legislative Services
Legislative Services

Report Number: LLS-13-26

Wards Affected: All

Date to Committee: March 3, 2026

Date to Council: March 10, 2026

Recommendation

Adopt Amendment No. 8 to the Burlington Official Plan, 2020 (“OPA 8”), as provided in Appendix A of legislative services report LLS-13-26, to add policies to enable certain technical changes without a Plan amendment and to add policies to assist in the interpretation of the City’s Official Plans; and

Adopt Amendment No. 2 to the Burlington Regional Official Plan, 1995 (“BROPA 2”), as provided in Appendix B of legislative services report LLS-13-26, to add policies to enable certain technical changes without a Plan amendment; and

Deem that OPA 8 and BROPA 2 are in compliance with *The Planning Act*; and

Instruct the City Clerk to prepare the necessary by-laws adopting OPA 8 and BROPA 2, substantially in the form attached as Appendix A and Appendix B of legislative services report LLS-13-26, respectively; and

Approve the withdrawal of Subsection 12.2.2 m), in its entirety, from the BOP, 2020; and

Instruct the City Clerk to prepare the necessary by-law to amend By-law No. 24-2018, being the adopting by-law for the BOP, 2020, to delete Subsection 12.2.2 m) in its entirety; and

Authorize the Commissioner, Legal & Legislative Services/City Solicitor, or his designate, to advise the Ontario Land Tribunal of the withdrawal of Subsection 12.2.2 m) of the BOP, 2020; and

Approve the proposed new delegations of authority provided in legislative services report LLS-13-26; and

Enact the amending by-law substantially in the form attached as Appendix C to legislative services report LLS-13-26, to amend By-law 71-2023, being a by-law to delegate authorities to staff; and

Direct the City Clerk to bring forward a further amending by-law to By-law 71-2023 to delegate the additional authorities introduced through OPA 8 and BROPA No. 2 once the amendments are in full force and effect.

Executive Summary

Purpose of report:

- The purpose of the report is three-fold:
 - To recommend amendments to the Delegated Authority By-law 71-2023 for new authorities brought forward by requesting areas:
 - Schedule A – City Clerk: Authority to designate an event as an event of municipal significance.
 - Schedule C – Heritage: Authority to establish practices and procedures to execute Heritage Conservation Agreements.
 - Schedule G – Engineering Services: Authority to sign Site Alteration Agreements.
 - Schedule M – Building: Authority to negotiate, execute, administer, and discharge demolition agreements.
 - To recommend amendments to the Delegated Authority By-law 71-2023 to update existing delegated authorities in Schedule B – Planning that do not require Official Plan amendment to implement, and in Schedule I – Recreation, Community and Culture.
 - To recommend additional amendments to the Delegated Authority By-law 71-2023 related to Schedule B – Planning enabled through proposed amendments to the City’s official plans as well as proposing additional official plan policies and changes as set out below.

Key findings:

- Several new or updated delegated authorities are sought by City departments and identified to Legislative Services staff for inclusion in this update.

Implications:

- Provides the City with flexibility in governing its affairs.
- Allows Council to focus on strategic matters for the City and enables staff to implement and operationalize.
- Improves service delivery and customer experience.

Recommendation Report

Background

Legislative Services staff received a number of requests from City departments for new delegated authorities from Council which provide for greater efficiency and maintenance of business continuity with City operations. The requested authorities are outlined in detail in the section below.

Staff are bringing this report forward as part of a Statutory Public Meeting because some of the requested delegated authorities for Community Planning require an Official Plan Amendment (OPA). For efficiency, all new and updated delegated authority submissions are being presented in one report and can be discussed in their entirety by Committee at the Statutory Public Meeting. If the recommendation is passed as presented, Council will be approving a by-law to adopt Burlington Official Plan Amendment No. 8 and Burlington Regional Official Plan Amendment No. 2 to provide Community Planning with additional delegated authority, and a by-law to amend the Delegated Authority By-law 71-2023, with the additions outlined in this report. Once the appeal period for the Official Plan Amendment has elapsed, and if there are no appeals, staff will bring an additional amendment to the Delegated Authority By-law 71-2023 straight to Council capturing the additional delegated authority provided through Burlington Official Plan Amendment No. 8 and Burlington Regional Official Plan Amendment No. 2.

Analysis

1. New Delegations of Authority

The proposed by-law to amend Delegated Authority By-law 71-2023 includes a number of new delegations of authority. In each case, the requesting area/department provided a description of the delegated authority sought and the rationale for the requested delegated authority to improve existing inefficiencies, delays or impacts to customer services and/or project completion.

Schedule A – City Clerk

1. Authority to designate an event as an event of municipal significance for the purpose of obtaining a Special Occasion Permit under the Alcohol and Gaming Commission of Ontario, in accordance with the City of Burlington's Municipal Alcohol Policy.

Rationale: The Alcohol and Gaming Commission of Ontario (AGCO) administers the Special Occasion Permit (SOP) program, which allows for the sale, service and in most cases consumption of liquor on special occasions, such as weddings or private receptions, as well as larger scale events that are open to the public, including charity fundraisers. An event of municipal significance requires a designation by the municipality in which the event will take place. Special Occasion Permit applications for a municipally significant public event must be accompanied by either a municipal resolution or a letter from a delegated municipal official designating the event as municipally significant. Council approved the Recreation, Community and Culture (RCC) [Municipal Alcohol Policy](#) on December 14, 2021 (RCC-13-21). The policy defines a municipally significant event as one designated by the City of Burlington and identifies the City Clerk as having delegated authority to make this designation, based on staff review and recommendation. While this process has been routinely applied in practice, the delegated authority is not currently reflected in the City's Delegated Authority By-law.

The City receives multiple requests each year from event organizers seeking designation of an event as municipally significant for the purpose of obtaining a liquor licence. These requests relate primarily to events held on City property and, on occasion, events held on private property. The Letter of Municipal Significance is not an event permit. It provides the AGCO with confirmation that the City is aware of the event, that it aligns with community interests, and that the City does not object to liquor service at the event.

Requiring Council approval for each designation is administratively inefficient and inconsistent with the intent of the City's Municipal Alcohol Policy and AGCO guidance, which permits designation by a delegated municipal official. Formalizing this authority within the Delegated Authority By-law will align Council policy, administrative practice and provincial requirements, while ensuring timely and consistent decision-making.

Staff recommend that Council amend the Delegated Authority By-law to delegate authority to the City Clerk to designate events as being of municipal significance for the purpose of obtaining a Special Occasion Permit, in accordance with the Recreation, Community and Culture Municipal Alcohol Policy.

Schedule C – Heritage

1. Authority to execute Heritage Conservation Agreements.

Rationale: Delegated Authority By-law 71-2023 provides the Director of Community Planning or delegate with the authority to approve Heritage Grant Program applications but does not provide the Director of Community Planning or delegate with the authority to execute Heritage Conservation Agreements required in connection with applications. As such, a staff report to Committee of the Whole and Council to allow for the Mayor and City

Clerk to execute the agreements is required. The proposed amendment to Delegated Authority By-law 71-2023 will allow the Director of Community Planning or delegate to execute Heritage Conservation Agreements and eliminate the need for Council approval respecting execution of future heritage conservation agreements.

Schedule G – Engineering Services

1. Authority to approve and execute site alteration agreements.

Rationale:

City of Burlington By-law 64-2014 (the “Site Alteration By-law”) requires Owners to enter into a site alteration agreement with the City where the calculated site alteration volume is greater than 5000 m³ or where the resulting proposed elevation will be greater than 0.5 m above or below the originally existing grades. While the requirements of site alteration agreements are to be determined and met to the satisfaction of the Director of Engineering Services (the “Director”), the Site Alteration By-law does not expressly authorize the Director to approve and execute site alteration agreements on behalf of the City. The proposed amendment will eliminate the need for Council approval of execution of future site alteration agreements.

Schedule M – Building

The proposed amending by-law to Delegated Authority By-law 71-2023 includes a new Schedule M for the Building Department. The following new delegation of authority has been requested:

1. Authority to negotiate, execute, administer, and discharge demolition agreements, including authority to:
 - a. enter into, execute, and administer demolition agreements on behalf of the City, where such agreements are required as a condition of issuing a demolition permit under the Ontario Building Code Act or applicable municipal by-laws;
 - b. collect, hold, and release any securities or deposits associated with demolition agreements;
 - c. execute any ancillary documents necessary to give effect to the demolition agreement;
 - d. take all actions necessary to enforce the terms of the demolition agreement;
 - e. enter any building subject to a Demolition Agreement, at reasonable times and upon reasonable notice where required, for the purpose of securing the site and removing any contents or materials remaining within the building;
 - f. remove, transport, and store any such contents or materials at the sole cost and expense of the owner, without liability to the City, the CBO, or their agents for

- loss of or damage to such contents, except in cases of gross negligence or willful misconduct; and
- g. authorize the disconnection, termination, or securing of any utility or service to the building, where necessary to carry out or enforce the demolition agreement or to address health, safety, or property protection concerns.

Rationale:

The Building Department is requesting an amendment to the Delegated Authority By-law to authorize the Chief Building Official (CBO) to approve and execute demolition agreements on behalf of the municipality. This authority is enabled under both the *Building Code Act, 1992* and the *Municipal Act, 2001*.

Demolition agreements are legal contracts between the municipality and a property owner and are commonly required as a condition of issuing a demolition permit under municipal by-laws. While the CBO currently has the authority to issue demolition permits, the authority to enter into and execute agreements that bind the municipality remains with Council unless formally delegated. Without this delegation, the CBO cannot legally execute a demolition agreement, even though the demolition permit itself falls within their approval authority, and Council must sign each agreement.

Demolition agreements are typically used in situations where a property owner is permitted to continue residing in an existing dwelling while construction of a new dwelling is underway on the same property. Once the new dwelling is complete and occupiable, demolition of the original dwelling may proceed. The demolition agreement forms a condition of the demolition permit, which is issued only when the owner is ready to demolish.

Delegating this authority to the CBO would align the approval of demolition agreements with the operational responsibility for issuing demolition permits and would eliminate the need to prepare individual reports to Council for routine agreements. This would reduce administrative delays and support more timely service delivery.

Legal Services provide and maintain the standard demolition agreement template and will be consulted on each agreement to ensure compliance and manage risk. Granting delegated authority to the CBO for demolition agreements will streamline the permitting process while ensuring appropriate legal oversight and compliance with legislative requirements.

2. Updates to Existing Delegated Authorities that do not require an Official Plan Amendment

The following updates to existing delegated authorities and rationales for the requested changes have been submitted to Legislative Services:

Schedule B – Planning

Schedule B, Planning, section 17 (b) regarding the authority to approve applications for part lot control is amended by removing the words “upon receipt of a recommendation from City Council” in the Delegated Authority column.

Rationale: This delegated authority allows a more streamlined approval process by eliminating inefficiencies of staff reporting to Council on a routine implementation matter for development.

Schedule I – Recreation, Community and Culture

Schedule I, Recreation, Community and Culture, section 3, regarding the authority to approve and execute agreements for the provision of recreation, community and culture services is amended by adding the words “or designate” in the Delegate column.

Rationale: This provision covers a wide range of agreements, including some with minimal risk to the organization and for which budget approval has already been granted. These agreements can be efficiently and appropriately managed by the Director’s designate, improving operational efficiencies.

3. Delegated Authority Amendments Enabled by the Official Plan Amendments

Schedule B – Planning

1. Authority to broaden the listing of technical changes that would not require an amendment to the Burlington Official Plan, 2020 and the Burlington Regional Official Plan, 1995.

Subject to the final approval of the proposed Official Plan Amendments (OPAs), the proposed amending by-law to the Delegated Authority By-law will amend “Schedule B – Planning” to broaden the listing of technical changes that would not require an Official Plan Amendment. This policy will apply to the BOP, 2020 and the BROP, 1995, as both are official plans of the City of Burlington. Despite the list being more extensive, the expanded authority remains bound by the direction that only technical changes that do not alter the intent, meaning or substance of the plans are delegated. The policies also make clear that changes of this nature do not constitute an amendment to the Official Plan. The proposed amendments (OPA 8 and BROPA 2) will ensure both Official Plans remain current,

accurate, and implementable, while preserving Council's role in establishing policy direction.

Similar to policy changes made in June of 2025, broadening the listing of technical changes that do not require an amendment and extending those policies to the BROP, 1995 will reduce the inefficiencies of staff reporting to Council on routine administrative matters to correct numbering, clerical, grammatical, and formatting issues, to update the names of agencies or public authorities, and to remove obsolete or redundant policies etc. This direction is strictly limited to technical changes that do not alter the intent, meaning or substance of the Official Plans.

4. Additional Official Plan Policies and Changes

Transitional and Administrative Matters

Amendments proposed to the BOP, 2020 include additional policies related to transitional and administrative matters. These changes are timely and support effective interpretation.

The new transitional policies are proposed to clarify the interpretation of the BOP, 2020 in relation to a series of recent and potential future changes to the broader provincial planning framework.

The proposed transitional policies acknowledge the revocation of the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, the transition of upper-tier planning responsibilities from Halton Region to the lower-tier municipalities, and the potential consolidation of Ontario's conservation authorities. Amendments are proposed to ensure that the Regional Official Plan (now BROP, 1995) is interpreted, and operates as, an official plan of the City of Burlington.

A minor administrative amendment is also proposed to clarify both the adoption and approval date of the City's Official Plans. This supports the practice of consistently referencing Official Plans based on their original approval date (meaning approval of an entirely new Plan, as opposed to an amended Plan). This change acknowledges that the approval authority often modifies an Official Plan during the approval process, resulting in a Plan that differs from the Council adopted version. Further, it is the approval date which informs when policies come into effect, as any policies not subject to appeal are deemed to have come into effect on the day after the end of the appeal period.

Withdrawal of Obsolete Policy

This report also proposes the withdrawal of Subsection 12.2.2 (m), in its entirety, from the BOP, 2020:

“12.2.2 POLICIES

- m) An amendment to this Plan is not required and changes may be made by the *City* during office consolidations for:

- (i) altering the numbering, arrangement and cross-referencing of provisions in this Plan;
- (ii) correcting clerical, grammatical, and spelling errors;
- (iii) updates to address references;
- (iv) adding technical information to maps or schedules; and/or
- (v) changing format or presentation.”

The above Subsection is currently appealed in the BOP, 2020 and is therefore not in effect. Given the updated policies introduced in June of 2025, as well as the further updates proposed in this OPA, staff advise that the entirety of Subsection 12.2.2 m) is redundant and/or obsolete, and should therefore be withdrawn from the BOP, 2020.

Policy Framework

The proposed Official Plan Amendments are in accordance with *The Planning Act*, the Provincial Planning Statement, 2024 and the Official Plans of the City of Burlington (BROP, 1995, as amended; BOP, 1997 as amended; and BOP, 2020 as amended).

Recommendation Details

The proposed new delegated authorities and amendments address specific inefficiencies as identified by the requesting areas. Approval of these new authorities as outlined above will contribute to more efficient, effective and transparent decision-making, enabling Council to focus on its strategic role.

Key Dates & Milestones

- [Public Notice for Official Plan Amendments posted on the City's webpage](#): January 30, 2026.
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Implications

The recommended new delegated authorities provide flexibility as well as improve efficiencies in City operations, enhancing the overall customer experience. As presented, the recommendations do not have direct human resources, climate or financial implications.

References

Below are links to the Delegated Authority By-law and all amending by-laws to date:

- Delegated Authority By-law: [By-law 071-2023](#)
 - Amending by-law: [By-law 042-2024](#)
 - Amending by-law: [By-law 062-2024](#)
 - Amending by-law: [By-law 012-2025](#)
 - Amending by-law: [By-law 37-2025](#)
 - Amending by-law: [By-law 46-2025](#)
 - Amending by-law: [By-law 72-2025](#)
 - Amending by-law: [By-law 03-2026](#)
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Strategic 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
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Appendices:

- A. Draft OPA 8
- B. Draft BROPA 2
- C. Draft by-law to amend By-law 71-2023 being a by-law to delegate authorities to staff.

Draft By-laws for Approval at Council:

- Draft by-law to amend By-law 71-2023 to delegate approvals to staff going to Council March 10, 2026.

Notifications:

None

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.