



## Staff Report

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**Report To:** General Government Committee

**Date of Meeting:** June 3, 2024

**Report Number:** LGS-026-24

**Submitted By:** Rob Maciver, Deputy CAO/Solicitor

**Reviewed By:** Mary-Anne Dempster, CAO

**Resolution#:** GG-107-24

**File Number:**

**By-law Number:**

**Report Subject:** Delegation of Authority By-law

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### Recommendations:

1. That Report LGS-026-24, and any related delegations or communication items, be received;
2. That the draft Delegation of Authority By-law, attached to Report LGS-026-24, as Attachment 2, excluding the columns titled “Recommended Action” and “Notes”, be approved; and
3. That the following be rescinded and replaced with the delegation of authority within the draft by-law:
  - The Council approval of Resolution #GG-077-23 from March 20, 2023, regarding the authority to enter into Defibrillator Program Agreements;
  - The Council approval of Resolution #GG-201-23, from December 4, 2023, regarding the authority to execute any future amendments to the trail Licence Agreement required to accommodate the operational needs of either Ontario Power Generation or the Municipality;
  - The last paragraph of Resolution #C-190-15, from June 1, 2015, regarding the authority to appoint private parking enforcement officers;
4. That the Flag Protocol Policy and Proclamation Policy be updated to refer to the Delegation of Authority By-law;
5. That all interested parties listed in Report LGS-026-24, and any delegations be advised of Council’s decision.

## Report Overview

This report provides an overview of the legislative framework and authority for delegation of certain Council powers and duties to designated Staff. Additionally, this report provides Staff's recommended approach to consolidate, and update, Council's delegation of authority to Staff, to allow Council to decide on approving a Delegation of Authority by-law.

## 1. Background

### Legislative Authority

- 1.1 Recognizing the challenges inherent in the municipal decision-making process, the provincial government introduced amendments to the Municipal Act, 2001, in 2006, to allow Council to delegate certain routine powers and duties to designated staff. The legislative amendments were also intended to help further the ability of municipalities to exercise natural person powers and demonstrate maturation as a responsible, accountable, and transparent order of government.
- 1.2 [Subsection 23.1 of the Municipal Act](#) authorizes:

“a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part.”
- 1.3 [Subsection 270\(1\) 6](#) of the Municipal Act states that:

“a municipality **shall** adopt and maintain policies with respect to the delegation of its powers and duties.”
- 1.4 There are some powers that Council cannot delegate (such as Section 34.1 of the Planning Act related to requesting that the Minister make, or amend an order). See also [Attachment 1](#) for details, from the Municipal Act, on restrictions.
- 1.5 This discretionary authority to delegate enables a Council to delegate its various legislative and quasi-judicial powers and duties "subject to any limits ... and to any procedural requirements, including conditions, approvals, and appeals".

- 1.6 Other legislation explicitly states that the Municipality/Council can delegate authority. For instance, section 5 of the Planning Act states that:

“where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, **to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer**, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including the referral of any matter to the Tribunal.”

- 1.7 It is worth noting that any delegation by Council is non-exclusive (i.e. Council can still exercise the power) and revocable at any time by resolution of Council.

- 1.8 Council may choose to delegate administrative powers and duties to:

- Individuals (including Staff);
- Committees of Council;
- Local Boards;
- Municipal Service Boards; or
- Municipal Service Corporations (but not legislative or quasi-judicial powers).

- 1.9 Council may choose to delegate legislative and quasi-judicial powers and duties to:

- One, or more Members of Council; or
- A Council Committee;
- A body, having at least two members, of which at least half are Council members, Council appointees, or combination of Council Members or Council appointees;
- An individual who is an officer, employee, or agent of the Municipality (if the power delegated is of a “minor nature” as it applies to legislative powers).

### **Purpose of a Delegation of Authority By-law**

- 1.10 The purpose of the Act’s enabling provision is to permit Council to focus on larger issues facing the municipality and permit routine matters to be delegated to achieve efficiencies for Council and the general public.

1.11 A delegation of authority by-law is used to:

- provide clarity to Staff on who is responsible for decision-making and signing authority;
- help streamline Council's decision-making process and enable it to focus on larger issues more strategically;
- provide authority of Staff to deal with routine matters which are currently being brought before Council to improve the efficiency of Council's decision-making processes;
- provide a transparent outline of the duties being carried out by Staff on behalf of Council;
- future-proof against changes in governance and staff titles;
- provide good governance and demonstrate accountability and transparency for items that are operational; and
- provide the public with a better understanding of the Municipality's decision-making and approval process.

1.12 Several factors affect the efficiency of Council's decision-making processes, including the volume of the Municipality's growth, planning, and infrastructure matters; administrative efficiencies in the production and review of Council reports; changes to the organization; legislative constraints in the authorities and responsibilities of Council and Municipal Staff; the complexity of stakeholder input; and the organization, preparation, scheduling, rules, and conduct of meetings.

### **Clarington's Current Delegation of Authority**

1.13 Over the years, Council has delegated certain functions to Staff via resolution, policy, and by-laws.

1.14 Clarington has not had a fully consolidated "delegation of authority by-law", but there are many by-laws, resolutions, and policies that delegate authority to Staff that satisfies the legislation.

## **2. Review of Delegation of Authority**

### **Approach**

2.1 When reviewing delegated items within the by-law, Staff took the approach that the purpose of the by-law is to be a consolidated directory of delegated authority and, in the absence of other direct delegations, to perform the direct delegation within this by-law.

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- 2.2 Unless required in the context of the delegation, appointments are excluded from the delegation of authority by-law. However, the authority for Staff to make appointments is included.
- 2.3 Finding a balance, while also providing consistency, effectiveness, and efficiency in the decision-making in the approval process is critical and will always be based on a level of transparency, trust, and accountability.
- 2.4 Staff gathered “existing delegation of authority” documents (by-laws, policies, resolutions) and reviewed them with the following criteria in mind:
- Is it an “authorized delegation of authority” (i.e. is it allowed by legislation)?
  - Is the current delegation made to the correct person?
  - Authority to bind the corporation = if the authority is directed by Council, then the employee has the “authority to bind” for that matter.
  - Should the existing delegation stay in the current document OR be repealed and placed in the new delegation of authority by-law? Examples of authorities that will remain in their existing delegation document (to provide full context within that document) are (although this may change as these by-laws are updated):
    - Permitting such as the Lotteries, Special Events By-law, Site Alteration By-law, Sign Permit Policy and By-law, Parks By-law, and the Open Air Burning By-law.
    - Regulatory by-laws such as the building by-law, noise by-law, fireworks, licensing by-laws, traffic, and site plan control.
    - Financial authorities such as the “Bank Signing Authority Policy”, and the “Governing the Sale of Land Policy” and “Capital Over Expenditure Policy”, the “Investment Policy”, the “Donations Receipting Policy”, the “Surplus and Deficit Allocation Policy”, and the “Commodity Hedging Policy.”
    - Guideline Documents such as the Architectural Guidelines Policy.
- 2.5 After gathering the information into a single table, other municipalities’ delegation of authority by-laws were reviewed, to determine whether the table was missing any delegations.

2.6 The table was then forwarded to the Senior Leadership Team for review with the following in mind:

- Should the existing delegation remain?
- Is the current delegation made to the correct person?
- Are there any other delegations/routine powers that should be added to make for a more efficient organization or management?
  - Can any new delegations ensure appropriate accountability and reporting (where applicable)?
  - Is a new delegation minor in nature?
  - Is a new delegation administrative in nature (i.e. not legislative)?
  - Will the new delegation assist Council and Staff to improve the efficiency of its decision-making processes?

### **Highlights of the new Delegation of Authority**

2.7 Although it may look like a lengthy list – it is important to bear in mind that 36 delegations existed in other formats; and of the 90 new ones, most exist in other municipalities.

2.8 The delegation of these powers and authorities is supported by professional and accountable staff and each delegated authority is provided to specific positions within the organization. These decisions and approvals are also supported by having strong corporate and administrative policies and procedures in place and ties in with the recent report on the “Clarington Policy System.”

2.9 Approvals provided by Staff, using delegated authorities, do not require staff reports to be brought to Council, unless specified in the “Checks and Balances” column.

2.10 The two columns on the right (“Recommended Action” and “Notes”) of the table attached to the proposed by-law are provided for Council’s information and will not form part of the final by-law and will be removed for the approved by-law.

2.11 As part of the implementation of this delegation of authority by-law, it is necessary to either repeal, or amend, existing by-laws, or rescind existing resolutions (to be replaced with the authority within this delegation of authority by-law).

## **General Schedule**

2.12 The powers and authority under the “General” heading in the delegation of authority by-law are proposed to allow delegates which are not specific to a Department. It allows them to conduct tasks required for the day-to-day operations. These powers are for matters that are administrative and have limited, to no, financial implications. General authorities include:

- Flags and proclamations
- Minor agreements
- Legislative comments/input

## **CAO**

2.13 In February 2024, arising out of [Report CAO-001-24](#), Council approved an updated By-law to outline the duties and responsibilities of the CAO. This delegation of authority is intended to complement the “CAO’s By-law.”

## **Finance Schedule**

2.14 Section 286 of the Municipal Act states:

“(5) The municipality may delegate to any person all or any of the powers and duties of the treasurer under this or any other Act with respect to the collection of taxes.

(6) The treasurer may continue to exercise the delegated powers and duties, despite the delegation.”

2.15 Subsection 386(2) of the Municipal Act states that “the Treasurer may, in writing, delegate any power or duty granted to or vested in the treasurer under this Part to any officer or employee of the municipality.”

2.16 Powers and authorities under the “Finance” section include delegations to allow Finance staff to conduct tasks required to implement Council-approved budgets and address administrative financial matters. Many of these are minor in nature but assist greatly in providing enhanced service delivery. This includes the ability to address matters that have small financial implications including the authority to extend payment terms on outstanding accounts, collect on outstanding accounts, write off unpaid accounts for amounts less than limits noted.

2.17 Additionally, it provides for the authority to enter into a contract for the services of a fiscal agent, legal services and clearing and depository services to handle the Municipality's debenture issues in accordance with very prescriptive required processes.

### **Legislative Services Schedule**

2.18 The following delegation of authority, of note, have been added for Legislative Services:

- Several related to streamlining and clarifying the agreement and court processes.
- A couple related to Animal Sheltering.
- The Municipal Clerk, in consultation with the Municipal Solicitor, be authorized to repeal by-laws that have exhausted their authority or are otherwise of no further force or effect and shall do so by by-law.
- Housekeeping of authorities related to records management.

### **Planning and Infrastructure Schedule**

2.19 The powers and authority under the "Planning and Infrastructure" section in the Delegation of Authority By-law are to be delegated to the Deputy CAO of Planning and Infrastructure to allow them to carry out tasks required to process and approve land use planning applications made under the Planning Act and Condominium Act.

2.20 In the past, the Director of Planning and Infrastructure had been delegated powers, through resolutions and by-laws, which are folded into this by-law, as well as some new powers.

2.21 New ones in this section relate to streamlining the agreement and application processes.

### **Public Services**

2.22 The powers and authority under the "Public Services" section are delegated to allow Staff to carry out tasks required to implement projects and programs encompassed in Council-approved budgets and address routine matters at Municipal properties and for Municipal infrastructure, Community Services, and Emergency and Fire Services.



2.23 The by-law addresses authorities regarding Municipal roads, including temporarily closing roads for social or community events, railway crossing improvements, and safety reasons.

2.24 The following have been added:

- to address minor matters affecting Municipal properties, such as agreements for access or encroachment on Municipal lands, installation of utilities and telecommunication infrastructure on Municipal lands, and installation of trees on Municipal lands.
- Emergency Service matters
- Operational road-related matters

### **3. Future Updates to Delegation of Authority**

3.1 As by-laws are written, or amended, authorization sections should be written/updated to refer to the Delegation of Authority By-law.

3.2 It is recognized that there will be changes, additions, and deletions to the delegation of authority by-law as Staff and Council explore other opportunities for delegated authority and process/decision efficiency. Therefore, we would expect that updates will happen periodically to improve the operation and effectiveness of the by-law.

### **4. Financial Considerations**

Not Applicable.

### **5. Concurrence**

This report has been reviewed by all Deputy CAOs who concur with the recommendations.

### **6. Strategic Plan**

6.1 Strategic Priority L.1.3 “to empower staff to identify opportunities to improve efficiency and effectiveness.”

6.2 The “Lead Pillar” which states that Clarington will be a leader in the delivery of efficient, effective, and meaningful municipal services.

## 7. Conclusion

It is respectfully recommended that the Delegation of Authority By-law, delegating authority of Council to specified Staff, be enacted.

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Staff Contact: June Gallagher, Municipal Clerk, 905-623-3379 ext. 2102 or [clerks@clarington.net](mailto:clerks@clarington.net).

Attachments:

Attachment 1 – Excerpt from the Municipal Act – Restrictions on Delegation of Authority  
Attachment 2 – Delegation of Authority By-law

Interested Parties:

There are no interested parties to be notified of Council's decision.

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Attachment 1 to Report LGS-026-24

Municipal Act Excerpt  
Restrictions on Delegations

Subsection 23.1(2):

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the council of a municipality considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

Subsection 23.1(3):

The conditions and limits referred to in paragraph 5 of subsection (2) may include such matters as the following:

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 5 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate's actions and decisions.

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**Restriction re delegation of legislative and quasi-judicial powers**

23.2 (1) Sections 9, 10 and 11 do not authorize a municipality to delegate legislative and quasi-judicial powers under any Act except those listed in subsection (2) and the legislative and quasi-judicial powers under the listed Acts may be delegated only to,

- (a) one or more members of its council or a council committee;
- (b) a body having at least two members of whom at least 50 per cent are,
  - (i) members of its council,
  - (ii) individuals appointed by its council,
  - (iii) a combination of individuals described in subclauses (i) and (ii); or
- (c) an individual who is an officer, employee or agent of the municipality.

**Restriction re applicable Acts**

(2) For the purposes of subsection (1), the listed Acts are this Act, the Planning Act, a private Act relating to the municipality and such other Acts as may be prescribed.

**Restriction re officers, employees, etc.**

(4) No delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

(5) Without limiting subsection (4), the following are examples of powers considered to be of a minor nature:

- 1. The power to close a highway temporarily.
- 2. The power to issue and impose conditions on a licence.
- 3. The powers of the council of a municipality that are described in the following provisions of the [old Municipal Act](#), as those provisions read on December 31, 2002:
  - i. Paragraphs 107, 108, 109 and 110 of section 210. [related to acts after polling day]

- ii. Paragraph 3 of section 308 [see below]:

For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used.

- iii. Subsection 312 (2) and clauses 312 (4) (a) and (b). 2006, c. 32, Sched. A, s. 15. [related to trees]

### **Powers that cannot be delegated**

23.3 (1) Sections 9, 10 and 11 do not authorize a municipality to delegate any of the following powers and duties:

1. The power to appoint or remove from office an officer of the municipality whose appointment is required by this Act.
2. The power to pass a by-law under section 400.1 and Parts VIII, IX, IX.1 and X.
3. The power to incorporate corporations in accordance with section 203.
4. The power to adopt an official plan or an amendment to an official plan under the Planning Act.
5. The power to pass a zoning by-law under the Planning Act, except as provided under section 39.2 of that Act.
6. The powers to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7).
7. The power to adopt a community improvement plan under section 28 of the Planning Act, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 365.1 of this Act.
8. The power to adopt or amend the budget of the municipality.
9. Any other power or duty that may be prescribed.

### **Delegation of administrative powers**

(2) Nothing in subsection (1) prevents a municipality from delegating its administrative powers.

### **Delegation re hearings**

23.5 (1) This section applies when a municipality is required by law to hold a hearing or provide an opportunity to be heard before making a decision or taking a step, whether the requirement arises from an Act or from any other source of law.

(2) Despite subsection 23.2 (1), sections 9, 10 and 11 authorize a municipality to delegate to a person or body described in that subsection the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step is taken.

(3) If a municipality delegates a power or duty as described in subsection (2) but does not delegate the power to make the decision or take the step, the following rules apply:

1. If the person or body holds the hearing or provides the opportunity to be heard, the municipality is not required to do so.
2. If the decision or step constitutes the exercise of a statutory power of decision to which the Statutory Powers Procedure Act applies, that Act, except sections 17, 17.1, 18 and 19, applies to the person or body and to the hearing conducted by the person or body.

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The Corporation of the Municipality of Clarington  
By-law 2024-XXX

Being a By-law to provide delegations of authority from the Council of the Municipality of Clarington to Committees and Clarington Municipal Staff.

Whereas Subsection 23.1(1) of the Municipal Act, 2001, as amended, authorizes a municipality to delegate its powers and duties under the Municipal Act or any other Act to a person or body, subject to the restrictions set out in the Municipal Act;

And whereas Subsection 270(1)6 of the Municipal Act, 2001, as amended, states that a municipality shall adopt and maintain policies with respect to the delegation of its powers and duties;

And whereas Subsection 275(6) of the Municipal Act, 2001, as amended, states that nothing in this section prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council;

And whereas the efficient management of the municipal corporation and the need to respond to issues in a timely manner require Council to entrust certain powers and duties to Committees and Staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions;

And whereas, arising out of Report LGS-026-24, the Council of the Municipality of Clarington has deemed it desirable and efficient to delegate certain powers pursuant to the provisions of the Municipal Act, 2001 to enhance the efficiency of its decision making and administrative processes;

Now, therefore, the Council of the Municipality of Clarington enacts as follows:

## **Short Title**

1. The short title of this by-law is the “Delegation of Authority By-law.”

## Definitions

2. In this By-law:
- (a) “Administrative Powers” includes all matters required for the management of the Corporation which includes Staffing and the provision of services.
  - (b) “Agreement” means a contract, or other legally binding document.
  - (c) “By-law” means this By-law, as it may be amended from time to time, including schedules.
  - (d) “CAO” means the Municipality’s Chief Administrative Officer and the person who holds that position, or another person designated by Council as described in Section 229 of the Municipal Act, 2001.
  - (e) “Chief Building Official” means the Municipality’s Chief Building Official or any acting or deputy Chief Building Official.
  - (f) “Council” means the Council of the Municipality of Clarington.
  - (g) “Deputy CAO/Planning & Infrastructure” means the Municipality’s Deputy CAO/Planning & Infrastructure, or any acting Deputy CAO/Planning & Infrastructure.
  - (h) “Deputy CAO/Public Services” means the Municipality’s Deputy CAO/Public Services, or any acting Deputy CAO/Public Services.
  - (i) “Deputy CAO/Solicitor” means the Municipality’s Deputy CAO/Solicitor, or any acting Deputy CAO/Solicitor.
  - (j) “Deputy CAO/Treasurer” means the Municipality’s Deputy CAO/Treasurer, where “Treasurer” meets the definition of “Municipal Treasurer” as set out in Section 286 of the Municipal Act, 2001.



- (k) “Deputy Treasurer” means one of the Municipality’s Deputy Treasurer or any acting Deputy Treasurer.
- (l) “Designate” means any individual within the Municipality appointed from time to time to act on behalf of the appointing person in respect of the exercise of their delegated authority.
- (m) “Head of Department” means a person who is responsible for a Department, and their delegate(s) or, in the event of organizational changes, another person designated by Council or the CAO.
- (n) “Lease” means a contract by which one conveys real estate, equipment, or facilities for a specified term, for specified conditions and for a specified rent.
- (o) “Legislative Powers” includes all matters where Council acts in a legislative and quasi-judicial function, including enacting by-laws, setting policies, and exercising adjudicative decision-making authority.
- (p) “Licence” means an authorization by a regulatory authority.
- (q) “Mayor” means the head of Council or, as applicable, the Acting Mayor.
- (r) “Municipal Clerk” means the Municipality’s Municipal Clerk or any acting or Deputy Clerk, or their designate, appointed by Council to perform the duties of the Clerk described in Section 228 of the Municipal Act, 2001.
- (s) “Municipality” means the Corporation of the Municipality of Clarington.
- (t) “OLT” means the Ontario Land Tribunal under the Ontario Land Tribunal Act, 2021, or its successor organization.

## General

3. For the purpose of subsection 270(1)6 of the Municipal Act, 2001, this By-law shall satisfy the requirement to adopt and maintain a policy on the delegation of its powers and duties.

4. Pursuant to subsection 23.2(4) of the Municipal Act, 2001, any legislative powers delegated within this By-law are expressly of a minor nature having regard to the number of people, the size of geographic area, and the time period affected by the exercise of each such power.

## General Delegation

5. All delegations of Council powers, duties, and functions shall be listed in Schedule "A" of this By-law or otherwise affected by by-law or may be authorized by resolution of Council.
6. Unless a power, duty, or function of Council has been expressly delegated by by-law or resolution, all the powers, duties and functions of Council remain with Council.
7. A delegation of power, duty, or function under any by-law or resolution to any member of Staff shall include a delegation to the CAO and to any member of Staff selected from time to time by the CAO, or delegate, to act in the capacity of the delegate in the delegate's absence.
8. Staff with delegated signing power may use their signature in forms that may be written, printed, including by electronic means or measures, or otherwise reproduced.
9. In exercising any delegated power, the delegate shall ensure the following:
  - (a) Any expenditure related to the matter shall have been provided for in the approved year's budget or otherwise authorized by the Purchasing By-law or related policies).
  - (b) The scope of the delegated authority shall not be exceeded by the delegate.
  - (c) Compliance with all Corporate policies, including those related to insurance and risk management; and,
  - (d) The consistent and equitable application of Council policies and guidelines.

## Further Delegation

10. Within each row of a table in Schedule “A” to this By-law, the delegated authority may be exercised by any such person(s) identified. However, the CAO is in effect the head of all Departments and may intervene, sub-delegate, or exercise any authority delegated in this By-law, where legally permitted to do so, if done in writing.
11. Where authority is delegated to a specific Staff member in this By-law, the authority may be further delegated by the authorized person to staff members within the applicable department, or division, provided that such delegation is legally permissible, authorized in writing and does not exceed the authority delegated by this By-law to the authorized person.

## Title Change and Conflicts

12. Where delegations of authority have been assigned to a Staff position, such authority includes the person temporarily acting in that position.
13. Where a delegation of power, duty or function is to a Staff position that no longer exists in title, those delegations shall be deemed transferred to the staff person is assuming the responsibilities of the obsolete position.
14. The CAO is hereby authorized to resolve any conflict, or ambiguity, regarding the individual, or individuals, of the Municipality authorized to exercise any delegation.

## Emergency or Special Circumstances

15. In cases of emergency or special circumstances, as determined by the CAO and/or Mayor, where it is necessary to act within the normal mandate of a department, but such action is not strictly within the terms of a delegated authority, a Deputy CAO, in respect of their specific department, may take such action as necessary to rectify the situation. Any such action shall be reported immediately to the CAO, and to Council within a reasonable timeframe.

## Inconsistency

16. In the event of any contradiction between this By-law and any other Municipal by-law, this By-law prevails to the extent of the inconsistency.

## Validity of Actions Taken

17. Any variation or revocation of a delegated authority pursuant to this By-law shall have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation were varied or revoked.

## Severability

18. If a court of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

## Amendment of Previous By-law

19. By-law 2014-059, the Traffic By-law, Subsection 18.1(1) is amended to delete the following wording:

“The Director may designate temporary permissive truck routes and temporary prohibitive no heavy truck routes and may erect official signs to those effects.”

And replace it with the following wording:

“The Delegation of Authority By-law indicates who may designate temporary permissive truck routes and temporary prohibitive no heavy truck routes and may erect official signs to those effects.”

20. By-law 2023-033, the Procedural By-law is amended to delete subsections 7.20.5 and 7.20.6 regarding authority to make minor deletions, additions, or changes to by-laws.

21. By-law 2010-139, regarding Site Plan Control Agreements, be amended as follows:

by replacing the words “to the Director of Planning and Development Services of the Municipality of Clarington” with the words “as indicated in the Delegation of Authority By-law” in section 7.

by replacing the words “to the Manager of Development Review” with the words “as indicated in the Delegation of Authority By-law” in section 7.

## Repeal of By-laws

22. The following by-laws are hereby repealed, effective the date of passing of this by-law:

- By-law 2021-005, delegating authority to exercise powers and functions of Council regarding applications, to the Assessment Review Board.
- By-law 2003-031, delegating authority to make appeals to the Assessment Review Board.
- By-law 2016-087, delegating authority to make decisions and hold meetings related taxes.
- By-law 2021-004, delegating authority to make negotiate and execute tax extensions.
- By-law 2005-225, appointing the former Manager of Municipal Law Enforcement.
- By-law 90-193, appointing the head for the Municipal Freedom of Information and Protection to Privacy Act.
- By-law 2020-045, delegating authority to establish retention periods.
- By-law 2004-253, and its amendments thereto, regarding the provision of civil marriages.

Delegation of Authority By-law  
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- By-law 2001-072, and its amendments thereto, regarding authority for “removal of holding” symbols, temporary use zoning by-law amendments, and housekeeping by-laws related to the Zoning By-law.
  
- By-law 2011-119 delegating functions related to planning applications.
  
- By-law 92-43 delegating authority to execute agreements related to conditions of Land Severances.

**Effectivity**

This by-law shall come into force and effect on the date of passing.

\_\_\_\_\_  
Adrian Foster, Mayor

\_\_\_\_\_  
June Gallagher, Municipal Clerk

**Schedule A (General) .....1**  
**Schedule B (CAO).....4**  
**Schedule C (PUB).....7**  
**Schedule D (FSD) .....10**  
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## Schedule A (General)

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements – Acknowledgement of Status or Term	Head of Department or designate	To issue an acknowledgment of the status or term of agreements to which the Municipality is a party.	Municipal Act, s. 23.1		NEW	From the Region
Agreements – Confidentiality Agreements	Head of Department or designate	To execute confidentiality agreements	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – Data	Head of Department or designate	To execute a data license or a data sharing agreement for the provision of data of the Municipality to others or for the provision of data from others to the Municipality.	Municipal Act, s. 23.1	Accompanied by a data sharing agreement with for and content approved by the Deputy CAO/Solicitor, and the CAO	NEW	From the Region
Agreements – Infrastructure to Cross	Head of Department or designate	To execute agreement with the applicable authority to permit Municipal infrastructure to cross a railway, provincial highway, pipeline, hydro-electric power corridor, watercourse, communication, transmission line or any other infrastructure as may be required.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor	NEW	From the Region

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements – Federal and Provincial – Programs	Head of Department or designate	To execute an agreement with the Federal or Provincial government, a municipality, agency, institution, utility or community partner for a Municipal undertaking, program delivery and administration.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget or in accordance with the Budget Policy. Recommended by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – First Nations, Metis and Inuit, or other interested parties	Head of Department or designate	To enter into any consultation agreements First Nations, Metis and Inuit, or other interested parties with regard to any Municipal undertaking.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – Fulfilled or Released	Head of Department or designate	To deem agreements fulfilled, or release conditions within an agreement where Municipal conditions have been fulfilled, or the agreement is no longer required.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – Supply of Service or Program to Municipality	Head of Department or designate	To execute an agreement (or subsequent related agreements required to operationalize the master agreement) with a government agency or a non-profit agency, for consideration, for the supply of a service for an approved program of the Municipality.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget or in accordance with the budget management policy. Agreement Reviewed by Risk Management for certificate of insurance and recommended by the Deputy CAO/Solicitor.	NEW	From the Region
Flags and banners	Mayor or Designate	To approve or deny a request and determine the timeframe a flag may be displayed.	Municipal Act, s. 23.1		Update Policy to refer to Delegation of Authority by-law	<a href="#">Policy F105 – Flag Protocols</a>



Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Proclamations	Mayor's Office	Upon receipt of a request for a proclamation, the request shall be forwarded to the Mayor's Office for consideration.	Municipal Act, s. 23.1		Update Policy to refer to Delegation of Authority by-law	<a href="#">Policy F9 – Proclamations</a>
Policy – Occupational Health and Safety	Mayor and CAO	To sign the Occupational Health and Safety policy on behalf of the Municipality.	Occupational Health and Safety Act (definition of owner)		NEW	

**Schedule B (CAO)**

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Administration – Telecom Protocol	CAO and the Deputy CAO/Planning & Infrastructure	That the Radiocommunication and Broadcasting Antenna Systems Protocol be delegated to the CAO and the Deputy CAO/Planning and Infrastructure Services.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)		As per <a href="#">Resolution GG-199-23</a> and <a href="#">Report CAO-019-23</a> .	<a href="#">Report CAO-019-23</a>
Agreements – Construction	CAO or designate	To execute any development agreements with an area municipality with respect to the construction of a Municipal undertaking.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor and the Deputy CAO/Planning and Infrastructure.	NEW	From the Region
Agreements – Cost Sharing Agreement	CAO or designate	To execute an agreement, including a cost sharing agreement with an area municipality, other government agency, railway or public utility regarding road construction and/or road maintenance pursuant to a project or program approved by Council.	Municipal Act, s. 23.1	Approval of the project or program by Council and/or monetary obligation captured in approved budget. Recommended by the Deputy CAO/Solicitor and the Deputy CAO/Planning and Infrastructure.	NEW	From the Region
Agreements – Obtain Funding – Some Cost	CAO or designate	To approve, amend, extend, and execute, contribution agreements, grant agreements, and one time project-based funding agreements where Clarington is the recipient, provided that such agreements are consistent with the departmental mandate and follow the restrictions stated in the “checks and balances”.	Municipal Act, s. 23.1	(a) in accordance with applicable Municipal policies; (b) related to approved departmental programs and objectives; (c) within approved budget limits; and (d) contain appropriate insurance, termination, workplace safety, and indemnification provisions satisfactory to the Deputy CAO/Solicitor.	NEW	From Ottawa

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreement – Obtain Funding – No Cost	CAO or Designate	To approve, amend, extend, and execute agreements with the Federal or Provincial government, a municipality, agency, institution, utility, or community partner, provided that such agreements are consistent with the departmental mandate and are at no cost to the Municipality, with the exception of associated operational and administrative costs that are within approved budgets.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	Operational and Administrative Costs must be within approved budgets.	NEW	From Ottawa
Agreements – Revenue Generating	CAO or Designate	To execute a revenue generating agreement or any agreement where the Municipality is providing a service to others for a charge. Special consideration for agreements covered under the Naming Rights, Sponsorship and Advertising Policy.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor, and provided that the revenue being generated or charged by the Municipality does not exceed \$250,000 per annum or prevailing budget policy limits.	NEW	From the Region
Agreements – Temporary Sales Centre and Model Home Applications and Agreements	CAO or designate	To approve all Temporary Sales Centre and Model Homes Applications and Agreements and further to this the Mayor and Clerk be authorized to sign the Agreement, prior to, concurrent with and / or after the issuance of any full, partial, or conditional Building Permit related to the temporary sales facility structure(s) and/or Model Homes.	Municipal Act, s. 23.1	<p>Agreement – In a form approved by the Deputy CAO/Solicitor and Deputy CAO/Planning &amp; Infrastructure</p> <p>Council will be advised electronically, prior to signing the Agreement. The Deputy CAO, or their designate, may forward controversial or significant applications for Council's consideration and approval at their discretion.</p>	NEW	From Scugog

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Budget - Transfers	CAO or Designate	To make budget transfers to effect changes resulting from new or amended legislation or regulations, additional unforeseen revenues, accounting standards or rules, program budgeting or to increase transparency and accountability and to make any necessary administrative budget re-allocation between program areas or budget lines to accommodate corporate reorganization or internal processes and procedures provided the re-allocation has no net change to the tax rate.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	Anything over \$200,000 shall be reported to the appropriate Standing Committee on at least a quarterly basis.	NEW	From Ottawa and Whitby  Provides flexibility to meet administrative needs, subject to budget policy and financial management policy.
Claims – under \$250,000	CAO or Designate	To abandon or write-off all or any portion of a claim or debt in relation to any uninsured claim having a monetary value not greater than \$250,000 exclusive of interest, provided that any action taken under this authority is subsequently reported to Council.	Municipal Act, s. 23.1		NEW	To provide for orderly and efficient resolution of legal claims
Grants –Submit Applications to obtain funding	CAO, or designate	To submit grant applications to provincial and federal governments, agencies or funds and letters from Council or the Mayor necessary to apply for grant funding. Includes submission of reports after grants are received.	Municipal Act, s. 23.1	Related to approved departmental programs and objectives.	NEW	From Scugog
Human Resources – Union negotiations	CAO	Labour Negotiations	Municipal Act, s. 23.1		NEW	From Scugog
Human Resources – Mileage Reimbursement	CAO, or designate	To adjust the mileage reimbursement rate as required and in accordance with the Canada Revenue Agency (CRA) rate.	Municipal Act, s. 23.1		NEW	From Scugog
Purchasing - Vendor Disqualification	CAO or designate	To disqualify consultant, contractor or other supplier for a defined period or for an event-based matter.	Municipal Act, s. 23.1	In accordance with the Purchasing By-law Subject to the application of any predefined Council approved criteria and as Recommended by the relevant Deputy CAO.	NEW	From the Region  Provides ability to disqualify on a timely basis, subject to legislated and by-law requirements.

**Schedule C (PUB)**

**Public Services**

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements - Defibrillator Program	Deputy CAO Public Services or designate of Community Services	To approve subsequent renewals of agreements with Lakeridge Health that pertaining to the renewal of the Lakeridge Health Public Access Defibrillator Program	Municipal Act, s. 23.1		Rescind Resolution #GG-077-23 (which states CAO) and replace with authority in the Delegation of Authority By-law	<a href="#">Report CSD-001-23</a> and Resolution #GG-077-23
Agreements – Adopt-A-Road	Deputy CAO Public Services or designate	To enter into agreements with volunteer citizen groups for “Adopt-A-Road” litter removal programs.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – Tiered Response	Director of Emergency & Fire Services	To determine the medical tiered response model that Clarington Emergency and Fire Services will follow.	Municipal Act, s. 23.1 Fire Prevention and Protection Act		NEW	
Agreements - Automatic Aid	Director of Emergency & Fire Services	To enter into automatic aid agreements to provide or receive initial or supplemental response to fires, rescues, emergencies as per the Fire Prevention Act, p.II.	Municipal Act, s. 23.1		NEW	From Scugog
Fire Protection Services	Director of Emergency & Fire Services	To provide such fire protection services as it has been determined in accordance with municipal needs and circumstances Fire Prevention Act, p.II.	Municipal Act, s. 23.1		NEW	From Scugog
Property – Interest and requests	Deputy CAO Public Services or designate	To advise of interest or non-interest in acquiring surplus land notifications circulated to the Municipality, including authority to request any partial transfers, easements, or permissions necessary to maintain current or future Municipal infrastructure or comments regarding proposed stop up and closure of local roads.	Municipal Act, s. 23.1	Reviewed by all Deputy CAOs	NEW	From the Region

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Roads – Access agreements	Deputy CAO Public Services or designate	To execute an agreement for access to and/or from a Municipal road.	Municipal Act, s. 23.1		NEW	From the Region
Roads – Close - Dangerous Situation	Deputy CAO Public Services or designate	To temporarily close any highway or any portion of a highway for any period due to a situation which would endanger traffic and/or the public.	Municipal Act, s. 23.2(5)		NEW	From Scugog
Roads – Close – Construction	Deputy CAO Public Services or designate	To temporarily close any highway or portion thereof for any period during the construction, repair or improvement initiated by the Municipality or by a utility company with statutory rights permitting occupancy on the highway;	Municipal Act, s. 23.2(5)		NEW	From Scugog
Roads – Close - Non-Critical	Deputy CAO Public Services or designate	To temporarily close a any highway or any portion of a highway for a social, recreational, community, athletic, or cinematographic purpose.	Municipal Act, s. 23.2(5)	Compliance with the Special Events By-law, including provision of insurance coverage and security deposit.	NEW	From the Region and Whitby
Roads – Impose Conditions	Deputy CAO Public Services or designate	To impose conditions on the use of highways.	Municipal Act, s. 23.1		NEW	From Scugog
Roads – Reduced Loads	Deputy CAO Public Services or designate	To establish reduced load periods on Municipal roads.	Municipal Act, s. 23.1		NEW	From Municipal Act, s. 23.1 the Region
Roads - Speed Limits – Construction Zones	Deputy CAO Public Services or designate	To designate a highway, or a portion of a highway, under the Municipality's jurisdiction a construction zone and require that it be marked with signs in accordance with regulations; and set a lower rate of speed for motor vehicle driven in the designated construction zone.	Municipal Act, s. 23.1		NEW	From Scugog and Region
Traffic By-law – Truck Routes	Deputy CAO, Planning & Infrastructure	To designate temporary permissive truck routes and temporary prohibitive “no heavy truck routes” and may erect official signs to those effects as per the Traffic By-law.	Municipal Act, s. 23.1		Amend By-law 2014-059 to direct section 18.1(1) to the Delegation of Authority By-law	<a href="#">Traffic By-law 2014-059</a>

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Traffic By-law – Permit for heavy vehicles	Deputy CAO Public Services or designate	To issue a permit for the moving of heavy vehicles, loads, objects, or structures in excess of the dimensional limits set out in Section 92 of the Highway Traffic Act, as may be amended from time to time, or the weight limits set out in Part VII of the said Act, upon any highway under the jurisdiction of the Corporation.	Municipal Act, s. 23.1		NEW	<a href="#">Traffic By-law 2014-059</a> From Whitby
Trees on Municipal Property	Deputy CAO Public Services or designate	To arrange for, and permit the planting of, trees on Municipal property, including Municipal rights of way and easements for underground infrastructure.	Municipal Act, s. 23.1 Municipal Act, s. 23.2(5)3iii	Recommended by Deputy CAO/Planning and Infrastructure or designate.	NEW	From the Region



**Schedule D (FSD)**

**Financial Services**

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Borrowing – Between DC Reserve Funds	Deputy CAO/Treasurer or Designate	To internally borrow, for cash flow purposes, between the Municipality's Development Charge Reserve Funds, as required, to finance the Development Charge portion of Council-approved growth projects	Municipal Act, s. 23.1	Must be related to a Council-approved growth project.	NEW	From Whitby  Provides flexibility to meet cash flow needs from internal sources, borrowing is legislated and restricted.
Budget Policy Authorities	Deputy CAO/Treasurer	Authorities as approved in Council adopted Budget Policy, including such items as: <ul style="list-style-type: none"> <li>• Define current and capital projects and cost centres</li> <li>• Coordinate and implement financial service level indicators</li> <li>• Ensure necessary funding is available to finance the expenditures within the parameters of Council approvals</li> <li>• Monitor, and where necessary, report on material and non-material leases and update the calculation of the Municipal debt and financial obligation limit.</li> </ul>	Municipal Act, s. 23.1		NEW	From the Region
Insurance Contracts	Deputy CAO/Treasurer	To place or renew contracts for insurance when such contracts are outside of the general coverage as determined and provided by the Board of the Durham Municipal Insurance Pool (DMIP) in accordance with the Subscribers Agreement.	Municipal Act, s. 23.1		NEW	From Whitby
Insurance requirements' exceptions	Deputy CAO/Treasurer	To approve exceptions to Municipality's minimum insurance requirements as set out and included in by-laws and/or policies enacted or approved by Council from time to time.	Municipal Act, s. 23.1		NEW	From Whitby



<p>Loans under the Tile Drainage Act</p>	<p>Deputy CAO/Treasurer</p>	<p>To approve loans on behalf of the Municipality pursuant to Section 3 of the Tile Drainage Act for the purpose of constructing drainage works on the conditions set out in the “checks and balances”</p>	<p>Municipal Act, s. 23.1</p>	<p>(a) the amount of monies loaned shall be in accordance with Section 7 of the Tile Drainage Act;</p> <p>(b) approval of the loan shall not result in an expenditure of Municipal funds;</p> <p>(c) the amount of the loan to each individual owner of agricultural land shall be in accordance with existing Provincial policies and guidelines and shall not exceed \$50,000.00 in any one fiscal year or any other amount as may be determined by the Province of Ontario from time to time as the maximum amount of the loan available to an individual in one fiscal year;</p> <p>(d) the approval of loans shall be subject to a sufficient unused balance being available under the by-law authorizing the issuing of debentures by the Municipality pursuant to the Tile Drainage Act; and</p> <p>(e) the approval of loans shall be subject to funds being made available in the fiscal year for the purpose of the Tile Drainage Act.</p>	<p>NEW</p>	<p>From Ottawa</p> <p>The Municipality does not currently have any tile drainage loans and does not anticipate future loans.</p> <p>Delegation would provide for expeditious review and approval of loan which would facilitate economic development (farms) and support agriculture in Clarington.</p>
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Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Reserves - Consolidate Discretionary Reserves	Deputy CAO/Treasurer	To consolidate discretionary reserves (i.e. for administrative purposes).	Municipal Act, s. 23.1 & 23.3(2) (Administrative)		NEW	From Whitby Financial Management Policy will provide additional guidance, this provides the ability to improve financial flexibility for financial planning purposes. There are checks and balances and reporting in place.
Taxes - Assessment Review – Appeals	Assessment Review Board	To exercise certain powers and functions of Council pursuant to Section 357(1)(d.1) of the Municipal Act regarding every application for cancellation, reduction, or refund of taxes due to sickness or extreme poverty. Note: Subsections 357 (6), (7), (8), (9) and (10) of said Act do not apply to such applications due to the delegation of authority.	Municipal Act, s. 23.1 and s. 357(11)		By-law 2021-005 to be repealed and replaced with direct authority in the Delegation of Authority by-law.	<a href="#">By-law 2021-005</a> Delegated to ARB to remove staff and council from determining definition of “sickness”, ultimately ARB is final decider.
Taxes - Assessment – To make appeals	Deputy CAO/Treasurer or designate	To appeal assessments to the Assessment Review Board on behalf of the Municipality of Clarington.	Municipal Act, s. 23.1		By-law 2003-031 to be repealed and replaced with direct authority in the Delegation of Authority by-law.	<a href="#">By-law 2003-031</a> Appeals have a set timeframe to file and this will expedite appeals on municipally-owned property.

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Taxes – Extension Agreement	Deputy CAO/Treasurer or Designate	To negotiate and execute tax extension agreements on behalf of the Municipality of Clarington, subject to limitations, as per Section 378 of the Municipal Act, 2001.	Municipal Act, s. 23.1 & s. 386(5)	<ul style="list-style-type: none"> <li>a. The tax extension agreement must be requested by and entered into with any owner of the land, the spouse of any owner of the land, any mortgagee, any 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 Municipal Act, 2001;</li> <li>b. The tax extension agreement must be compliant with the requirements of Section 378 of the Municipal Act, 2001;</li> <li>c. The tax extension agreement can only be entered into after a tax arrears certificate has been registered, and before the expiry of the one-year period; and</li> <li>d. Conforms to the Collection Policy guidelines</li> </ul>	Repeal By-law 2021-004 and replaced with direct authority in the Delegation of Authority by-law.	<a href="#">By-law 2021-004</a> Provides efficient ability to approve tax extensions for properties in the tax sale process. The time limits for approval are legislated, therefore delegating the authority ensures that agreements could be entered into up until the legislated date (benefits taxpayers).

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Taxes – holding meetings	Deputy CAO/Treasurer or designate	To make decisions and hold meetings under the following subsections of the Municipal Act: Subsections 356(1) & 356(4) = Division into parcels Subsections 357(1) & 357(5) = Cancellation, reduction, refund of taxes Subsections 358(1) & 358(9) = Overcharges Subsections 359(1) & 359(3) = Increase of taxes due to any undercharge caused by an error.	Municipal Act, s. 23.1 & s. 386(5)		By-law 2016-087 to be repealed and replaced with direct authority in the Delegation of Authority by-law.	<a href="#">By-law 2016-087</a> These are routine in nature and provides for expeditious treatment of the tax decision and ultimately refund/collection of change in taxes.
Revenue – Collect Accounts	Deputy CAO/Treasurer or designate	To extend payment terms on outstanding accounts or collect such accounts, including referring accounts for collection by agencies or use of legal proceedings, where it is deemed necessary.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.	NEW	From the Region Provides for expeditious resolution payment agreements and are typically low-value amounts.
Revenue – Interest on Temp Loans for Capital	Deputy CAO/Treasurer	To charge interest on temporary loans to external parties to finance capital projects.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.	NEW	From the Region
Increase Project – Additional Funds	Deputy CAO/Treasurer	To make capital budget funding adjustments to refinance any capital project or program to effect changes resulting from new funding sources.	Municipal Act, s. 23.1		NEW	From Ottawa
Court Matters – Small Claims – Write Off	Deputy CAO/Treasurer or designate	To approve the cancellation of accounts and monies owed to the Municipality for amounts up to the prevailing limit for Small Claims Court actions.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.	NEW	From the Region
Agreements – Procurement	Delegates as set out in Purchasing By-law	To enter into contracts and agreements procured under the prevailing Purchasing By-Law.	Municipal Act, s. 23.1	In accordance with Budget Policy and/or Purchasing By-law as applicable.	NEW	From the Region
Letters of Credit – Developer Securities	Deputy CAO/Treasurer	To approve, accept, and release, letters of credit as security for performance and payments relating to development agreements.	Municipal Act, s. 23.1	By written recommendation from Planning and Infrastructure Staff.	CLARIFIED	This was noted in <a href="#">Report FND-028-20</a> but it is unclear where the original authority resides. The Region of Durham has the Commissioner of Finance with this authority.

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements – Confidentiality	Deputy CAO/ Solicitor	To execute confidentiality agreements.	Municipal Act, s. 23.1		NEW	For circumstances in which a non-disclosure agreement may be requested in connection with a commercial agreement or to settle a claim
Agreements – Boundary Road	Deputy CAO/Solicitor	To enter into Boundary Road Agreements provided there is a proportional sharing of costs between adjacent municipalities.	Municipal Act, s. 23.1		NEW	Routine agreements to provide repairs and maintenance to roads having shared jurisdiction
Agreements – Lease renewal/extensions	Deputy CAO/ Solicitor or designate	To execute lease renewal/extension agreements for community agencies that occupy space in a municipal facility.	Municipal Act, s. 23.1	Subject to the limitations in Budget Policy and recommended by the Deputy CAO/Solicitor	NEW	From the Region
Agreements – Licensing of Municipal Entities	Deputy CAO/ Solicitor or designate	To take measures on behalf of the Municipal Corporation to obtain or maintain copyright, trademark, patent, intellectual property, and personal property rights or interests.	Municipal Act, s. 23.1		NEW	To prevent the unauthorized use of the Municipality's intellectual property
Agreements – Trail License	Deputy CAO/Solicitor	To execute agreements with Ontario Power Generation related to the use of public recreational trails.	Municipal Act, s. 23.1		Rescind <a href="#">Resolution #GG-201-23</a>	<a href="#">Report LGS-033-23</a>
Agreements – Parking on Private Property	Deputy CAO/Solicitor or designate	To approve the execution of agreements for parking enforcement on private property. The delegation also applies equally to any amendment or termination of such agreements.	Municipal Act, s. 23.1	In a form approved by the Deputy CAO/Solicitor	NEW	To facilitate parking enforcement
Agreements – Exchange/Release FOI information	Deputy CAO/Solicitor or designate	To execute an agreement for the exchange or release of information under the Municipal Freedom of Information and Protection of Privacy Act.	Municipal Act, s. 23.1	Recommended by the Deputy CAO/Solicitor	NEW	From the Region

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Animals - Appoint – Livestock Valuer	Deputy CAO/Solicitor or designate	To appoint or withdraw the appointment, as the case may be, of municipal investigators (livestock valuers) for the Municipality as may be required for the purposes of the Ontario Wildlife Damage Compensation Program as per the Livestock, Poultry and Honey Bee Protection Act	Livestock, Poultry and Honey Bee Protection Act		NEW	<a href="#">Report CLD-011-16</a>
Animals - Appeals – Order to Restrain Hearings	Deputy CAO/Solicitor or designate	To adjudicate requests under section 105 of the Municipal Act, 2001 related to muzzling a dog	Municipal Act, s. 23.1 and 23.5 (Delegations regarding hearings)	In accordance with the rules outlined in the Municipal Act, s. 23.5	Clarification and Repeal By-law 2005-225.	This was noted in an appointment by-law for the previous Manager of MLE in <a href="#">By-law 2005-225</a> , but was not repealed when we appointed Duncan Anderson.
Animals – Shelter animals from other jurisdictions	Deputy CAO/Solicitor or designate	To have the discretion to shelter animals from other jurisdictions/organizations on an adhoc basis, or a longer term basis, with an agreement.	Municipal Act, s. 23.1		NEW	To ensure emergency, or cooperative, sheltering of animals, where necessary and able.
Court Matters – Commence, Defend, Conduct under instructions	Deputy CAO/Solicitor	To commence, defend, or conduct any proceeding before any court, administrative tribunal or other decision-making or advisory body in accordance with instructions received from Municipal Council or from officers or employees of the Municipality having operational responsibility for the subject matter of such proceeding.	Municipal Act, s. 23.1		NEW	Required to protect the legal interests of the Municipality
Court Matters - Commence, Defend, Conduct under own initiative (Non-POA)	Deputy CAO/Solicitor	To commence, defend, or conduct any proceeding before any court, administrative tribunal or other decision-making or advisory body on the Deputy CAO/Solicitor's own initiative where necessary to protect, preserve or assert the best legal interests of the Municipal Corporation until such time as the matter can be reported to the appropriate instructing authority for consideration and direction.	Municipal Act, s. 23.1		NEW	Required to protect the legal interests of the Municipality
Court Matters – Appeals (Non-POA)	Deputy CAO/Solicitor	To commence and conduct appeals of the decisions of courts, administrative tribunals, or other decision-making or advisory bodies; apply for standing; or make applications for judicial review of decisions; provided that any such measures undertaken shall be reported to Council as soon as reasonably practicable.	Municipal Act, s. 23.1		NEW	To respond to time sensitive legal proceedings



Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Court Matters – Small Claims	Deputy CAO/Solicitor	To commence, defend, conduct, or settle any uninsured claim in the Ontario Small Claims Court on behalf of the Municipality.	Municipal Act, s. 23.1		NEW	For the efficient disposition of minor legal claims
Court Matters - Commence, Defend, Conduct, Appeal (POA)	Deputy CAO/Solicitor	To commence, defend, conduct, or appeal any proceeding originating in the Provincial Offences Court or an applicable appellate court.	Municipal Act, s. 23.1		NEW	Required to prosecute Municipal By-laws and other Provincial offences
Court Matters - Settlement of Claims under \$250,000	Deputy CAO/Solicitor	To settle uninsured claims (whether or not asserted in litigation), and authorize payment or acceptance of payment in settlement of such claims in an amount not to exceed \$250,000, exclusive of interest, provided that any action taken under this authority is subsequently reported to Council.	Municipal Act, s. 23.1	With concurrence of the CAO	NEW	To facilitate efficient resolution of legal claims
Court Matters - Costs	Deputy CAO/Solicitor	To authorize the payment of any expenses, disbursements or costs reasonably incurred by or awarded against the Municipality in the course of a legal proceeding.	Municipal Act, s. 23.1		NEW	To comply with Court ordered payments, or reasonable legal costs
Court Matters – Debt Enforcement	Deputy CAO/Solicitor	To take all steps reasonably necessary or desirable to enforce orders, decisions, awards, and judgements made in favour of the Municipality.	Municipal Act, s. 23.1		NEW	To recover costs
Election Agreements	Municipal Clerk	To execute agreements and contracts for the purposes of securing equipment, facility rentals, purchasing of goods and other services in order to conduct Municipal and School Board Elections.	Municipal Act, s. 23.1		NEW	<a href="#">Purchasing By-law</a> From Whitby
Enforcement - Appoint private parking enforcement officers	Deputy CAO/Solicitor or designate	To appoint persons affiliated with private parking authorities, as per Subsection 15(1) of the Policy Services Act, to enforce the Clarington Traffic By-law.	Municipal Act, s. 23.1		Change from “Municipal Clerk” to “Deputy CAO/Solicitor or designate” in the Delegation of Authority By-law and rescind the last paragraph of Resolution #C-190-15	<a href="#">Report CLD-006-15</a> – private parking enforcement officers, Resolution #C-190-15 from <a href="#">June 1, 2015 Council minutes</a> Employees: <a href="#">Report CLD-023-18</a> <a href="#">By-law 2018-100</a>

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Governance – Ombudsman	Deputy CAO/Solicitor	Designated as the head under the Ombudsman Act of Ontario s. 1.1(1)(a) 1.1(2)(a).	Section 23.1 of the Municipal Act Ombudsman Act, s. 1.1(1)(a)	All reports from the Ombudsman will be presented to Council at a General Governance Committee meeting.	NEW	To receive official notice from the Ombudsman of their intention to commence an investigation
Legal Affairs - Reporting	Deputy CAO/Solicitor	To report to Municipal Council for the provision of legal advice and for obtaining instructions and direction touching upon the legal affairs of the Municipality.	Municipal Act, s. 23.1		NEW	This is part of the Municipal Solicitor's job description
Land – Agreement for Appraisal	Deputy CAO/Solicitor	To direct the preparation of appraisal reports for the acquisition, or disposition, of land by either internal, or external, resources as required and deemed appropriate.	Municipal Act, s. 23.1	All appraisals to be completed by appraisers who hold the Accredited Appraiser Canadian Institute (AACI) or Certified Residential Appraiser (CRA) designations in good standing with the Appraisal Institute of Canada.	NEW	As needed to establish fair market value
Land - Agreements - Encroachment	Deputy CAO/Solicitor	To approve and execute agreements for the encroachment of existing buildings onto Municipal land, including land that is a public highway or unopened road allowance.  And, to execute an agreement to permit the Municipality to have access to, or to encroach on, land owned by others for Municipal purposes.  And, to execute an agreement to permit access to, or an encroachment on, Municipal lands including rights-of-way, water and sanitary sewerage easements and facilities by third parties and to release those agreements as required.	Municipal Act, s. 23.1 & 23.2(5)		NEW	To efficiently document minor property boundary issues
Land – Agreements for entry onto land	Deputy CAO/Solicitor	To approve and execute agreements for temporary permission to enter onto Municipal land for durations not to exceed one year.	Municipal Act, s. 23.1		NEW	To facilitate temporary access to property



Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Land –Agreements for extensions	Deputy CAO/Solicitor	To approve and execute agreements to extend the closing date of purchase and sale transactions.	Municipal Act, s. 23.1		NEW	Routine requirement of transactional real estate conveyancing
Land –Easement Abandonment	Deputy CAO/Solicitor	To execute releases or notices of abandonment of easements owned by the Municipality over lands where those easements are no longer required for municipal purposes subject to the checks and balances stated in the Delegation of Authority By-law.	Municipal Act, s. 23.1	<p>Where the easement was acquired by the Municipality:</p> <p>for no consideration, through the development process or otherwise, there will be no consideration payable for the release, with the exception of fees chargeable under by-law for processing the request.</p> <p>for consideration, the applicant seeking the release will pay whatever consideration was paid by the Municipality in acquiring the easement, together with the fees chargeable under by-law for processing the request.</p>	NEW	Routine requirement of transactional real estate conveyancing
Land –Easements to 3 <sup>rd</sup> Parties	Deputy CAO/Solicitor	To convey easements and licences to third parties over Municipally-owned lands where the easement/licence rights are minor in nature or are for the purposes of providing a right of access for public utilities, telecommunications, municipal services or natural heritage protection purposes and the easement/licence will not substantially interfere with municipal purposes.	Municipal Act, s. 23.1	For the purposes of this section, an easement which is minor in nature will have an appraised value of \$5,000.00 or less.	NEW	To facilitate reasonable public use of Municipal lands

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Land - Agreements for purchase, sale or exchange (Capital Projects)	Deputy CAO/Solicitor	To approve and execute agreements of purchase and sale and all transfers for the purchase, sale, or exchange of land, including easements, for any approved capital project.	Municipal Act, s. 23.1		NEW	To facilitate the orderly completion of capital projects
Land – Execute documents	Deputy CAO/Solicitor or designate	To approve and execute undertakings, certificates, declarations, and any other documents required for the completion of any transaction involving the purchase, sale, or exchange of any interest in land, including any documents required to be delivered under the applicable agreement of purchase and sale.	Municipal Act, s. 23.1	The acquisition of land or land interests are included as part of a project or program approved by Council, and/or the monetary obligation captured in approved budget. The recording of any asset changes and financing confirmed by the Treasurer.	NEW	Routine requirement of transactional real estate conveyancing
Land – Release Option	Deputy CAO/Solicitor	To release any option to repurchase, notice, agreement or restrictive covenant in favour of the Municipality, where the provision in favour of the Municipality has been satisfied, expired or is no longer required.	Municipal Act, s. 23.1		NEW	Routine requirement of transactional real estate conveyancing
Land –Sale of interest Incidental to subdivision or condominium	Deputy CAO/Solicitor	To execute documents related to the conveyance of any interest in land incidental to a subdivision or condominium referenced within the subdivision or condominium agreements, and shall include, but not be limited to, the conveyance of easements and reserves or the release of or abandonment of easements.	Municipal Act, s. 23.1		NEW	Routine requirement of transactional real estate conveyancing and land development approval
Land –under \$25,000	Deputy CAO/Solicitor or designate	To approve and execute agreements for the purchase and sale of land on behalf of the Municipality provided that the total consideration or estimate of the purchase and sale price is reasonable and does not exceed \$25,000	Municipal Act, s. 23.1		NEW	To facilitate land transactions of low monetary value
Land Titles – Applications	Deputy CAO/Solicitor	To submit applications under the Land Titles Act or Registry Act in respect of lands owned by the Municipality.	Municipal Act, s. 23.1		NEW	Routine requirement of transactional real estate conveyancing

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Land Titles – Municipal Interest	Deputy CAO/Solicitor	To register any instrument on behalf of the Municipality against the title to the lands in which the Municipality has an interest.	Municipal Act, s. 23.1		NEW	Routine requirement of transactional real estate conveyancing
Licensing – Public Event Designation	Municipal Clerk	To designate a “Public Event” pertaining to a Special Occasion Permit issued (i.e. an event of municipal significance) and authority to comment on a Liquor License Application, as per Section 24(4) of the Regulation 389/91 Liquor License Act.	Municipal Act, s. 23.2(5)2	Based on the following guidelines adopted in Report CLD-028-12: <ul style="list-style-type: none"> <li>• Historical Events (ie, Orono Fair)</li> <li>• Community Events (ie, an event that will promote neighbours meeting neighbours)</li> <li>• Economic Spinoffs (ie, Boots &amp; Hearts, business grand openings)</li> <li>• Recognition Events. (ie, Sports Hall of Fame)</li> <li>• Raising Funds for Charity or Community Works (ie, Mayor's Golf Classic)"</li> </ul>	Explicitly provide delegation in the Delegation of Authority By-law	<a href="#">Report CLD-028-12</a> – outlines the guidelines to be followed, but does not explicitly state the authority. Clerk's Division Procedure P11-011 (Special Occasion Permits)
Licensing – Commenting on Tailgate Events	Municipal Clerk	To determine whether it is appropriate to support a Tailgate Event on Municipal Property.	Municipal Act, s. 23.1	In consultation with applicable Deputy CAOs.	Explicitly provide delegation in the Delegation of Authority By-law	<a href="#">Report CLD-020-19</a> Tailgate Events on Municipal Property”.
Marriages	Municipal Clerk, or designate	To provide civil marriages, for the Municipality of Clarington, as per the Marriage Act, and Regulations, in the Clarington Council Chambers, or otherwise, at the discretion of the Municipal Clerk.	Municipal Act, s. 23.1		Repeal By-law 2004-253, and amendments, and replace it with Delegation of Authority By-law.	<a href="#">By-law 2004-253</a>

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Records Management - MFIPPA Head	Municipal Clerk	To act as head of the municipality for the purposes of the Municipal Freedom of Information and Protection to Privacy Act.	Subsection 3(3) of MFFIPPA and Subsection 23.1 of the Municipal Act		Currently the Mayor; change to the Municipal Clerk and Repeal By-law 90-193	<a href="#">By-law 90-193</a>
Records Management - By-laws – minor corrections	Municipal Clerk	To make minor deletions, additions, or other administrative or typographical changes to any by-law to ensure that the correct and complete implementation of the actions of Council form the subject matter of the by-law.	Municipal Act, s. 23.1 & 23.3(2) (Administrative)	If there is a substantive error in an approved by-law, this is not a reconsideration and Staff shall bring it to the attention of Council at its earliest convenience for consideration.	Amend <a href="#">Procedural By-law</a> to move wording to Delegation of Authority By-law (subsection 7.20.5 & 7.20.6).	<a href="#">Procedural By-law</a>
Records Management - By-laws – Exhausted Authority	Municipal Clerk	To repeal by-laws that are expired, have been replaced, or have otherwise ceased in their purpose	Municipal Act, s. 23.1	Consultation with the Deputy CAO/Municipal Solicitor and (for planning-related by-laws) Deputy CAO/Planning and Infrastructure.	NEW	To eliminate obsolete by-laws.
Records Management - Retention Schedule	Municipal Clerk	To establish or amend retention periods for all municipal records in the Records Retention Schedule as per Subsection 254(1) of the Municipal Act, 2001 (records), Subsection 255(3) of the Municipal Act, 2001 (retention), and Subsection 255(2) of the Municipal Act, 2001 (destruction).  Upon the Municipal Clerk being satisfied that the relevant retention period established has expired, and that no reason exists for further retention, the Municipal Clerk may order the records to be destroyed, or to be set aside for permanent retention in an archival facility designated by the Municipal Clerk, as per Subsection 255(2) of the Municipal Act, 2001 (destruction).	Municipal Act, s. 23.1 & 254(1) & 255(3) & 255(2)	Unless minor in nature, proposed revisions to records classifications to be reviewed by relevant department Staff and/or Legal Division prior to approval by the Municipal Clerk.	Repeal By-law 2020-045 and replace with Delegation of Authority By-law.	<a href="#">By-law 2020-045</a>

**Planning and Infrastructure Services**

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements – Releases	Deputy CAO, Planning & Infrastructure	To release agreements where development has not proceeded or if imposed or required in satisfaction of any condition of approval under the Planning Act or Condominium Act, in connection with the development of land.	Municipal Act, s. 23.1	Releases to be in a form as approved by the Deputy CAO/Solicitor.	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .
Agreements – Subdivisions, Condos, Land Division, Removal of Part Lot Control, Site Plans, Rezoning	Deputy CAO, Planning & Infrastructure	To 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, removal of part lot control, site plans and rezoning.	Municipal Act, s. 23.1	Agreements to be in a form as approved by the Deputy CAO/Solicitor.  If second signature is required – it would be Legal Services.	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law.  Change from Municipal Clerk	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .  In the current by-law it is both the “Director and the Municipal Clerk”.
Agreements - Approve and execute CIP agreements	Deputy CAO, Planning & Infrastructure	To approve and execute agreements under the Community Improvement Programs and Section 28 of the Planning Act.	Municipal Act, s. 23.1	Implements CIP program requirements.  Annual reporting to Council.	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .
Agreement - Land Conveyance – Parkland	Deputy CAO, Planning & Infrastructure	To approve, as a condition of development, the conveyance of land, cash-in-lieu of conveyance of parkland, or combination thereof for park or other recreational purposes whichever option, in the opinion of the Deputy CAO, Planning & Infrastructure, is appropriate and in compliance with the applicable Official Plan policies and Municipal policies and by-laws.	Municipal Act, s. 23.1	In accordance with the Parkland and Open Space Dedication By-law.	NEW	<a href="#">By-law 2022-043</a>  From Ottawa
Agreement - Land Conveyance – Highway	Deputy CAO, Planning & Infrastructure or Designate	To request the conveyance of land for a highway widening and/or for a reserve as a condition of development approval, as per the Planning Act, subsections 41(7)(a)(1), 41(8)(a)(1) and 41(9)	Municipal Act, s. 23.1	Record in asset management system even if transaction is non-monetary and consistent with Planning Act, subsections 41(7)(a)(1), 41(8)(a)(1) and 41(9).	NEW	From the Region of Durham



Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreement – Extension of Development Agreements	Deputy CAO, Planning & Infrastructure	To execute extension of development agreements where the agreement is not being altered in a significant way.	Municipal Act, s. 23.1	Agreements to be in a form as approved by the Deputy CAO/Solicitor.	NEW	From Whitby and Scugog
Agreements – Minor Variance	Deputy CAO, Planning & Infrastructure or designate	To execute on behalf of the Corporation of the Municipality of Clarington agreements required to implement the conditions of approval imposed by the Committee of Adjustment under Section 45 of the Planning Act.	Planning Act, Sections 5 & 66		Repeal By-law 95-23 and replace with Delegation of Authority By-law  Change from “Mayor and Clerk” to “Deputy CAO, Planning & Infrastructure or designate”	<a href="#">By-law 95-23</a> <a href="#">Report PD-15-95</a>
Agreements – Release for non-Site Plan Control	Deputy CAO, Planning & Infrastructure	to approve the release of agreements, including maintenance and liability agreements and encroachment agreements entered into as a condition of subdivision, condominium, cash-in-lieu of parking, demolition control, or zoning approvals, or heritage agreements, as part of the compliance or enforcement process subject to the following conditions:  an owner or authorized agent or bona fide purchaser or authorized agent or mortgagee has requested the release in writing;  the requirements of the agreement have been fulfilled;  all parties having jurisdiction over the terms or conditions of the agreement have agreed to its release; and  the applicant for the release agrees to assume all costs associated with the release of this agreement.	Municipal Act, s. 23.1		NEW	From Ottawa
Agreement – Sewage System Management Agreement with Region	Deputy CAO, Planning & Infrastructure	To execute subsequent renewals of the Sewage System Management Agreement with the Regional Municipality of Durham.	Municipal Act, s. 23.1		NEW	From Whitby

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Agreements - Site Plan Control	Deputy CAO, Planning & Infrastructure	To execute any agreement with the Municipality dealing with ensuring the provision of any or all of the facilities, works or matters referred to in Section 41(7)(a) and the maintenance thereof referred to in Section 41(7)(b) or with the provision and approval of the plans and drawings pursuant to Section 41(4) of the Planning Act, as may be required to be made by the owner of the land with the Municipality as a condition of the approval of the plans and drawings referred to in Section 41(4) of the Planning Act R.S.O. 1990, as amended.	Municipal Act, s. 23.1		Amend Section 7 of By-law 2010-139 to refer to Delegation of Authority by-law	<a href="#">Report PSD-058-16</a> <a href="#">By-law 2010-139</a> as amended by <a href="#">By-law 2016-080</a> .
Agreement – Utilities or Telecommunications for Municipal Property	Deputy CAO, Planning & Infrastructure	To execute an agreement respecting utilities or telecommunications required to service a Municipal property or facility.	Municipal Act, s. 23.1	For any agreement outside of the online application, such additional agreement is to be reviewed by the Treasurer for billing arrangements and Recommended by Legal Services.	NEW	From the Region of Durham
Apartments-in-House Official Registrar	Deputy CAO, Planning & Infrastructure or designate	To be the Official Registrar for Apartments-in-Houses	Municipal Act, s. 23.1		CLARIFICATION	<a href="#">Report PSD-058-16</a> notes that it was delegated from the Director to the Manager. <a href="#">By-law 97-77 Consolidated</a> . defines the Registrar as the “Director of Designate”

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
By-laws – Minor Nature Planning	Deputy CAO, Planning & Infrastructure	<p>Arising out of OPA 132, delegation of authority for the following additional functions, under Section 34 of the Planning Act:</p> <p>Removal of Holding “H” Symbols.</p> <p>Temporary Use Zoning By-law Amendments; and</p> <p>Housekeeping By-laws for the purposes of making clerical or other changes to assist in the interpretation of a Zoning By-law.</p>	Section 39.2 of the Planning Act	<p>The Planning Act requires that the Official Plan provide policies to specify the types of by-laws that may be delegated. The Planning Act also provides that the delegation may be subject to conditions set out by Council, and that Council may withdraw this authority at any time through a by-law, including in anticipation of a by-law for which a final decision has not yet been made.</p> <p>The delegation does not:</p> <ul style="list-style-type: none"> <li>• Alter any notice or public meeting requirements;</li> <li>• Limit appeal rights; or</li> <li>• Change the requirement for planning decisions to be consistent with the Provincial Policy Statement and to conform or not conflict with provincial plans.</li> </ul>	To repeal by-law 2001-072, and the amendment, 2023-014 + replace with the Delegation of Authority By-law.	<p><a href="#">Report PDS-008-23</a></p> <p><a href="#">By-law 2023-014</a> amends <a href="#">By-law 2001-072</a></p>



<p>Heritage Conservation Districts</p>	<p>Deputy CAO, Planning &amp; Infrastructure</p>	<p>The following authority with respect to properties that are designated under Part V of the Ontario Heritage Act:</p> <ul style="list-style-type: none"> <li>to receive and issue notices of receipt for heritage permit applications that are received by the Municipality pursuant to Section 42 (3) of the Ontario Heritage Act;</li> <li>to prescribe the required contents of an application under Section 42(1), pursuant to Section 42(2.2) of the Ontario Heritage Act;</li> <li>to enter into agreements with property owners to waive or extend the 90-day timeline prescribed in Section 42(4), for applications made under Section 42(1) of the Ontario Heritage Act;</li> <li>to approve heritage permit applications under Section 42(1) of the Ontario Heritage Act that meet the definition of an emergency application;</li> <li>to approve heritage permit applications under Section 42(1) of the Ontario Heritage Act which include the following classes of alterations:             <ul style="list-style-type: none"> <li>restoration or preservation projects including projects funded through the Heritage Grant Program for Building Restoration,</li> <li>alterations to accessory or outbuildings such as changes to barns, garages, and sheds that meet the requirements of the applicable heritage conservation district plan or guidelines,</li> <li>landscape alterations including but not limited to tree removal, new hard or soft landscaping and new driveways where the proposed alterations meet the requirements of the applicable heritage conservation district plan or guidelines,</li> <li>alterations that do not adversely impact the heritage attributes of the property or the heritage conservation district and that meet the requirements of the applicable heritage conservation district plan or guidelines;</li> </ul> </li> <li>additions that meet both of the following criteria:             <ul style="list-style-type: none"> <li>1.the size is less than 30% of the gross floor area of the existing building; and</li> <li>2.the proposal meets the heritage conservation district guidelines or heritage conservation district plan.</li> </ul> </li> <li>additions that do not exceed 50% of the existing gross floor area that create new residential unit(s) and meet the policies and guidelines of the applicable heritage conservation district plan;</li> </ul>	<p>Ontario Heritage Act, s. 42(16)</p>	<p>The authority does not include the authority to approve applications with conditions. The authority does not include the power to refuse an application.</p>	<p>NEW</p>	<p>From Ottawa</p>
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Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
		<p>construction of detached accessory structures that meet the requirements of the applicable heritage conservation district plan or guidelines;</p> <p>demolition of detached accessory structures including barns, outbuildings, and garages where the demolition does not impact the cultural heritage value of the property or district and meets the applicable heritage conservation district plan or guidelines;</p> <p>demolition of additions where the demolition does not impact the cultural heritage value of the property or heritage conservation district and meets the applicable heritage conservation district plan or guidelines; and</p> <p>extension or re-issuance of heritage permits previously considered by the Heritage Committee and issued by Council where the proposal and the relevant policy framework are substantially unchanged since the initial approval</p>				

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Heritage Properties – Various actions	Deputy CAO, Planning & Infrastructure	<p>The following authority with respect to properties designated under Part IV of the Ontario Heritage Act (OHA):</p> <p>(a) to issue notices of inclusion in the Register according to Section 27(5) and (6) of the OHA;</p> <p>(b) to process notices of objection under Section 27(8) of the OHA;</p> <p>(c) to receive notices of intention to demolish non-designated buildings or structures listed on the Register pursuant to Section 27(9) of the OHA;</p> <p>(d) to request plans and information pursuant to Section 27(11) required as part of the 60 days' notice required under Section 27(9) of the OHA;</p> <p>(e) to enter into agreements with property owners to waive or extend the 90-day timeline for issuance of a Notice of Intention to Designate after the occurrence of a prescribed event, as described in Ontario Regulation 385/21 –General - Section 1;</p> <p>(f) to process Notices of Objection under Section 29(6) of the OHA and ensure consideration by Council within statutory timelines;</p> <p>(g) to enter into agreements with property owners to waive or extend the 120-day statutory timeline for the passage of a designation by-law under Section 29(8) of the OHA, and as described in Ontario Regulation 385/21 – General - Section 2;</p> <p>(h) to enter into agreements with property owners to waive or extend the 90-day timeline prescribed under Sections 33(6) and 34 (6), pursuant to Sections 33(7) and 34 (4.3), of the OHA;</p> <p>(i) to prescribe additional materials and information required for applications under Sections 33(1) and 34(1), pursuant to Section 33(3) and 34(3) of the OHA;</p> <p>(j) to receive and issue notices of complete or incomplete application for heritage permits pursuant to Section 33 and Section 34 of the OHA;</p> <p>(k) to approve heritage permit applications under Section 33 of the OHA that meet the definition of an emergency application.</p>	Ontario Heritage Act, section 33(15)	<p>Section 33(15) requires consultation with the Heritage Committee prior to delegation:</p> <p style="text-align: center;">The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power.</p>	NEW	From Ottawa

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Heritage – Minor Alterations	Deputy CAO, Planning & Infrastructure	<p>To approve heritage permit applications relating to minor alterations which include the following classes of alterations:</p> <ul style="list-style-type: none"> <li>(i) restoration or preservation projects including projects funded through the Heritage Grant Program for Building Restoration;</li> <li>(ii) changes or renovations to additions or outbuildings such as changes to barns, garages, or modern additions not identified in the Statement of Reason for Designation or the Statement of Cultural Heritage Value;</li> <li>(iii) landscape alterations including but not limited to tree removal, new hard landscaping, new soft landscaping, and new driveways where the proposal does not impact the heritage attributes of the designated property;</li> <li>(iv) alterations that do not adversely impact or remove the heritage attributes of a property;</li> <li>(v) additions that meet both of the following criteria:               <ol style="list-style-type: none"> <li>1. the size is less than 30 per cent of the gross floor area of the existing building and,</li> <li>2. the proposal does not adversely impact the heritage attributes of the property as defined in the Statement of Cultural Heritage Value or Statement of Reason for Designation;</li> </ol> </li> <li>(vi) additions that do not exceed 50% of the gross floor area of the existing building that create new residential unit(s), as defined by the Zoning By-law as amended, and do not adversely impact the cultural heritage value or attributes of the property as defined in the Statement of Cultural Heritage Value;</li> <li>(vii) construction of detached accessory structures, which do not impact the heritage attributes of the property;</li> <li>(viii) demolition of detached accessory structures including barns, outbuildings, and garages where the demolition does not impact the cultural heritage value of the property;</li> <li>(ix) demolition of additions not identified in the Statement of Reason for Designation or the Statement of Cultural Heritage Value; and</li> <li>(x) extension or re-issuance of heritage permits previously considered by the Heritage Committee and issued by Council where the proposal and the relevant policy framework are substantially unchanged since the initial approval</li> </ul>	Municipal Act, s. 23.1	The authority does not include the authority to approve applications with conditions. The authority does not include the power to refuse an application.	NEW	From Ottawa

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Heritage - Approve minor heritage permits	Deputy CAO, Planning & Infrastructure	To issue minor Heritage Permits for alterations and additions, as described in the Beech Avenue Heritage Conservation District Plan.	Municipal Act, s. 23.1	Excludes construction of new buildings, additions to buildings, demolition of all or a portion of a building, relocation of a building on a property, relocation of a building outside of the district, site and park functions at Clarington Beech Centre and streetscape improvements.  Requires periodic reporting to Council as necessary.	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .
Permits - Tree	Deputy CAO, Planning & Infrastructure	To receive applications and the required fees, and to issue permits and to attach conditions thereto in accordance with the Tree By-law	Municipal Act, s. 23.1		Amend to redirect to Delegation of authority By-law.	Section 4.7.5 of the Municipality of Clarington Official Plan  Section 5.1.1 of the Woodlot Preservation By-law (aka <a href="#">The Tree By-law</a> ), <a href="#">By-law 97-35</a> , as amended
Planning Applications - Complete	Deputy CAO, Planning & Infrastructure or Designate	To give notice of complete applications to the prescribed persons and public bodies, in the prescribed manner and accompanied by the prescribed information; and make the prescribed information and material available to the public, as per S. 22(6.4), 34(10.7) and 51(19.4) of the Planning Act.	Municipal Act, s. 23.1	Notice provided to Members of Council	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .
Planning – Applications Approve - Condominium applications	Deputy CAO, Planning & Infrastructure	To approve descriptions under the Condominium Act: 1) To endorse public meeting notifications 2) To endorse the Notices of Decision of Council with respect to draft approval of plans of subdivision / plans of condominium and to endorse the draft approved plans, subject to the conditions imposed by Council 3) To endorse the Notices of Decision of Council with respect to all other Planning Act applications.	S.51,51.1 and 51.2 Planning Act Section 9 of the Condominium Act  Section 9(10) of the Condominium Act and Reg. 544/06 of the Planning Act	Consistent with approved site plan and Zoning By-law.  Periodic reporting to Council	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Planning Application - Fees	Deputy CAO, Planning & Infrastructure or Designate	To refund all, or part, of a planning application fee to facilitate the withdrawal of a Municipal planning application where planning merits cannot be adequately justified, or to correct an error in the original fee calculation.	Municipal Act, s. 23.1		NEW	From the Region of Durham
Planning Application – Municipal Applicant	Deputy CAO, Planning & Infrastructure or Designate	To prepare and file an application, submission, declaration, representation and execute any agreement imposed or required in the satisfaction of any condition of approval under the Planning Act or the Building Code Act, 1992 in connection with the development or redevelopment of Municipal property or building, where the Municipality is the applicant.	Municipal Act, s. 23.1	Project has been approved by Council.	NEW	From the Region of Durham
Planning Applications – Notice	Deputy CAO, Planning & Infrastructure or Designate	To provide notice that the information and material required under any application under the Planning Act has either been provided or not provided and that the application is deemed to be complete or incomplete, as the case may be, as per S. 22(6.1), 34(10.4) and 51(19.1) of the Planning Act.	Municipal Act, s. 23.1		Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .
Planning - Applications- Part Lot Control – Applications and By-laws	Deputy CAO, Planning & Infrastructure	To approve applications, and by-laws, for the removal of part lot control, as per S. 50 (7) of the Planning Act.	Municipal Act, s. 23.1	Removal of Part Lot Control to be presented to next Council meeting for adoption.  Periodic reporting to Council	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> . <a href="#">Report FND-028-20</a>  Although the approval had been previously given, the delegation for passing the by-law had not.
Planning Applications - Refuse inactive	Deputy CAO, Planning & Infrastructure or Designate	To refuse an application made under the Planning Act which is inactive for over one year.	Municipal Act, s. 23.1	Applicant must be notified and provided 60 days to respond with no objection.  Requires periodic reporting to Council.	Repeal by-law 2011-119 and replace with the Delegation of Authority By-law	<a href="#">By-law 2011-119</a> arising out of <a href="#">Report PSD-102-11</a> .



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Planning Applications - Subdivision Applications - Approve - Plan of Subdivision	Deputy CAO, Planning & Infrastructure or designate	To approve plans of subdivision under the Planning Act: 1) To endorse public meeting notifications 2) To endorse the Notices of Decision of Council with respect to draft approval of plans of subdivision / plans of condominium and to endorse the draft approved plans, subject to the conditions imposed by Council. 3) To endorse the Notices of Decision of Council with respect to all other Planning Act applications.	Sections 23.1 to 23.5 of the Municipal Act  Section 51.2(1) of the Planning Act	This authority extends only in these matters in respect of which Council adopted procedures.	To repeal by-law 2001-072, and the amendment, 2023-014 and replace with the Delegation of Authority By-law	<a href="#">By-law 2001-072</a> <a href="#">By-law 2023-014</a>
Planning Applications – Withdrawals	Deputy CAO, Planning & Infrastructure or designate	To sign for development application withdrawals	Municipal Act, s. 23.1		CLARIFIED	This was noted in <a href="#">Report FND-028-20</a> but it is unclear where the original authority resides.
Site Plan Control - Agreements – Release for Site Plan Control	Deputy CAO, Planning & Infrastructure	To approve the release of agreements, including maintenance and liability agreements and encroachment agreements entered into as a condition of site plan control where: an owner or authorized agent or bona fide purchaser or authorized agent or mortgagee has requested the release in writing; the requirements of the agreement have been fulfilled; all parties having jurisdiction over the terms or conditions of the agreement have agreed to the release; in the case of residential developments governed by site plan control agreements, all financial securities have been released; in the case of non-residential developments governed by site plan control agreements, the release of the agreement is no earlier than five (5) years following the release of all financial securities; and the costs associated with the registration of the release of the agreement are incurred by the applicant.	Municipal Act, s. 23.1		NEW	From Ottawa

Short Description of Matter	Delegate	Specific Delegation of Authority	Council's Authority to Delegate	Checks and Balances	Recommended Action	Notes and Rationale
Site Plan Control Area	Deputy CAO, Planning & Infrastructure	The powers and authority of Council under Section 41 of the Planning Act, except the authority to define any class or classes of development as mentioned in Section 41(13)(a)	Municipal Act, s. 23.1	Prior to stamping drawings, written concurrence will be provided by the Manager of Development Engineering. This will be done in consultation with the Director of Public Works as required.	Amend Section 6 of By-law 2010-139 to refer to Delegation of Authority by-law	<a href="#">By-law 2010-139</a> As amended by <a href="#">By-law 2020-080</a> arising out of <a href="#">Report PSD-048-20</a> <a href="#">By-law 90-130</a>