



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 73-2013

To Amend Delegation of Authority By-law 191-2011, as amended

A by-law to authorize the delegation of certain powers and duties under the Municipal Act, 2001, the Planning Act and other Acts (Amended by By-laws 326-2011, 64-2012, 118-2012, 233-2012, 232-2012, 64-2013)

Whereas Delegation of Authority By-law 191-2011, as amended, ("the DA By-law") authorizes the delegation of certain powers and duties to officers, employees, committees or tribunals of the City of Brampton in accordance with prevailing legislation;

And whereas it is deemed in the best interest of the City of Brampton to further amend the DA By-law to address gaps and obsolete references, and to provide clarification of intent;

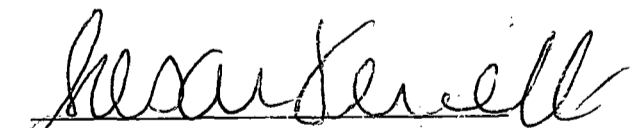
NOW THEREFORE The Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**


1. The Delegation of Authority By-law 191-2011, as amended, is hereby further amended in accordance with Schedule A attached hereto, and forming part of this by-law.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 27th day of March, 2013.

Approved
as to form
Law Dept.
KP
Mar 26 13

Approved
as to content
BPM Dept.
SA
Mar 26 /13


SUSAN FENNELL MAYOR


PETER FAY CLERK

SCHEDULE A TO BY-LAW 73-2013

Proposed Amendments to Delegation of Authority By-law 191-2011

- (1) **Schedule A of By-law 191-2011**, as amended, is further amended as follows:

Clause 5.1 is hereby deleted and replaced with the following:

The Commissioner of Community Services is authorized to execute agreements relating to the usual operations of the Community Services Department, but excluding those agreements governed by Schedule B of this by-law.

Clause 7.1 is hereby deleted and replaced with the following:

The Commissioner of the Department responsible for a capital project or the Manager in the Department responsible for the capital project is authorized to execute any permit, licence, variance application and agreements (including those with utilities and authorities, but excluding those agreements governed by Schedule B of this by-law) required to implement an approved capital project.

Clause 9.1 is hereby deleted in its entirety.

Clause 11.3 is hereby deleted and replaced with the following:

The Commissioner of Works and Transportation may authorize the use of highways or sidewalks under the City's jurisdiction by persons seeking to place, construct, maintain and use objects in, on or under or over the highways or sidewalks, prescribing conditions for such use and executing any agreements required for such use, but excluding those agreements governed by Schedule B.

Clause 12.1 is hereby deleted in its entirety.

- (2) **Schedule B of By-law 191-2011**, as amended, is further amended as follows:

Clause 1 (1) (a) and (b), being definitions of terms utilized in Schedule B, is hereby deleted and replaced with the following:

Clause 1 (1):

"Acquisition" means the acquiring without duress by the City of Brampton, of Property, by means of negotiation or gratuitous conveyance, but excluding expropriation, in compliance with applicable legislation, City policies and standard operating procedures. An agreement to effect an Acquisition may be, but is not limited to, an agreement of purchase and sale for fee simple or easement rights, a licence that is not an Occupancy Agreement, a permission or consent to enter.

"Client Department" means the City of Brampton Department that is funding an Acquisition, or which has had historical interest in Real

Property that is subject to Disposal. The Client Department and Commissioner thereof, will be considered to be amended appropriately in the event that City of Brampton Departments and/or Commissioner titles change.

"Community Group Affiliation Policy" means the City of Brampton policy revised February 3, 2010, or as may subsequently be revised.

"Commissioner" means Commissioner of a City of Brampton Department, or designate.

"Disposal" means the disposing without duress of Property by means of negotiation or gratuitous conveyance in compliance with applicable legislation, City policies and standard operating procedures. In the event that said disposing is permanent or for a term of 21 years or more, Surplus Declaration of said Property must be given in compliance with this By-law and the City's Procedure By-law 160-2004, as amended. An agreement to effect a Disposal may be, but is not limited to, an agreement of purchase and sale for fee simple or easement rights, a licence that is not an Occupancy Agreement, a permission or consent to enter.

"Government Organization" means another municipality or local board as those terms are defined in the *Municipal Affairs Act, R.S.O 1990, c. M. 46*, the Crown, a Crown Corporation, or Crown Agency.

"Occupancy Agreement" means an agreement between the City of Brampton and an external party to govern either (a) the City's occupancy of non-City-owned Property with the City in the role of tenant, or (b) an external party's occupancy of City-owned Property, with the City in the role of landlord. An Occupancy Agreement includes, but is not limited to, a lease, a licence, a management and operation agreement, an encroachment agreement, and a joint use agreement. For greater clarity, Occupancy Agreement does not include (a) a licence to use Property in connection with a construction project and (b) a room or field permit that is booked through the City's CLASS system, or other system as the case may be, and which is not administered by the City's Realty Services Section.

"Property" means any permanent or temporary interest, fee simple or limited interest, in real property, which includes all land, structures, firmly attached and integrated equipment, and anything growing on the land.

"Purchasing By-law" means City of Brampton Purchasing By-law 35-2012 as may be amended, or any successors thereto.

"Real Estate Activity" means an action taken to effect the Acquisition or Disposal or Surplus Declaration of Real Property, or the giving of approval in the capacity of landlord, tenant or property owner.

"Surplus Declaration" means formal assertion authorized by City by-law or delegated authority that specific Property is not required by the City for present or future needs.

"Term" means the period of time an Occupancy Agreement is in effect, including the initial term and any renewal or extension terms, or the period of time a temporary interest in Property is being conveyed to or by the City.

"Transaction" means either an Acquisition or Disposal.

Clause 1 (4), as follows, is added to Schedule B:

Notwithstanding the provisions of the Purchasing By-law, the delegated authority limits in connection with real estate acquisition activities shall be in accordance with Schedule B of the City's Delegation of Authority By-law.

The Schedule B Chart of Real Estate Activities and Delegate and Source of Original Delegation is hereby deleted in its entirety and replaced with the following chart:

Note: In the following chart "Delegate" means person with authority to approve and execute all requisite documents required to effect the Real Estate Activity.

Activity No.	Real Estate Activity	Delegate and (Source of original delegation)
1	Acquisition at current market value of \$150,000 or less, plus due diligence costs, with pre-approved capital budget with land acquisition component	(a) Solely by the Commissioner of the Operating Department where the acquisition price is less than \$5,000 (b) Jointly by the Commissioner of the Client Department and the Treasurer where the acquisition price is \$5,000 or greater <i>(By-law 98-2008)</i>
2	Acquisition at current market value of \$50,000 or less, plus due diligence costs, with no pre-approved capital budget with a land acquisition component	(a) Solely by the Commissioner of the Client Department where the acquisition price is less than \$5,000 (c) Jointly by the Commissioner of the Client Department and the Treasurer where the acquisition price is \$5,000 or greater <i>(By-law 98-2008)</i>
3	Acquisition at nominal value and due diligence costs of \$25,000 or less in instances where one or more of the following criteria applies: (i) Acquisition is by pre-dedication (ii) Acquisition is from another government (iii) if current market value of the Property was being paid it would be \$25,000 or less	(a) Solely by the Commissioner of the Client Department where the acquisition price is less than \$5,000 (d) Jointly by the Commissioner of the Client Department and the Treasurer where the acquisition price is \$5,000 or greater <i>(By-law 98-2008)</i>
4	Surplus declaration for Property when one or more of the following criteria applies:	Jointly by the Commissioner of the Client Department and the City Solicitor

Activity No.	Real Estate Activity	Delegate and (Source of original delegation)
	<ul style="list-style-type: none"> (i) the current market value of the Property is \$50,000 or less and the surplus declaration was initiated by the City (ii) the Property was acquired with funds from a pre-approved capital budget having a land component, and the Property is excess to the needs of the capital project (iii) the Property is to be conveyed to a utility or service provider for installation/maintenance of services (iv) the Property is to be conveyed to a Government Organization 	<p>(By-law 98-2008)</p>
5	<p>The requirement for surplus declaration for Property may be waived when at least one of the following criteria is met:</p> <ul style="list-style-type: none"> (i) the Property is a permanent easement that is being abandoned; (ii) the Property is a street parcel that is being conveyed to a public authority to effect a change of jurisdiction; (iii) the conveyance is to a Government Organization, is routine and within the scope of usual operations of the City and current market value of the Property is \$50,000 or less 	<p>Commissioner, Buildings and Property Management, or designate</p> <p style="text-align: right;">(not subject to prior delegation)</p>
6	<p>Disposal at current market value, of surplus Property when one or more of the following criteria applies:</p> <ul style="list-style-type: none"> (i) the City initiates the disposal of surplus Property having current market value of \$50,000 or less to one or more owners of adjacent property. (ii) the Disposal of surplus Property having current market value of \$50,000 or less is to a utility or service provider requiring the Property for installation/maintenance of services. 	<p>The Commissioner of the Client Department</p> <p style="text-align: right;">(By-law 98-2008)</p>

Activity No.	Real Estate Activity	Delegate and (Source of original delegation)
7	<p>Disposal at, or less than, current market value, of surplus Property when one or more of the following criteria applies:</p> <p>(i) the Disposal is to the Region of Peel and in compliance with the Standard Operating Procedure for Inter-municipal Transactions.</p> <p>(ii) the Disposal is of surplus Property having current market value of \$50,000 or less and is to a Government Organization not governed by the Standard Operating Procedure for Inter-Municipal Transactions.</p>	<p>Commissioner of the Client Department</p> <p><i>(By-law 98-2008)</i></p>
8	<p>City-is-Landlord Occupancy Agreements at current market rent pertaining to all City-owned or leased facilities and vacant land where rent generated to the City is \$150,000 or less over the term of the Occupancy Agreement.</p>	<p>The Commissioner of the Client Department</p> <p><i>(By-law 98-2008)</i></p>
9	<p>City-is-Landlord Occupancy Agreements at less than market rent pertaining to all City-owned or leased facilities and vacant land where the following criteria are met:</p> <p>(i) the tenant has affiliate status according to the City's Community Group Affiliation Policy, and</p> <p>(ii) the rent payable has been determined in light of the tenant's affiliation status and in accordance with the City's process for rent subsidy requests</p>	<p>The Commissioner of the Client Department</p> <p><i>(not subject to prior delegation)</i></p>
10	<p>City-is-tenant Occupancy Agreements either at or below market value where the rent payable is \$50,000 or less over the term</p>	<p>(a) Solely by the Commissioner of the Operating Department where the acquisition price is less than \$5,000</p> <p>(b) Jointly by the Commissioner of the Operating Department and the Treasurer where the acquisition price is \$5,000 or greater</p> <p><i>(By-law 98-2008)</i></p>

Activity No.	Real Estate Activity	Delegate and (Source of original delegation)
11	Procurement of due diligence reports required to effect real estate transactions. Due diligence reports include, but are not limited to: appraisal, negotiations, environmental, audit, and accounting reports.	The Manager, Realty Services. <i>(By-law 98-2008)</i>
12	Giving of Approval in Capacity of Landlord, Tenant, or Property Owner in connection with, and including but not limited to: - landlord/owner authorization - tenant authorization - estoppels certificates	The Manager, Realty Services, <i>(not subject to prior delegation)</i>