



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 148 - 2016

To delegate certain powers under the Municipal Act, 2001 relating to the execution of Encroachment Agreements and to amend By-law 191-2011, as amended

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WHEREAS section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25 confirms the authority of a municipality to delegate its powers and duties, subject to certain restrictions;

AND WHEREAS Delegation of Authority By-law 191-2011 consolidates delegations of authority under various By-laws of The Corporation of the City of Brampton;

AND WHEREAS Schedule "B" to By-law 191-2011 defines an Occupancy Agreement to include an Encroachment Agreement and provides delegated authority to execute Occupancy Agreements only if they are for current market value unless being given to a party having affiliate status according to the City's Community Affiliation Policy and otherwise only provides delegated authority for disposals at less than fair market value to a Government Organization as defined therein;

AND WHEREAS the City's Standard Operating Procedure for Encroachment Regularization provides for the determination of current market value to be charged as an Encroachment Charge and also provides for the waiver of the Encroachment Charge in certain circumstances;

AND WHEREAS City By-law 224-2014 authorizes that Manager of Realty Services to waive the Encroachment Charge for certain additional circumstances;

AND WHEREAS it is considered expedient to provide for additional delegated authority to execute Encroachment Agreements in those circumstances where the Encroachment Charge is waived;

NOW THEREFORE, the Council of The Corporation of the City of Brampton HEREBY ENACTS as follows:

1. THAT subject to section 2 hereof, the Chief of the Client Department, as defined in By-law 191-2011, is hereby delegated the authority to execute, on behalf of the City, any Encroachment Agreement in respect of which the Encroachment Charge is being waived or is otherwise being made for less than market value consideration and one or more of the following circumstances apply:
  - a) The Encroachment Charge is waived pursuant to By-law 224-2014;
  - b) The encroachment does not physically enclose any City property;
  - c) Conditions of a development approval require the gratuitous conveyance of lands to the City and an agreement from the City permitting an encroachment to be constructed on the same lands or part(s) thereof; or
  - d) The encroachment has resulted from the City's acquisition of property from the encroacher.

2. THAT sections 2 to 9 of By-law 191-2011 shall apply to the delegation authorized pursuant to section 1 hereof, mutatis mutandis.

3. THAT Schedule "B" of By-law 191-2011, as amended, is hereby further amended by adding the following as Activity No. 13:

Encroachment Agreements between City and an Encroacher in respect of which the Encroachment Charge is being waived or is otherwise being made for less than market value consideration and one or more of the following circumstances apply:

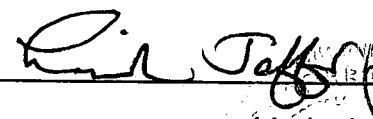
- (i) the Encroachment Charge is waived pursuant to By-law 224-2014;
- (ii) the encroachment does not physically enclose any City property;
- (iii) Conditions of a development approval require the gratuitous conveyance of lands to the City and an agreement from the City permitting an encroachment to be constructed on the same lands or part(s) thereof; or
- (iv) the encroachment has resulted from the City's acquisition of property from the encroacher;


and inserting "Chief of Client Department" in the Delegate column opposite thereto.

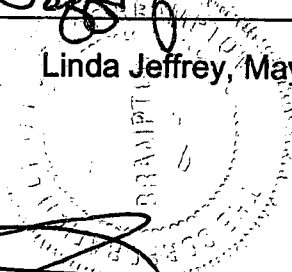
ENACTED THIS 6<sup>th</sup> day of July, 2016.

Approved as to form.  June/17/2016  CP Legal Services
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Approved as to content.  June 27/2017  VW Realty Services
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Linda Jeffrey, Mayor

  
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Peter Fay, City Clerk



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