



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 217 - 2016

A By-law to delegate certain powers and to exempt certain classes of minor variances from a two year moratorium in the *Planning Act*, R.S.O, 1990, c. P. 13, as amended by the *Smart Growth for Our Communities Act, 2015*

RECITALS

- A. The Smart Growth for Our Communities Act, 2015, which came into force on July 1, 2016, introduced amendments to the *Planning Act*, R.S.O, 1990, c. P. 13 ("*Planning Act*"), which include enabling approval authorities to: extend non-decision appeal timelines, initiate an alternative dispute resolution process and exempt certain types of minor variance applications from a two year moratorium following the passing of a site specific zoning by-law amendment.
- B. The Council of the Corporation of the City of Brampton deems it appropriate to delegate certain powers and authorize certain exemptions as contemplated in this by-law for the purpose of ensuring the orderly and efficient processing of *Planning Act* applications and appeals;
- C. The Council of the Corporation of the City of Brampton has previously delegated authority to officers, employees, committees or tribunals in a number of areas, including *Planning Act* matters, through by-law and/or Council Resolution, in accordance with prevailing legislation;
- D. Section 23.1 of the *Municipal Act, 2001*, R.S.O. 2001, c. 25, as amended, confirms that a municipality has authority to delegate its powers and duties, subject to restrictions and section 23.2 of that statute permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;
- E. The powers delegated pursuant to this by-law are considered administrative functions or minor legislative functions.

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

1. "Schedule A" to the Delegation of Authority By-law 191-2011, as amended, is hereby further amended for greater certainty by adding the following as sections 20 and 20.1:

(1) 20. The Commissioner, Planning and Development Services and the City Solicitor are jointly delegated Council's authority to give notice of intention to use dispute resolution techniques to all the appellants and to invite participants to the dispute resolution process in accordance with sections 17 (26.2), 17(37.3), 22 (8.2), 34(11.0.0.2) and 34(20.2), 51 (49.2) and 53 (27.2) of the *Planning Act*.

(2) 20.1 The Commissioner, Planning and Development Services is delegated Council's authority pursuant to section 17(40.1) to extend the 180 day non-decision appeal period referred to in section 17(40) of the *Planning Act* for up to 90 days.

2. Pursuant to the exception in section 45(1.4) of the *Planning Act*, the following classes of minor variance applications are exempt from the two year moratorium authorized by section 45(1.3) of the *Planning Act*:

(1) Minor variances identified by City staff pursuant to a zoning by-law passed as a condition of approval to a draft plan of subdivision;

(2) Minor variances identified by City staff pursuant to the final approval of an approved site plan application.

3. This By-law shall come into effect on the 28th day of September 2016.

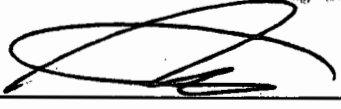
READ a FIRST, SECOND and THIRD TIME, and PASSED in OPEN COUNCIL, this 28TH day of September, 2016.

Approved as to
form.
Aug/22/2016
REZ

Approved as to
content.
Aug/22/2016
H.MacDonald



Linda Jeffrey, Mayor



Peter Fay, City Clerk