



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 180-2005

To authorize the execution of certain short term occupancy agreements and to repeal By-laws 278-83 and 249-94 as amended.

Subsection 8 of the *Municipal Act, 2001* S.O. 2001 c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act.

Section 5(3) of the *Municipal Act, 2001* states that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise.

The Council of The Corporation of the City of Brampton has considered the various types of agreements relating to the use by third parties of real property owned and managed by The Corporation of the City of Brampton.

The Council of The Corporation of the City of Brampton has determined that it is appropriate for the management and preservation of the public assets of the municipality that the authority to approve certain types of short term occupancy agreements be delegated to City staff.

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


1. In this By-law,
 - (i) "Commissioner" means the person appointed by the Council of The Corporation of the City of Brampton as commissioner of the City department listed in the table set out in section 3 of this by-law; or a person designated by the Commissioner;
 - (ii) "Short Term Occupancy Agreement" means an agreement respecting the use of real property owned by The Corporation of the City of Brampton in the nature of:
 - (a) a consent to enter municipal property, to carry out works or for a construction staging area, where the terms of the agreement, including any rights to renew, does not exceed one year; or
 - (b) a programming agreement setting out non-exclusive, short-term occupancy arrangements, such as facility rentals and event permits.

2. The Mayor and Clerk are hereby authorized to execute Short Term Occupancy Agreements that have been approved as to content by the Commissioner and approved as to form by the City Solicitor.
3. The Commissioner having authority to approve the Short Term Occupancy Agreement shall be determined using the table below:

<i>Commissioner Responsible:</i>	Community Services	Works & Transportation	Management Services
<i>Type of Real Property:</i>	<ul style="list-style-type: none"> • parks (tableland or valleyland) • recreation facilities (including associated parking areas) • parks operating facilities • cemeteries • woodlots • buffer blocks abutting valleys • Brampton Performing Arts Centre and adjacent square 	<ul style="list-style-type: none"> • highways • boulevards • transit facilities • municipal parking lots and structures • drainage facilities • works operations facilities • buffer blocks abutting highways 	all types of real property not listed in column 2 or 3

4. By-law 278-83 and By-law 249-94, as amended, are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME and PASSED in Open Council this 13th day of June, 2005.



 SUSAN FENNELL, MAYOR



 LEONARD J. MIKULICH, CLERK

APPROVED AS TO FORM LAW DEPT. BRAMPTON
 WCC
 DATE 05/06/05

APPROVED AS TO CONTENT LAW DEPT. BRAMPTON
 W.P.
 DATE 05/06/05