

BY-LAW NUMBER 08-25

-of-

THE CORPORATION OF THE COUNTY OF BRANT

To Amend By-law 73-22 - the Delegation of Authority By-law

WHEREAS Section 9 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

AND WHEREAS Section 227 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides, among other matters, that it is the role of officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;

AND WHEREAS Council may, pursuant to Section 23 of the *Municipal Act 2001*, S.O. 2001 c. 25, delegate its powers, duties and functions subject to the limitations as set out in the *Municipal Act 2001* and any other applicable Act(s) in order to maximize administrative and operational efficiency;

AND WHEREAS Council passed By-law 73-22, the Delegation of Authority By-law, on June 28, 2022;

AND WHEREAS on February 11, 2024, Council approved an amendment to the delegation of authority By-law through By-Law 52-24;

NOW THEREFORE THE COUNCIL OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. That the "Planning and Development" section of Schedule A of By-law 73-22, as amended, be repealed and replaced with Schedule A of By-law 08-25

READ a first and second time, this 11th day of February, 2025.

READ a third time and finally passed in Council, this 11th day of February, 2025.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Spencer Pluck, Deputy Clerk

Planning and Development

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
General Responsibilities	To amend, rescind corporate administrative policies and procedures, Guidelines, and Terms of References consistent with the departments mandate.	Ability to approve, amend, and rescind corporate administrative policies and procedures, Guidelines, and Terms of References consistent with the departments mandate. Amendments which alter the substance of Council approved policies, procedures, or terms of reference are not permitted.	General Responsibilities	To amend, rescind corporate administrative policies and procedures, Guidelines, and Terms of References consistent with the departments mandate.
Cash-in-Lieu of Parking Official Plan provides for a Cash in Lieu of Parking policy.	Application to pay the County cash in lieu of providing parking required in accordance with the County of Brant Zoning ByLaw.	Staff is delegated the authority to negotiate and execute Cash in Lieu of Parking agreements subject to the applicable policies.	Development Services Municipal Solicitor GM Operations	GM Development Services Director of Development Planning

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Cash-in-Lieu of Parkland Official Plan provides for a Cash-in-Lieu of Parkland Policy and Parkland-Dedication By-law	Application to pay the County cash in lieu of providing parkland required in accordance with the County of Brant Parkland Dedication By-law.	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 General Manager, Recreation, Cultural and Facility Services, or the Manager, is appropriate and in compliance with the applicable Official Plan policies and the Parkland Dedication By-law. Authorized not to accept conveyance of land that is considered not suitable for use as parkland.	Development Services GM Community Services Manager of Parks and Forestry	GM Development Services GM Community Services
Pre-Servicing Agreements MA 2001, s. 9, 10, 23.2	Pre-Servicing Agreements for development projects which are approved or have received draft plan approval.	Agreement to be in a form satisfactory to the GM Operations GM of Development Services, and Municipal Solicitor. All permit, legal fees or other costs as determined by the County from time to time shall be paid.	GM of applicable departments Municipal Solicitor GM Operations Development Services	GM Development Services Director of Development Planning Director of Development Engineering

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
<p>Site Plan Control</p> <p><i>Planning Act, R.S.O. 1990, c. P.13 (hereinafter "PA") s. 5(1) and s. 41</i></p> <p><i>County of Brant Site Plan Control By- Law</i></p>	<p>Site Plan Control Applications and Agreements</p>	<p>Delegated authority is related to any development subject to s. 41 of the <i>Planning Act</i> R.S.O. 1990, and includes:</p> <p><i>Scheduling and undertaking consultation on behalf of the municipality before an applicant may submit plans and drawings for approval (ss. 41(3.1))</i></p> <p><i>Issuing a notice of a complete application or refusal of an incomplete application (ss. 41(3.5) and (3.6))</i></p> <p><i>Defining an authorized person for the purposes of the County of Brant Site Plan Control By-Law and as referred to in ss.41(4.0.1)</i></p> <p><i>Approval of any plans or drawings under s. 41(4)</i></p> <p><i>Determining any conditions to the approval of the required plans and drawings under s.41(7)</i></p> <p><i>Determining the need for a site plan application in an area prescribed by O. Reg. 254/23 that may otherwise be exempt by the County of Brant Site Plan Control By-Law</i></p> <p><i>Determining the scope of pre-consultation required for a minor site plan application under the authority of the County of Brant Site Plan Control By-Law.</i></p>	<p>As determined through pre-consultation circulation or a standard list of requirements</p>	<p>CAO</p> <p>GM Development Services</p> <p>Municipal Solicitor</p> <p>Director of Development Planning</p>

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
		<p><i>Negotiation, preparation, review, approval, conditional approval, execution of, and amendment of any agreement referred to under ss.41(7) and further described in the County of Brant Site Plan Control By-Law.</i></p> <p><i>Registration of any agreement on title of the applicable property through the office of the Municipal Solicitor, including the release of any agreement from title</i></p> <p><i>Granting an extension for the completion of criteria prescribed by the Site Plan Control agreement.</i></p> <p><i>Determining penalties applicable under s. 67 for any contravention of the conditions of an applicable site plan agreement under s. 41. Subject to limitations in the Municipal Act</i></p>		
Temporary Sales Office MA, 2001, s. 9, 10, 23.2	Agreement for structure.	Ensure access for fire trucks and provision of water supply / hydrants for fire protection. Timing: - One year is sufficient, can be extended if required.	Development Services GM Operations	Chief Building Official Deputy Chief Building Official

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Community Improvement Plan Agreements MA, 2001, s. 9, 10, 23.2 PA, sections. 5(1), 28(7), 41	Execution of CIP Agreements.	Amendments to existing agreements to be limited to non- financial or other minor conditions. Consideration given to County concerns, requirements, and issues.	Development Services CAO Municipal Solicitor	GM Development Services CAO GM Strategic Initiatives Municipal Solicitor Director of Development Planning
Development Agreements Part Lot Control Agreements Severance Agreements Easement Agreements Subdivision Agreements PA s. 5(1), 41, 50, 51(26), 53(12)	Authority to negotiate, review, prepare, execute, administer, and have registered these agreements for the purpose of expediting the development approval process. Part Lot Control Applications.	Form and Substance to be to the satisfaction of the Municipal Solicitor. Approval of Agreements for new applications. Ability to release development agreements from title of properties subject to all conditions and County standards being met.	Development Services CAO Municipal Solicitor	GM Development Services Director of Development Planning CAO Municipal Solicitor Director of Development Engineering

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Release of Financial Securities	Provide County Staff the ability to retain, reduce, and release securities related to Development Agreements.	<p>Ability to retain, reduce, and release securities related to Development Agreements subject to all conditions and County standards being met.</p> <p>Ability to approve the release or partial release of financial securities related to Development Agreements provided that all conditions and County Standards for which the securities are held are met.</p>	<p>Development Services CAO Municipal Solicitor</p>	<p>GM Development Services Director of Development Planning CAO Director of Development Engineering</p>
Reduction or Waiver of Application Fees	Reduce or waive development application fees.	Ability to reduce or waive application fees for development applications that are for a minor or technical nature.	<p>Development Services CAO</p>	<p>GM Development Services Director of Development Planning CAO Director of Development Engineering</p>

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Plans of Subdivision and Condominium Plans approved by Council PA, s. 51 (58)	Authority to review, administer, have registered, and approve these plans for the purpose of expediting the development approval process. Redline Revisions (minor amendments) to Draft Plan of Subdivisions /Condominiums. Ability to draft, amend, and approve conditions related to Plan of Subdivisions and Plan of Condominiums.	Sign final plans of subdivision and final plans of condominium for the purpose of indicating that final approval has been granted by the approval authority and is acceptable for registration. Grant extensions of draft approved Plans of Subdivisions and Plans of Condominium. Change the conditions of draft approved Plans of Subdivision and draft approved Plans of Condominium. Ability to draft, amend, and approve conditions related to Plan of Subdivisions and Plan of Condominiums.	Development Services CAO Municipal Solicitor Director of Development Engineering GM of Operations GM of Community Services	GM Development Services Director of Development Services Director of Development Engineering CAO
Applications for Official Plan Amendment and Plans of Subdivision, and	Only to refuse to accept or further consider such applications until it is deemed complete.	Refusal to accept or consider further as not deemed complete.	Development Services CAO Municipal Solicitor	GM Development Services

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Consent Applications PA, s. 5(1), 2(6),51(19), 53(4)				Director of Development Planning CAO
Appeal to OLT PA, s. 5(1)	To lodge appeals prior to the end of an appeal period for a planning application.	Appeal to be based on the principles of sound planning reasons, subject to the appeal being confirmed by Council at the following Council session.	Development Services CAO Municipal Solicitor	GM Development Services Director of Development Planning CAO Municipal Solicitor
Conditional Building Permit Building Code Act, S.O. 1992, c. 23, as am.	Authority to enter into an agreement for a Conditional Building Permit. The authority to negotiate, prepare, execute, administer, and have registered such Agreements.	The CBO has discretion to issue a Conditional Building Permit where unreasonable delays would occur if same is not granted.	Development Services CBO Development Services CAO Municipal Solicitor	CBO Director of Development Engineering

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Approval of Final Acceptance and Assumption of Subdivision Works PA, s. 5(1) ands. 51(25) and applicable Subdivision agreement(s)	Final Acceptance and Assumption of Subdivision Works. Assumption of Infrastructure.	Final acceptance and assumption of subdivision works to be reviewed-all applicable departments to be notified of the request for final acceptance and assumption seeking their review, comments, objections, and recommendations.	Development Services CAO Municipal Solicitor Applicable Departments	GM Development Services Director of Development Planning Director of Development Engineering
CD-18-77 Approved by Council on September 25, 2018	Development & Engineering Standards Updates.	This authority would be relative to the approval of updates to a portion(s) of the "Standards", noting that if a holistic overhaul of the entire "Standards" would require Council approval.	All applicable Departments	GM of Operations
Condo Exemptions Condominium Act, 1998, S.O. 1998,	Exemption from the condominium process. Condominium exemptions, Standard Condominiums, and Common Element Condominiums.	Subject to the following criteria: - Prior site plan approval within one (1) year and paid parkland dedication fee.	Development Services	GM Development Services Director of Development Planning CAO

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
General	Lifting of reserves.	Lifting of 0.3 metre reserves included in approved planning applications when approved conditions are met.	Director of Development Engineering	Director of Development Planning GM of Development Services
<p>Environmental Approvals Applications</p> <p>Ontario Water Resources Act, R.S.O. 1990, c. O.40</p> <p>Environmental Protection Act, R.S.O. 1990, c. E.19</p> <p>Safe Drinking Water Act, 2002, S.O. 2002, c. 32</p> <p>Clean Water Act, 2006, S.O. 2006, c. 22</p> <p>MA, 2001, s. 23.2</p>	Authority to sign applications for Environmental Approvals.	The General Manager, Operations as arranged with the Ministry of the Environment, Conservation and Parks, individually are delegated the authority to grant approvals pursuant to the applicable sections of the Ontario Water Resources Act.	Development Services Director of Environmental Services And other applicable-Departments to advise.	GM of Operations

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
<p>Minor By-Laws (Lifting of Holding Provisions “h”) PA, s. 39.2 and s. 36</p>	<p>Lifting of Holding Provisions.</p>	<p>Authorization to approve applications for lifting of Holding Provisions provided that the prescribed conditions for the Holding Provision have been met.</p> <p>Lifting of Holding Provisions shall be reported to the appropriate Standing Committee at least once in each calendar year.</p> <p>Amendments which alter the substance or intent of the Council approved bylaws are not permitted.</p> <p>In compliance with the Municipal Act, 2001, and Planning Act</p>	<p>Development Services Operations</p>	<p>GM Development Services Director of Development Planning Supervisor of Development Planning</p>
<p>Minor By-Laws (Surplus Farm Dwelling Zoning) PA s. 39.2 and s. 34</p>	<p>Surplus Farm Dwelling Severances, Minor Boundary Adjustments (Lot Line) and Zoning to address Agricultural Lot Area/Frontage deficiencies.</p>	<p>Relates only to zoning applied to prohibit a dwelling or any residential use on the remnant parcel created through severance of a surplus farm lot.</p> <p>Applicable public consultation to be held in conjunction with the consent application to which the zoning will apply.</p> <p>Automatic zoning permissions to be facilitated through the consent process provided specific parameters, as outlined in the Zoning By-Law can be met.</p> <p>Amendments which alter the substance or intent of the Council approved bylaws are not permitted. In compliance with the Municipal Act, 2001, and Planning Act</p>	<p>Development Services</p>	<p>GM Development Services Director of Development Planning Supervisor of Development Planning</p>

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
Minor By-Laws (Temporary Use By-Laws Extension) PA, s 39.2 and s. 39	Extension of temporary use By-Laws.	<p>Provided the applicant has fulfilled conditions as set out in any applicable agreement, the temporary use may be extended by a period of no more than 3 years at a time.</p> <p>Amendments which alter the substance or intent of the Council approved bylaws are not permitted.</p> <p>In compliance with the Municipal Act, 2001, , and Planning Act</p>	Emergency and Protective Services Development Services Others as may be applicable based on the nature of the temporary use.	GM Development Services Director of Development Planning Supervisor of Development Planning
Heritage (Alteration, Erection, Demolition or Removal) Ontario Heritage Act (“OHA”), ss. 33(15) and ss. 42(16)	<p>Consent to alterations of property designated under s. 29 of the OHA.</p> <p>Permits for the alteration, erection, demolition, or removal of any building, including any heritage attribute, designated under Part V of the OHA.</p>	<p>Provided the applicant has provided all required material for consideration, an application may be deemed complete, a decision made, and a permit granted after consultation with the Municipal Heritage Committee.</p> <p>Permits under the Building Code may be issued by the CBO upon written approval from the delegated authority.</p> <p>A report will be provided to the Municipal Heritage Committee and Council at the end of each calendar year to provide an update on alterations that have been made to designated properties.</p>	Arts, Culture and Heritage Officer Municipal Heritage Committee Development Services	GM Development Services Manager of Policy Planning

Type of Authority / Legislative Authority	Matter to be Approved	Terms, Conditions and Limitations	Commenting Departments as applicable	Authority Delegated to:
<p>Tower Applications</p> <p>Towers are federally regulated by Innovation, Science, and Economic Development Canada (ISED). As part of the tower approval process, applicants are required to consult with the relevant land use authority to discuss local preferences regarding antenna system siting and/or design.</p> <p>Radiocommunication Act (R.S.C., 1985, c. R-2)</p> <p>Client Procedures Circular CPC-2-0-03, <i>Radiocommunication and Broadcasting Antenna Systems</i>, issue 6</p>	<p>Issuance of concurrence letter for towers that meet the County of Brant Telecommunication Tower Protocol (DVS-2025-001, as may be amended or replaced)</p>	<p>Provided the applicant has submitted all required studies/reports, and the proposed tower is consistent with the County's Communication Tower and Antenna System Protocol.</p>	<p>Development Services</p>	<p>General Manager of Development Services,</p> <p>Director of Development Planning</p>