

## **Delegation of Authority to the Chief Planner**

<b>Date:</b>	April 20, 2009
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning and City Solicitor
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

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In 2000 City Council delegated decision-making authority for certain development applications to the Chief Planner and Executive Director, City Planning. The Chief Planner has exercised the delegated authority successfully. We have identified specific instances where further delegation would result in improved efficiency in processing applications. Substantive decisions on development would remain with City Council.

This report recommends that a new delegation by-law be passed to enhance the Chief Planner's existing delegated authority.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning and City Solicitor recommend that:

1. City Council enact the By-law at Attachment 1 to amend the Municipal Code Chapter 415, Development of Land, to delegate certain powers and authority to the Chief Planner.

### **FINANCIAL IMPACT**

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This report has no financial impact.

## **DECISION HISTORY**

In 2000, City Council passed By-law No. 229-2000 and By-law No. 483-2000 to delegate certain decision-making authority in respect of development applications to the Chief Planner and Executive Director, City Planning.

## **ISSUE BACKGROUND**

The Chief Planner and City Solicitor have reviewed the decision-making authority that is currently delegated. While the authority now in place has worked well, there are several ways in which this can be improved.

## **COMMENTS**

The Chief Planner is currently authorized to carry out the following:

1. Site Plans: Approval, modification, release and execution of agreements to secure conditions;
2. Plans of Subdivision and Condominium: Approval, modification and execution of agreements; and
3. Consents to Sever: Execution of agreements to secure conditions imposed by the Committee of Adjustment.

The Chief Planner should also be authorized to instruct the City Solicitor on what position to take at an OMB hearing in respect of approval of a site plan or conditions to approval (except a site plan that has been “bumped up” to community council) or plans of subdivision and condominium or conditions and to execute an agreement to secure site plan or subdivision conditions to approval imposed by the Board.

The Chief Planner is already authorized to execute agreements securing conditions imposed by the Committee of Adjustment in respect of a consent to sever. That authority should be extended to include conditions imposed by the OMB in respect of a consent to sever and conditions imposed by either the Committee or the Board in respect of a variance.

Finally, the Chief Planner should be authorized to execute s. 37 agreements that secure the provision of public benefits resulting from an OMB decision.

The delegated authority would not apply in respect of any condition imposed by the Committee of Adjustment or OMB that would require City expenditure of unbudgeted funds.

## CONCLUSION

The Chief Planner and City Solicitor recommend that the delegated authority currently exercised by the Chief Planner to address site plan and subdivision applications and conditions to consents to sever be expanded to include conditions to variances and agreements to implement dispositions by the OMB respecting these and similar matters.

## CONTACT

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## SIGNATURE

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Anna Kinastowski, City Solicitor

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Gary Wright, Acting Chief Planner and  
Executive Director, City Planning

## ATTACHMENTS

1. Draft By-law

Authority: Planning and Growth Management Committee Item XXX, by City of  
Toronto Council on  
Enacted by Council:

**CITY OF TORONTO**

**BY-LAW No. XXX**

**To amend Municipal Code Chapter 415, Development of Land, to delegate certain powers and authority to the Chief Planning Official.**

WHEREAS section 20 (1) of the *City of Toronto Act, 2006*, authorizes the City to delegate its powers and duties under that or any other Act to a person or body.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by removing § 415-18 from Chapter 415 in its entirety and replacing it with the following section:

**“§ 415-18. Authority to execute, amend or release agreements.**

- A. The authority to execute, amend or release the following agreements as required under the *Planning Act* is delegated to the Chief Planner and his or her representatives:
  - (1) agreements securing conditions imposed by either the Committee of Adjustment or the Ontario Municipal Board in respect of a consent to sever;
  - (2) agreements securing conditions imposed by either the Committee of Adjustment or the Ontario Municipal Board in respect of a variance;
  - (3) agreements securing conditions of site plan approval imposed by the Ontario Municipal Board;
  - (4) agreements to secure conditions of approval of a plan of subdivision imposed by the Ontario Municipal Board;
  - (5) agreements under section 37 of the *Planning Act* that secure the provision of public benefits imposed by the Ontario Municipal Board; and
  - (6) subject to § 415-17 agreements to secure conditions of approval of condominium imposed by the Ontario Municipal Board.

B. The Chief Planner's and his or her representatives' authority to execute, amend or release the above noted agreements does not apply in respect of any condition imposed by the Committee of Adjustment or the Ontario Municipal Board that would require the City expenditure of unbudgeted funds."

2. The City of Toronto Municipal Code is amended by adding the following section:

**"§ 415-18.1. Authority to instruct the City Solicitor.**

A. The authority to instruct the City Solicitor on what position to take at an Ontario Municipal Board hearing in respect of the following matters is delegated to the Chief Planner and his or her representatives:

(1) approval of a site plan;

(2) conditions to the approval of a site plan;

(3) approval of a plan of subdivision or plan of condominium; and

(4) conditions to the approval of a plan of subdivision or plan of condominium.

B. Despite Subsections A (1) and (2), Council shall instruct the City Solicitor on what position to take at an Ontario Municipal Board hearing if at any time prior to approval of a site plan application, the Ward Councillor, in writing, requests the Chief Planner to submit an application under section 41 of the *Planning Act* or section 114 of the *City of Toronto Act, 2006*, to the appropriate Community Council and to Council for its approval."

3. Section § 415-19. A. of Chapter 415 of the City of Toronto Municipal Code is amended by adding "or section 114 of the *City of Toronto Act, 2006*," after the words "*Planning Act*".

4. Section § 415-19. C. of Chapter 415 of the City of Toronto Municipal Code is amended by adding "or section 114 of the *City of Toronto Act, 2006*," after the words "*Planning Act*".

5. Section § 415-19. D. of Chapter 415 of the City of Toronto Municipal Code is amended by adding "or section 114 of the *City of Toronto Act, 2006*," after the words "*Planning Act*".

ENACTED AND PASSED this 13th day of February, A.D. 2008.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

