

# Appendix D

## Delegation of Certain Matters to Community Councils

City Manager's Report 2007





## STAFF REPORT ACTION REQUIRED

### Delegation of Additional Matters to Community Councils

<b>Date:</b>	January 29, 2007
<b>To:</b>	City Council
<b>From:</b>	City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### SUMMARY

This report proposes the delegation of additional local routine matters to Community Councils. Subject to the necessary regulations being filed by the Province of Ontario, stop signs, speed changes and restrictions, designation of events of municipal significance for the issuance of a special occasion permit are recommended for delegation to Community Councils.

In addition, the issuance and refusal of permits for demolition of residential properties with less than six dwelling units and citizen appointments to the York Museum Advisory Board are also recommended for delegation. Provincial regulations are not required to delegate these matters as the necessary statutory authority is already in place.

#### RECOMMENDATIONS

The City Manager recommends that:

1. Subject to the necessary regulations being filed by the Province of Ontario, Council delegate the legislative authority to Community Councils for the local routine matters described in Table 1 of this report, by amending Appendix A of Report EX2.5, Delegation of Certain Matters to include these matters;
2. Council delegate the legislative authority to Community Councils for the local routine matters described in Table 2 of this report, by amending Appendix A of Report EX2.5, Delegation of Certain Matters to include these matters; Delegation of Additional Matters to Community Councils;
3. Council retain its legislative authority with respect to powers under the *Ontario Heritage Act R.S.O. 1990* and designation of fire routes as these matters have City-wide implications;

4. Council amend Appendix A of Report EX2.5, Delegation of Certain Matters to Community Councils by deleting the words “through the appropriate standing committee” under the heading “Limitations to Delegation” for “Sidewalks,” and
5. Council grant authority for the introduction of any necessary bills required to give effect to these recommendations.

### **Financial Impact**

There is no financial impact as a result of this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

The Executive Committee submitted recommendations to City Council regarding report EX2.5, Delegation of Certain Matters to Community Councils. The report and appendix are available at the following City of Toronto internet web site:

2007-ex2-5-2

([http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/2007-ex2-5-2\\_585.pdf](http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/2007-ex2-5-2_585.pdf))

2007-ex2-5-1

([http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/2007-ex2-5-1\\_586.pdf](http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/2007-ex2-5-1_586.pdf))

The Executive Committee requested the City Manager report directly to Council for its meeting on February 5, 2007, with recommendations on delegating certain matters that cannot be delegated at this time because they involve powers that are provided for in legislation other than the *City of Toronto Act, 2006* or the *Planning Act*. This report responds to the Executive Committee’s request.

### **ISSUE BACKGROUND**

There are currently a few routine local matters that cannot be delegated because they involve powers that are provided for in legislation other than the *City of Toronto Act, 2006* and the *Planning Act*. These include:

- (i) speed changes, restrictions and reductions;
- (ii) installation of stop signs;
- (iii) designation of fire routes;
- (iv) endorsements of significant events for liquor license purposes; and
- (v) powers under the Ontario Heritage Act.

Delegation of the above-noted matters requires regulations prescribing them as matters eligible for delegation. A formal request has been filed with the Province of Ontario regarding these matters and it is anticipated that the necessary provincial regulations may be filed by the March 27, 2007 Community Council cycle.

**COMMENTS**

**A. Matters Recommended for Delegation to Community Council When Provincial Regulations are Filed**

An evaluation of the above-noted matters has been completed and it is recommended that Appendix A of the report EX2.5 be amended to include delegation to Community Councils of the matters described in Table 1. The delegation of these matters will take effect when the necessary provincial regulations are filed.

<b>Matter</b>	<b>Applicable City Bylaws, Policies or Regulations</b>	<b>Delegation to Community Councils for Final Decision</b>	<b>Limitations to Delegation</b>
<b>Installation of Stop Signs</b>	Relevant by-laws of former municipalities still in force as bylaws have not been harmonized. <sup>1</sup>	Proposals on local, collector and minor arterial roads.	Community Councils may not approve installation of stop signs on major arterial roads.
<b>Speed changes, restrictions and reductions</b>	Relevant by-laws of former municipalities still in force as bylaws have not been harmonized. <sup>2</sup>	Proposals on local, collector and minor arterial roads.  Proposals on major arterial roads compliant with City by-laws and policies.	Proposals on major arterial roads that deviate from City bylaws and policies require Council approval.
<b>Designation of events of municipal significance for the issuance of special occasion permits <sup>3</sup></b>	None	Designation of events of municipal significance for the issuance of special occasion permits.	No limitations.

<sup>1</sup> See clause 4, report 6, New Municipal Code Chapters Related to Traffic and Parking Matters – Consolidation of Existing Related Codes/By-laws approved by City Council at its meeting on July 20, 21, 22, 2004. This report provided authority to amend existing and create new Chapters in the Municipal Code. The by-laws of the former municipalities are still in force however the necessary bills to amend the code chapters are scheduled for submission to Council in spring 2007.

<sup>2</sup> See footnote 1.

<sup>3</sup> Designation of events of municipal significance is required by the Alcohol and Gaming Commission when applying for a special occasion permit under that category.

**B. Delegation of Additional Matters**

Two additional local routine matters have been identified as candidates for delegation to Community Councils that were not included in the initial report.

- (a) **Citizen appointments to York Museum Advisory Board** – The delegation of the appointments to other local museum advisory boards including Gibson House, Montgomery’s Inn, Scarborough Historical Museum and Todmorden Mills Heritage Museum is recommended in the main report. The York Museum Advisory Board was inadvertently omitted and should be added.
- (b) **Issuing or Refusing Permits for Demolition of Residential Properties with Less than 6 Dwelling Units** – If approved, decisions involving demolition with 6 or more dwelling units will remain at City Council. A proposed by-law concerning the demolition and conversion of rental housing under s. 111 of the *City of Toronto Act, 2006* will be brought forward to Council shortly and will deal with rental properties with 6 or more dwelling units. Under both s. 111 and the City’s Official Plan housing policies, the provisions protecting rental housing apply where 6 or more units are involved.

Provincial regulations are not required to delegate these matters as the necessary statutory authority is already in place. It is therefore recommended that Appendix A of the report EX2.5 be amended to include delegation to Community Councils of the matters described in Table 2. The delegation of these matters will take effect for the March 27, 2007 Community Council cycle.

A technical amendment to Appendix A in the main report is also recommended under the heading, “limitations to delegation” for “sidewalks.” The words “through the appropriate standing committee” were inadvertently added and should be deleted to be consistent with the other delegated matters.

<b>Matter</b>	<b>Applicable City Bylaws, Policies, and Regulations</b>	<b>Delegation to Community Councils for Final Decision</b>	<b>Limitations to Delegation</b>
<b>Issuing or Refusing Permits for Demolition of Residential Properties with Less than 6 Dwelling Units</b>	Toronto Municipal Code, Chapter 363, Building Construction and Demolition, Article II, Demolition Control	Appeals made under section 12, subsection B(4) and B(5), subsection C (6), C(7) and C(8). Demolition permits issued under subsection D in cases with fewer than 6 dwelling units.	Properties with a heritage designation or located in a heritage conservation district require Council approval.
<b>Citizen Appointments to the York Museum Advisory Board</b>	Toronto Municipal Code, Chapter 103, Heritage	Citizen Appointments to the York Museum Advisory Board.	No limitations.

## **C. Matters Not Recommended for Delegation to Community Councils**

### **(a) Heritage Matters**

The delegation of powers under the *Ontario Heritage Act, R.S.O. 1990* (the “Heritage Act”) is not recommended for delegation to Community Councils as they have City-wide implications. Powers under the Heritage Act includes the following matters:

- (i) Listing on the City’s Inventory of Heritage Properties;
- (ii) Stating an Intention to Designate;
- (iii) Repeal a Heritage Designation;
- (iv) Designation of a Heritage Conservation Study Area;
- (v) Designation of a Heritage Conservation District;
- (vi) Alterations to a Designated Property;
- (vii) Demolition or Removal of a Building on a Designated Property;
- (viii) Demolition or Removal of a Building on a Property in a Heritage Conservation District;
- (ix) Authority to Enter into a Heritage Easement Agreement; and
- (x) Prescribing Heritage Property Standards.

Designation of heritage properties or districts have City-wide implications as the designation is registered on the title of the property and provides Council with the legal authority to refuse permits for incompatible alterations or inappropriate demolitions.

### **(b) Designation of Fire Routes under Chapter 880, Fire Routes**

The designation of fire routes is not recommended for delegation to Community Councils as fire routes are a key tool used in fire prevention and need to be coordinated at a Citywide level.

The *Fire Protection and Prevention Act, 1997* provides Council with authority to pass by-laws designating private roads as fire routes along which no parking of vehicles is permitted and providing for the removal and impounding of vehicles parked along any fire route at the expense of the owner. Fire Services uses designated fire routes as a key mechanism in regulating fire prevention, including the prevention of spreading fires and the delivery of fire protection services.

Designation of fire routes has City-wide implications as they assist with regulating fire prevention, and reduce the negative impact of fire on human lives, property and the environment. Designation of fire routes needs to be coordinated at a City-wide level to ensure appropriate access for fire vehicles across the entire City.

It is therefore recommended that Council retain its legislative authority with respect to powers under the *Ontario Heritage Act, R.S.O. 1990* and the designation of fire routes as these matters have City-wide implications.

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## SIGNATURE

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City Manager