

# **The Corporation of the City of Kenora**

## **By-law Number 77 - 2016**

### **A By-law for Consent, Subdivision and Condominium Delegation and Approval under the Planning Act, R.S.O., 1990, c.P.13**

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Whereas subsection 51(6) of the *Planning Act, R.S.O. 1990, c. P.13* assigns to the Municipal Council of The Corporation of the City of Kenora certain approval authorities under the said Act; and

Whereas subsection 51.2(1) of the said Act, provides that a Municipal Council may by by-law delegate to an appointed officer identified in the by-law either by name or position occupied, the authority to approve Consents, Plans of Subdivision, including Plans of Condominium; and

Whereas the Municipal Council has deemed it advisable to delegate by by-law certain powers to the Planning Administrator with respect to Consents, Plans of Subdivision and Plans of Condominium;

Now therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

#### **Part 1 DEFINITIONS**

##### **1.1 Definitions**

In this by-law:

##### **City - defined**

“City” shall mean The Corporation of the City of Kenora.

##### **Plan(s) - defined**

“Plan(s)” shall mean plans/sketches associated with consent applications, or plans of subdivision or plans of condominium.

##### **City Planner – defined**

“City Planner” shall mean the person who holds the position of Planner for The Corporation of the City of Kenora.

##### **Planning Assistant – defined**

“Planning Assistant” shall mean the person who holds the position of Planning Assistant for The Corporation of the City of Kenora.

##### **Kenora Planning Advisory Committee - defined**

“Kenora Planning Advisory Committee” shall mean the Committee of Adjustments and Land Division Committee, delegated authority under O Reg 175/97 and 178/87

## **Part 2**

### **DELEGATION OF APPROVAL AUTHORITY**

#### **2.1 Approval Authority – City Planner- General Powers**

Upon the coming into force of this by-law, the City Planner has in lieu of the Council, all powers and rights in respect of the authority delegated by this by-law, and the City Planner shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this by-law and in exercising such authority may affix his signature as required to all documents and Plans arising from or connected with the operation of this by-law.

#### **2.2 Approval Authority – City Planner- General Powers**

In the absence of the City Planner, the Planning Assistant is hereby delegated with the authority to sign the certificate of official, for consent approval, pursuant to the Planning Act, RSO 1990, c.P.1.3.

#### **2.3 Approval Authority – City Planner - Specific Powers**

The Council hereby delegates to the City Planner the authority:

- a) to determine whether or not an Application made in respect of a draft Plan is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required;
- b) to determine whether or not a draft Plan is or is not required to be circulated for comments among administrative units of relevant government authorities and to circulate same pursuant to section 51 of the *Planning Act*;
- c) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*;
- d) to extend time limits for the receipt of comments from the administrative units which received the draft Plan;
- e) to act as Secretary-Treasurer for the Kenora Planning Advisory Committee and to carry out those duties, in accordance with the Planning Act;
- f) to exempt a proposed Plan of Condominium from approval in accordance with section 9 of the *Condominium Act*, S.O. 1998, c.19
- g) to sign a proposed Plan of Condominium and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plans by Kenora Planning Advisory Committee pursuant to paragraph (f) above;
- h) to enter into negotiations/dispute resolution with those parties involved in a referral of a draft Plan or conditions thereof, which has been referred to the Ontario Municipal Board, in an attempt to resolve the issues and avoid an Ontario Municipal Board Hearing, if possible;
- i) to refer the Plan and/or conditions of approval Plan of any draft to the Ontario Municipal Board pursuant to subsection 51(31) of the *Planning Act*;

- j) to represent the consent granting approval authority, by applying a signature to the Certificate of Official (Forms 1,2,3 and 4) O Reg 197/96
- k) to sign a final Plan for the purpose of indicating the final approval of the Kenora Planning Advisory Committee, as the case may be, and the acceptability of the said Plan or Plans for tendering for registration;
- l) to grant extensions of draft approval to a proposed Plan, where the Kenora Planning Advisory Committee concurs with such an extension;
- m) to grant extensions of draft approval to a proposed Plan for not more than six (6) months on an emergency basis without the approval of the Kenora Planning Advisory Committee, in order that a decision may be obtained from the Kenora Planning Advisory Committee, in respect of any requested extension unless the City Planner has been given written notice of an objection to such emergency extension;
- n) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Municipal Board by Order has assigned responsibilities back to the Approval Authority to make a decision under Section 51 (58) of the *Planning Act*;

## **Part 3**

### **DELEGATION OF AUTHORITY**

#### **3.1 Approval Authority – consents, subdivisions and condominiums - annexed lands included**

The approval authority given in Parts 2 and 3 of this by-law as it relates to a consent, Plan of Subdivision and a Plan of Condominium applies to lands in the City as it existed on January 1, 2000.

#### **3.2 Confirmation of Action**

Any approvals given by the City Planner with respect to any of the files processed by the Kenora Planning Advisory Committee from the period from January 1, 2000 until the day on which this by-law takes effect are hereby authorized, ratified and confirmed (O Reg 417/01, 353/02 and 354/02).

## **Part 4**

### **DELEGATION SUBJECT TO MINISTER'S ORDER/PLANNING ACT**

#### **4.1 Delegation of Authority - subject to terms of Minister's Order/Planning Act**

All delegations of authority contained in this by-law are subject to such terms and conditions as have been imposed by the *Planning Act* and by the Minister on the Council by the delegation of the Minister's authority to the Council.

## **Part 5**

### **FORCE AND EFFECT**

**5.1** That this By-law shall take effect and come into force from and after the final passing thereof.

**By-Law Read a First and Second Time this 14<sup>th</sup> day of June, 2016**

**By-Law Read a Third and Final Time this 14<sup>th</sup> day of June, 2016**

**The Corporation of the City of Kenora:-**

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**David S. Canfield, Mayor**

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**Heather Kasprick, City Clerk**