

The Corporation of the City of Kenora

By-law Number 82 - 2025

A By-law for Delegation of Council Authority for approval of Plans of Subdivision and Condominium under the Planning Act, R.S.O., 1990, c.P.13

Whereas subsection 51(7) of the *Planning Act, R.S.O. 1990, c. P.13* (“Act”) and O.Reg. 353/02 deem Council of The Corporation of the City of Kenora as the approval authority for plans of subdivision; and

Whereas subsection 51.2(1) of the Act provides that Council may by by-law delegate its approval authority in this regard to an appointed officer identified in the by-law, either by name or position occupied; and

Whereas Council has deemed it advisable to delegate this authority to the Director of Planning;

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 draft and final plans of subdivision or plans of condominium.

Director of Planning and Building Services– defined

“Director of Planning and Building Services” shall mean the person hired and appointed to that role by Council.

Part 2

Delegation Of Approval Authority

2.1 Approval Authority – Director of Planning- General Powers

Upon the coming into force of this By-law, the Director of Planning and Building Services has all powers and rights in respect of the approval of Plans as required by the Act and the *Condominium Act*, S.O. 1998, c.19 for registration, and the Director of Planning and Building Services shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this by-law, the Act and the *Condominium Act* and in exercising such authority may affix his or her signature as required to all documents and Plans arising from or connected with the operation of this By-law.

2.2 Approval Authority – Director of Planning and Building Services - Specific Powers

Council hereby delegates to the Director of Planning and Building Services 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 to any persons or public interest agencies and to circulate same pursuant to section 51(23) of the Act, while ensuring notice to the required persons and agencies per O.Reg. 544/06;
- c) to determine whether or not a draft Plan is required to be referred to Council for the purpose of holding a public meeting;
- d) to extend time limits for the receipt of comments from the persons or public interest agencies which received the draft Plan, pursuant to s. 51(33) of the Act;
- e) to exempt a proposed Plan from approval in accordance with section 9(7) of the Condominium Act;
- f) to sign a proposed Plan and issue letters of approval with or without conditions pursuant to s.51(25) and (31) of the Act;
- g) to enter into negotiations/dispute resolution with those parties involved in a draft Plan or conditions thereof, which has not or has been referred to the Ontario Land Tribunal, in an attempt to resolve the issues and avoid a Tribunal hearing, pursuant to 51(49.1) of the Act;
- h) to sign a final Plan for the purpose of indicating the final approval of the Plan and the acceptability of the Plan and any related agreements for registration pursuant to s.51(26) of the Act;
- i) to grant extensions of time for draft approval of a Plan;
- j) to resume and finalize consideration of the proposed Plan where a Plan has been appealed to the Ontario Land Tribunal pursuant to section 51 of the Act and the Tribunal has assigned responsibilities back to the Director of Planning and Building Services to make a decision on compliance with the final decision of the Tribunal;

Part 3

Delegation of Authority

3.1 Approval Authority – plans of subdivision and condominium - annexed lands included

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

Part 4

Force and Effect

- 4.1 By-law 77-2016 is hereby repealed.
- 4.2 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 20th day of May, 2025

By-law read a Third and Final Time this 20th day of May, 2025

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

By signing this bylaw on May 20, 2025, Mayor Andrew Poirier will not exercise the power to veto this bylaw.