



**BY-LAW NUMBER 2023 -**

**A By-law of The Corporation of the City of Barrie to provide for the delegation of authority to approve applications for Validation of Title and Certificate of Cancellation in the City of Barrie.**

**WHEREAS** Section 8 of the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act*, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 10 of the *Municipal Act*, 2001, provides that a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** Section 23 of the *Municipal Act*, 2001, provides that a municipality may delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the Act;

**AND WHEREAS** Section 23.4 of the *Municipal Act*, 2001, provides that no delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power;

**AND WHEREAS** pursuant to Section 227 of the *Municipal Act*, 2001, it is the role of officers and employees of the municipality (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions; (b) to undertake research and provide advice to council on the policies and programs of the municipality; (c) to carry out the other duties required under the Act or any other Act and other duties as assigned by the municipality;

**AND WHEREAS** pursuant to Section 53(45) of the *Planning Act*, R.S.O. 1990, c.P.13, an owner of land that was previously conveyed with a consent, or the owner's agent duly authorized in writing, may apply to the council or the Minister, whichever is authorized to give a consent in respect of the land at the time of the application, for the issuance of a certificate of cancellation of such consent. The certificate must provide that subsection 50 (12) does not apply in respect of the land that was the subject of the consent and that subsection 50 (3) or (5), as the case may be, applies to a subsequent conveyance or other transaction involving the land;

**AND WHEREAS** pursuant to Section 45(46) of the *Planning Act*, R.S.O. 1990, c.P.13, a delegation by the Minister under section 4 or by a council or planning board under section 5 of the Minister's authority for the giving of consents under this section shall be deemed to include the authority to issue certificates of cancellation under subsection (45);

**AND WHEREAS** pursuant to Section 57(1) of the *Planning Act*, R.S.O. 1990, c.P.13, a council authorized to give a consent under Section 53 may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of Section 50 or a predecessor of it or of a by-law passed under a predecessor of Section 50 or of an order made under clause 27 (1) (b), as it read on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land;

**AND WHEREAS** pursuant to Section 54(5) of the *Planning Act*, R.S.O. 1990, c.P.13, the council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under Section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment.

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted Motion 23-G-232.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** the Director of Development Services or their designate be delegated the authority to approve applications for Certificates of Cancellation under Section 53(45) of the *Planning Act*;
2. **THAT** the Director of Development Services or their designate be delegated the authority to approve applications for Validation of Title under Section 57 of the *Planning Act*;
3. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

**READ** a first and second time this 8<sup>th</sup> day of November, 2023.

**READ** a third time and finally passed this 8<sup>th</sup> day of November, 2023.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – ALEX NUTTALL**

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**CITY CLERK – WENDY COOKE**