



Bill No. 042

BY-LAW NUMBER 2022-

**A By-law of The Corporation of the City of Barrie to provide
for the delegation of authority to remove a holding symbol
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 Paragraph 5, Subsection 23.3 (1) of the *Municipal Act*, 2001, Sections 9, 10, and 11 do not authorize a municipality to delegate the power to pass a zoning by-law under the *Planning Act* except as provided under Section 39.2 of that Act;

AND WHEREAS pursuant to Section 36, Subsection (1) of the *Planning Act*, 1990, R.S.O. c.P. 13, the council of a local municipality may, in a by-law passed under section 34, by the use of the "H" symbol (or "h") in conjunction with any use designation, specify the use to which the lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

AND WHEREAS pursuant to Section 39.2 of the *Planning Act*, 1990, the council of a local municipality may, by by-law, delegate the authority to pass by-laws under Section 34 that are of a minor nature to a committee of council or an individual who is an officer, employee or agent of the municipality.

AND WHEREAS the Council of The Corporation of the City of Barrie adopted Motion 22-P-016.

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 remove a holding symbol that forms part of any zone within the City of Barrie Zoning By-law 2009-141 and any successor thereto;
2. **THAT** any member of Council, the applicant, or staff may request that an application with a holding symbol be "bumped up" to Council for approval in the event there are unresolved matters and/or conditions of approval;

3. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 16th day of May, 2022.

READ a third time and finally passed this 16th day of May, 2022.

THE CORPORATION OF THE CITY OF BARRIE

DEPUTY MAYOR – BARRY WARD

CITY CLERK – WENDY COOKE