

## By-law Number 19-2020

### of The Regional Municipality of Durham

Being a by-law to provide delegation of authority from Regional Council to the Commissioner of Planning and Economic Development for the administration and decision making with respect to the granting of consents under the *Planning Act* remains timely and effective during the COVID-19 Pandemic;

Whereas the World Health Organization has declared COVID-19 a global pandemic and the Provincial Government of Ontario has declared a State of Emergency in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9;

And Whereas the *Planning Act*, R.S.O. 1990, c. P.13 provides that Regional Council can delegate its powers and duties under the *Planning Act* to a person or body subject to certain restrictions;

And Whereas the *Planning Act* also provides that the Council of an upper-tier municipality may further delegate authority for Land Division Committee applications to an appointed officer;

And Whereas Ontario Regulation 197/96, as amended, provides that a delegate of the Council has the authority to grant a consent;

And Whereas Regional Council has, by By-law No. 20-73, previously delegated the authority to grant consents under the *Planning Act* to the Region's Land Division Committee.

And Whereas Regional Council has deemed it desirable and efficient to delegate certain powers pursuant to the restrictions and provisions of the By-law;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Effective and continuing until expressly repealed by subsequent by-law of Regional Council, that the power to grant consents on applications made for same under the *Planning Act* to the Region's Land Division Committee is hereby granted to the Commissioner of Planning and Economic Development (the "Commissioner") subject to the following restrictions:
  - 1.1 The Commissioner's power to grant consents on applications under the *Planning Act* to the Region's Land Division Committee is limited only to such circumstances where, in the opinion of the Commissioner:
    - (a) the application has received either no comments, only supportive comments and/or only neutral comments;
    - (b) the application complies with the *Planning Act*, including, but not limited to, the requisite notice requirements and period(s) for comment requirements thereunder;
    - (c) the application is consistent with, has regard for, conforms to or complies with, as the case may be, all applicable planning policy, including, but not limited to the Provincial policy and the Regional Official Plan and represents good planning;
    - (d) the local area municipality in which the property that this the subject of the application is situated has indicated, in writing, that it has no objection to the application.
  - 1.2 For greater certainty, the Commissioner's power to grant consents on applications under the *Planning Act* made to the Region's Land Division Committee may not be exercised where, in the opinion of the Commissioner:

- (a) comments opposed to the application have been received from any person, party, public body, agency or municipality which cannot be satisfactorily addressed as a condition to the granting of the consent;
  - (b) any comments or conditions requested or required by any person, party, public body, agency or municipality cannot be included or otherwise addressed by the Commissioner in the exercise of this power; and/or
  - (c) the application does not comply with the *Planning Act*.
- 1.3 The Commissioner may exercise the power to grant consents under the *Planning Act* without convening the Region's Land Division Committee.
- 1.4 Where the Commissioner does not exercise the power to grant consents under the *Planning Act* the Region's Land Division Committee shall continue to deal with the application.
- 1.5 All decisions of the Commissioner under this by-law shall be in writing, with reasons, and notice of such decision shall be issued in accordance with the provisions of the *Planning Act*.
2. Any exercise of delegated authority as contemplated above will be reported to Council on a periodic basis until the conclusion of the period to which this by-law is in effect, and any decision or exercise of delegation under this by-law shall not be subject to retroactive review by Regional Council.
3. To the extent that any delegation in this by-law conflicts with any other delegation in any other by-law, the delegation in this by-law shall prevail during the term that this by-law is in effect.
4. Where the Commissioner is unable to act for any reason, the powers delegated to that official are delegated to their designate.
5. This by-law shall come into force and take effect on the day that it is passed.

This By-law Read and Passed on the 8<sup>th</sup> day of April, 2020.

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J. Henry, Regional Chair and CEO

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R. Walton, Regional Clerk