

By-law Number 12-2023

of The Regional Municipality of Durham

Being a by-law to amend By-law #04-2023 to provide the Commissioner of Works with the authority to designate an official representative for the purposes of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40.

Whereas the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (the “Act”) requires a person to hold a well contractor licence to bore, dig, drill or otherwise make, extend or alter a well including by the installation of equipment connected to a well;

And whereas the Region requires a well contractor licence to undertake well monitoring and other activities related to the water supply system;

And whereas the Wells Regulation, R.R.O. Reg. 903, made under the Act prescribes that the licensee must designate an official representative to apply for, renew and maintain a well contractor licence;

And whereas subsection 23.1 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides for a municipality to delegate its powers and duties under that or any Act to a person or body subject to certain restrictions;

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

1. That the table in Schedule “A” to By-law #04-2023 be amended by adding thereto the following:

#	Delegation of Authority	Delegate	Delegation Process	Document	Reporting Existing/Proposed
3.39	The authority to authorize one or more qualified individuals as an official representative under the <i>Ontario Water Resources Act</i> , or other such statute as may be enacted from time to time to provide for the management of wells, and any regulations made under such a statute in respect of a well contractor licence issued to the Region.	Commissioner of Works	That the qualified individual is a member of staff who has successfully completed an examination and other requirements set by the Ministry of Environment, Conservation and Parks or other such ministry as may be assigned the administration of provincial legislation in respect of wells.	Regional Infrastructure	

This By-law Read and Passed on the 29th day of March, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk