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The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Commissioner of Corporate Services
Report: #2023-A-2
Date: January 17, 2023

Subject:

Amendments to the Delegation of Authority By-law (the "Delegation By-law")

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

- A) That the Amended Delegation By-law, in the form included as Attachment #1, be passed.
 - B) That Regional staff be authorized to execute such documents and carry out such tasks as may be required to give effect to the Delegation By-law as indicated in the form included as Attachment #1.
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Report:

1. Purpose

- 1.1 The purpose of this report is to update the by-law which delegates authority of certain powers of Regional Council to specified senior Regional staff with certain specified restrictions and reporting obligations.

2. Background

- 2.1 Being creatures of statute, the composition, structure, powers and responsibilities of municipalities in Ontario are governed by the Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Municipal Act”). In accordance with the Municipal Act, all powers, rights and responsibilities of a municipality shall be exercised by the municipality’s council and shall be done by way of by-law.
- 2.2 Section 23.1(1) of the Municipal Act provides for a municipality to delegate its powers and duties under that or any other Act to a person or body subject to certain restrictions. One of the restrictions is found in subsection 23.1(2)1 of the Municipal Act which states that a delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipality’s power to revoke the delegation.
- 2.3 The City of Toronto as well as the regional municipalities of York, Peel, Halton, Niagara and Waterloo have all passed delegation or execution of documents by-laws which delegate powers to staff including their CAOs and Commissioners (or equivalents).
- 2.4 As a result of report [#2020-A-14](#) dated July 14, 2020 Council approved and passed the Region’s first comprehensive delegation by-law. That by-law, being By-law Number 29-2020 has been in constant use improving the efficient operation of the Region ever since.
- 2.5 It was always intended that [By-law 29-2020](#) would be updated on a periodic basis and accordingly staff departments were recently consulted by Legal Services for the purposes of understanding what amendments might be made to improve the operation and effectiveness of the by-law.
- 2.6 In response to that consultation, a proposed amendment to the delegations contained in the chart is recommended for approval. The majority of the proposed changes are minor in nature focused either on giving Commissioners the ability to designate sub-delegates, or in providing powers over matters of a purely administrative nature. The two major changes proposed in the amended version of the by-law are:
 - a. Providing authority for the Commissioner of Corporate Services to amend certain Human Resources related policies which historically have gone to council for approval.
 - b. Giving the Regional Clerk the authority to amend and update the record retention policy which historically has gone to Council for approval.
- 2.7 It is further recommended that By-law 29-2020 be repealed in its entirety and replaced with the proposed fresh as amended by-law so that there is one comprehensive by-law which deals with all delegations. Having one stand alone by-law helps improve the efficiency of use and avoids potential confusion.

3. Relationship to Strategic Plan

3.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 5: Service Excellence. Objective: To provide exceptional value to Durham taxpayers through responsive, effective and fiscally sustainable service delivery.
 - 5.1 Optimize resources and partnerships to deliver exceptional quality services and value
 - 5.3 Demonstrate commitment to continuous quality improvement and communicating results

4. Conclusion

4.1 It is recommended that By-law 29-2020 be repealed and replaced with the attached proposed by-law delegating authority of Regional Council to specified senior Regional staff be enacted in the form attached hereto (Attachment #1).

4.2 This report has been reviewed by the Legislative Services Division of Corporate Services Department and by Legal Services.

4.3 For additional information, contact: Arend Wakeford, Senior Solicitor, at 905-721-4210.

5. Attachments

Attachment #1: Draft Amended Delegation By-law

Respectfully submitted,

Original signed by

Barb Goodwin, MPA, CPA/CGA,
B.Comm, CPM, CMMIII
Commissioner of Corporate Services

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number **-2023
of The Regional Municipality of Durham

Being a by-law to provide certain delegations of authority from Regional Council to the Regional Chair and/or senior Regional staff for the administration of the Region.

Whereas Section 23.1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides for a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain restrictions.

Whereas the Council of the Regional Municipality of Durham has deemed it desirable and efficient to delegate certain powers pursuant to the provisions of the *Municipal Act, 2001* and the restrictions and provisions of this By-law, including for financial matters with approved budgets.

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

1. Administration and Interpretation

1.1 The previous version of this by-law, being by-law 29-2020 is hereby repealed and replaced by the provision of this by-law.

1.2 In this By-law:

- (a) “By-law” means this By-law and includes its Schedule “A”;
- (b) “CAO” means the Region’s Chief Administrative Officer;
- (c) “Commissioner of Finance”, means the Region’s Commissioner of Finance or any acting Commissioner of Finance;
- (d) “Commissioner of Works” means the Region’s Commissioner of Works or any acting Commissioner of Works;
- (e) “Commissioner of Planning and Economic Development” means the Region’s Commissioner of Planning and Economic Development or any acting Commissioner of Planning and Economic Development;
- (f) “Commissioner of Corporate Services” means the Region’s Commissioner of Corporate Services or any acting Commissioner of Corporate Services;
- (g) “Commissioner of Social Services” means the Region’s Commissioner of Social Services or any acting Commissioner of Social Services;
- (h) “Council” means the Council of the Regional Municipality of Durham;
- (i) “Department Head” means the positions cited within subsections 1.2(b), (c), (d), (e), (f), (g) and (k) inclusive, of this By-law;

- (j) “Designate” means any individual within the Region appointed from time to time by the CAO or Department Head to act on behalf of the appointing person in respect of the exercise of their delegated authority;
- (k) “General Manager, DRT” means the Region’s General Manager of Durham Region Transit or any acting General Manager, DRT;
- (l) “Legal Services” means legal counsel to the Region;
- (m) “OLT” means the Ontario Land Tribunal under the *Ontario Land Tribunal Act, 2021, S.O. 2021, c. 4*;
- (n) “Region” or “Regional” means the Regional Municipality of Durham;
- (o) “Reviewed by” is a restriction which is met when the party seeking to exercise the delegated authority can demonstrate that the document or documents that are the subject of the delegation have been reviewed by the identified authority and any comments or suggested changes or actions have been reasonably considered. For clarity the approval of the authority reviewing the document is not required for the delegation to be exercised.
- (p) “Recommended by” is a restriction which is met when the party seeking to exercise the delegated authority can demonstrate that action and/or document has the approval or recommendation of the authority recommending the delegation. This approval or recommendation is required for the delegation to be exercised.
- (q) “Risk Management” means the Risk Management Division of the Region’s Finance Department.

2. Delegation

- 2.1 Within each row of each table in Schedule “A” to this By-law, the authority described in the column entitled, “Delegated Authority”, is delegated to the person or persons identified in the column entitled, “Delegate”, subject to any delegation process requirements, if any, in the column entitled, “Delegation Process”.
- 2.2 Within each row of each table in Schedule “A” to this By-law, the delegated authority may be exercised by any such person(s). It is however, a condition of this delegation that the CAO is in effect the head of all Departments and may intervene or exercise any of the authorities delegated in this By-law if in her/his opinion such intervention is prudent and necessary to effectively administer the authority provided.
- 2.3 Within each row of each table in Schedule “A” to this By-law, each person identified in the column entitled, “Delegate”, shall report or communicate in the manner, if any, specified in the column entitled, “Reporting”. The CAO and/or Department Heads may, from time to time, advise Council or its committees of the exercise of delegated authority pursuant to this By-law in such manner and in such circumstances as the CAO or any Department Head considers appropriate.

3. General

- 3.1 For the purpose of subsection 23.2(4) of the *Municipal Act, 2001* it is the opinion of Council that any legislative powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area, and the time period affected by the exercise of each such power.
- 3.2 In the event of any inconsistency between this By-law and any other Regional by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
- 3.3 This By-law is effective on the date of its passing.
- 3.4 The short title of this By-law is the “Delegation By-law”.
- 3.5 That By-law 29-2020 is hereby repealed.

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

Original signed by

J. Henry, Regional Chair and CEO

Original signed by

A. Harras, Regional Clerk

Schedule “A”

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1. General					
1.1	The authority to execute an agreement with the Federal or Provincial government, a municipality, agency, institution, utility or community partner for a Regional undertaking, program delivery and administration.	Department Head for the relevant department.	Approval of the project or program by Regional Council and/or monetary obligation captured in approved budget or in accordance with the Budget Management Policy. Reviewed by Risk Management. Agreement format Recommended by Legal Services.	Funding Agreement	Reporting annually to Council
1.2	The authority to execute an agreement for the exchange or release of information under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> or the <i>Personal Health Information Protection Act, 2004</i> .	Department Head for the relevant department.	Reviewed and Recommended by Legal Services.	Data Sharing	
1.3	The authority to execute confidentiality agreements.	Department Head for the relevant department.	Reviewed by Risk Management and Recommended by Legal Services.	Legal Agreements	
1.4	The authority to execute a licensing agreement for use by any third party of any copyright or trademark owned by the Region.	Department Head for the relevant department.	Reviewed by Risk Management and Recommended by Legal Services.	Legal Agreement	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.5	The authority to deem agreements fulfilled or release conditions within an agreement where Regional conditions have been fulfilled or the agreement is no longer required.	Department Head for the relevant department.	Recommended by Legal Services.	Legal Agreements	
1.6	The authority to issue an acknowledgment of the status or term of agreements to which the Region is a party.	Department Head for the relevant department.	Recommended by Legal Services.	Data Sharing	
1.7	The authority to execute a data license or a data sharing agreement for the provision of data of the Region to others or for the provision of data from others to the Region.	Department Head for the relevant department	Reviewed by Risk Management for specialized coverage. Recommended by Legal Services and the Director of Corporate Services – Information Technology.	Data Sharing	
1.8	The authority to execute a revenue generating agreement or any agreement where the Region is providing a service to others for a charge.	Department Head for the relevant department together with the Commissioner of Finance.	Recommended by Legal Services, and provided that the revenue being generated or charged by the Region does not exceed \$250,000 per annum or prevailing budget management policy limits.	Financial Agreements	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.9	The authority to execute an agreement (or subsequent related agreements required to operationalize the master agreement) with a government agency or a non-profit agency, for consideration, for the supply of a service for an approved program of the Region.	Department Head for the relevant department or their designate.	Approval of the project or program by Regional Council and/or monetary obligation captured in approved budget or in accordance with the budget management policy. Agreement Reviewed by Risk Management for certificate of insurance and Recommended by Legal Services.	Legal Agreements	
1.10	The authority to advise of interest or non-interest in acquiring surplus land notifications circulated to the Region, including authority to request any partial transfers, easements or permissions necessary to maintain current or future Regional infrastructure or comments regarding proposed stop up and closure of local roads.	Commissioner of Works	Reviewed by all Department Heads, and Durham Regional Police Service.	Property	
1.11	The authority to sign the Occupational Health and Safety policy on behalf of the Region.	Regional Chair and the CAO.		Policy	
1.12	The authority to hire and terminate employees, including offers of settlement and terms of severance.	Department Head for the relevant department.	Reviewed by Human Resources and for the purpose of terminations, Recommended by Legal Services.	Human Resources	
1.13	The authority to appoint an Acting Medical Officer of Health to perform the duties and exercise the powers of the Medical Officer of Health in their absence.	Medical Officer of Health		Human Resources	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.14	The authority to issue tickets for minor offences in food premises.	Public Health Inspectors		Enforcement	
1.15	The authority to provide free public transit service from time to time in the event of emergencies.	General Manager, DRT		Financial Agreement	
1.16	The authority to provide public transit services from time to time based on full cost recovery for charter service.	General Manager, DRT		Financial Agreement	
1.17	The authority to seek a sponsorship agreement(s) for New Years' public transit service.	General Manager, DRT	In accordance with prevailing budget management policy.	Financial Agreement	
1.18	The authority to participate in activities and events (by providing free service to such activities and events) consistent with the mandate and interests of Durham Region Transit and public transit.	General Manager, DRT		Policy	
1.19	The authority to appoint an employee as a Sewage System Inspector or to appoint a Chief Building Official for Part 8 of the Ontario Building Code.	Medical Officer of Health or their designate.		Enforcement	
1.20	The authority to negotiate and sign septic system agreements with the area municipalities.	Medical Officer of Health	Recommended by Legal Services.	Legal Agreements	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.21	The appointment of By-law enforcement officers:				
	a) for health enforcement matters	Medical Officer of Health or their designate.		Enforcement	
	b) for waste by-law enforcement matters	Commissioner of Works		Enforcement	
	c) for sewer use by-law enforcement matters	Commissioner of Works		Enforcement	
	d) for backflow prevention by-law enforcement matters	Commissioner of Works		Enforcement	
	e) for source water protection legislation and water supply by-law enforcement matters	Commissioner of Works		Enforcement	
	f) for administrative and enforcement matters under the Regional Woodland Conservation and Management By-law	Commissioner of Planning and Economic Development		Administration and Enforcement	
	g) for road right-of-way enforcement matters	Commissioner of Works		Enforcement	
1.22	The authority to submit annually to the Region a written notice, pursuant to Section 72 (5) of the <i>Health Protection and Promotion Act</i> , based on the annual Council-approved Public Health net expenditures, including occupancy costs	Medical Officer of Health		Service Level Agreement/ Plan	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.23	The authority to implement any procedural and policy change as is necessary to give effect to the implementation and appointment of a municipal ombudsman for the Region	Commissioner of Corporate Services		Policy	
1.24	The authority to issue a permit or an approval under any legislative authority	Department Head for the relevant department.	Reviewed by Risk Management	Permit or approval	
1.25	The authority to appoint an acting Department Head during periods limited to 6 months.	CAO or Department Head of the relevant department.		Human Resources	
1.26	The authority to retain lawyers including external counsel, commence legal proceedings or defend legal proceedings, or take any step in a legal proceeding, including the execution of minutes of settlement or releases in such proceedings excluding Durham Municipal Insurance Pool legal actions and related settlements under various insurance policies	Regional Solicitor	Provided that any funds required for minutes of settlement or release are within the approved council budget and equal to or less than \$250,000	Legal Proceedings	Legal Services will annually report to council on the exercise of this delegation
1.27	The authority to prepare any evidence, material, affidavit and/or appear before the OLT or the Divisional Court on a planning, development or expropriation matter	Regional Solicitor and Regional staff as expert witness.		Legal Proceedings	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.28	The authority to submit comments on any draft policy, legislation or document prepared by, or on behalf of, the federal government, provincial government, conservation authority, municipality, or public agency.	Department Head for the relevant department, or their designate.		Policy	Quarterly reporting (or sooner where practical) to the appropriate standing committee of Council on the exercise of this delegation.
1.29	The authority to settle all claims and execute all agreements as a result of any agreement arising out of an expropriation undertaken by the Region in accordance with the <i>Expropriations Act</i> , R.S.O. 1990, c. E.26.	CAO or Commissioner of Works.	Recommended by Legal Services, and provided that funds are available within the project budget.	Legal Proceedings	
1.30	The authority to attend Ontario Small Claims Court and to settle any action (with the exception of matters under the purview of the DMIP) during any court attendance up to the prevailing limit of that court.	Regional Solicitor or their designate.	Recommended by the relevant Department Head.	Legal Proceeding	Annual report to Council.
1.31	The authority to enter into and execute short term rental agreements for temporary facility use, for Regional purposes (i.e. Tourism, Economic Development events, clinics).	Department Head for the relevant department, or their designate.	The term of the agreement must be less than 14 consecutive calendar days in length, require no renovation or alteration of the space for the use, and have a monetary value equal to or less than \$10,000. Reviewed by Risk Management and Recommended by Legal Services.	Rental Agreement	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
1.32	<p>The authority to update, amend and adopt the following Human Resources related policies:</p> <ul style="list-style-type: none"> Retirement Policy; Harassment, Discrimination and Racism Policy; Recruitment and Selection Policy; Probationary period policy; Leave/absence policies; Vacation policy; Career management policy; Performance management policy; Professional dues policy; Recruitment and selection policy; Learning and development policy; Performance management policy; Succession management policy 	<p>Commissioner of Corporate Services or their delegate.</p>	<p>Recommended by Legal Services and Reviewed by the Commissioner of Finance.</p>	<p>Policy</p>	
1.33	<p>The authority to adopt a policy establishing the classification, management, retention and disposition of corporate records, and to make updates to the policy as required in accordance with section 255 of the <i>Municipal Act, 2001</i>, <i>S.O. 2001, c. 25</i>.</p>	<p>Director of Legislative Services & Regional Clerk</p>	<p>Proposed revisions to records classifications to be reviewed by relevant department staff, Legal Services, and the Regional Auditor prior to approval by the Clerk.</p>	<p>Policy</p>	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2. Finance					
2.1	<p>Authorities as approved in Council adopted Budget Management Policy, including such items as:</p> <ul style="list-style-type: none"> • Define current and capital projects and cost centres • Coordinate and implement financial service level indicators • Ensure necessary funding is available to finance the expenditures within the parameters of Council approvals • Monitor, and where necessary, report on material and non- material leases and update the calculation of the Regional debt and financial obligation limit. 	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.
2.2	The authority to issue a receipt and acknowledge receipt of unanticipated revenue.	Commissioner of Finance		Financial Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2.3	The authority to issue a receipt, release, indemnity, waiver or other document required for the disbursement of a donation or a bequest to the Region.	Commissioner of Finance or their designate.		Financial Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.
2.4	The authority to extend payment terms on outstanding accounts or collect such accounts, including referring accounts for collection by agencies or use of legal proceedings, where it is deemed necessary by the Commissioner.	Commissioner of Finance or their designate.		Financial Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.
2.5	The authority to write off residential water and sewer bills up to \$5,000 (\$2,500 water and \$2,500 sewer) and small business water and sewer bills up to \$7,400 (\$3,700 water \$3,700 sewer).	Commissioner of Finance		Financial Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.
2.6	The authority to approve the cancellation of accounts and monies owed to the Region for amounts up to the prevailing limit for Small Claims Court actions.	Commissioner of Finance		Financial Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2.7	The authority to execute executive minutes of settlement for assessment of Region-owned property under Section 39.1 of the <i>Assessment Act</i> .	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable.
2.8	The authority to retain lawyers including external counsel, commence legal proceedings, or take any step in a legal proceeding, including the execution of minutes of settlement or releases in such proceedings for all insurance matters including Durham Municipal Insurance Pool (DMIP) legal actions and related settlement.	Commissioner of Finance	In accordance with DMIP subscriber's agreement	Legal Proceeding	
2.9	The authority to resolve non-residential sewer use appeal requests if more than 20% of their water use does not enter water pollution control systems.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.10	The authority to enter into base and agency contracts or master agreements, and administer these agreements to ensure continuous supply and access to best pricing for commodities such as natural gas and electricity.	Commissioner of Finance	In accordance with the Region's Commodity Hedging Policy where applicable	Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2.11	The authority to enter into a contract for the services of a fiscal agent, legal services and clearing and depository services to handle the Region's debenture issues.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.12	The authority to accept letters of credit and bonds as security for performance and payments relating to development agreements.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.13	The authority to charge interest on temporary loans to external parties to finance capital projects.	Commissioner of Finance	Rate to be charged in accordance with applicable by-laws as appropriate.	Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.14	The authority to charge interest on interfund loans.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2.15	The authority to retain professional investment management services for the Region's investment portfolio.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.16	The authority to contribute supplementary taxes, general tax surplus, user rate surplus and proceeds from the sale of general tax fixed assets (excluding roads) into the appropriate reserve fund.	Commissioner of Finance		Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.17	The authority to dispose of surplus or obsolete equipment if no Regional use exists, by disposing of it at a value, obtained by whatever means deemed appropriate to achieve the highest return for the Region.	Commissioner of Finance	In accordance with the Purchasing By-law	Financial	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.18	The authority to disqualify a consultant, contractor, or other supplier for a defined period or for an event-based matter.	Commissioner of Finance	In accordance with the purchasing by-law Subject to the application of any predefined Council approved criteria and as Recommended by Legal Services and the relevant Department Head.	Legal Agreements	In accordance with Budget Management Policy and/or Purchasing By-law as applicable

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
2.19	The authority to award a contract to a vendor, consulting engineer or architect through a request for proposal and to prequalify a vendor.	Department Head of the relevant department.	In accordance with limits authorized under the Purchasing By-law. In accordance with Purchasing By-law and other Council approved process.	Legal Agreement	In accordance with Budget Management Policy and/or Purchasing By-law as applicable
2.20	The authority to execute early payment agreements of development charges in accordance with Section 27 of the Development Charges Act where requested by the proponent.	Commissioner of Finance	Recommended by Legal Services.		
2.21	The authority to enter into contracts and agreements procured under the prevailing Purchasing By-Law.	Delegates set out in "Appendix D" of Purchasing By-law or future equivalent.	In accordance with Purchasing By- law or future equivalent.		In accordance with Budget Management Policy and/or Purchasing By-law as applicable
3. Works					
3.1	The authority to temporarily close a Regional road for a social, recreational, community, athletic or cinematographic purpose.	Commissioner of Works or their designate.	Compliance with the Region's Special Events – Regional Roads Policy, including provision of insurance coverage (Reviewed by Risk Management) and security deposit.	Regional Infrastructure	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.2	The authority to execute an agreement for the installation of public art on or in Regional property or infrastructure.	Commissioner of Works or the relevant Department Head.	Consistent with Public Art Policy approved in 2017-COW-285 and Recommended by Legal Services	Property	
3.3	The authority to issue a filming permit or approve filming activities on Regional property or Regional Right of Way	Commissioner of Works or their designate.	In the event of a request for an access agreement, such agreements are to be Reviewed by Risk Management and Recommended by Legal Services. Filming permits do not need to be reviewed.	Property	
3.4	The authority to temporarily close a Regional road for railway crossing improvements or for any safety reason.	Commissioner of Works	Consistent with By-law 26-2018 or successor by-law.	Regional Infrastructure	
3.5	The authority to issue a moving permit or a road occupancy permit under the <i>Highway Traffic Act</i> .	Commissioner of Works or their designate.	Consistent with By-law 26-2018 or successor by-law.	Permit	
3.6	The authority to establish reduced load periods on Regional roads.	Commissioner of Works or their designate.	Consistent with By-law 26-2018 or successor by-law.	Regional Infrastructure	
3.7	The authority to execute an agreement for access to and/or from a Regional road.	Commissioner of Works or their designate.	Consistent with By-law 211-1979 or successor by-law.	Regional Infrastructure	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.8	The authority to request the conveyance of land for a highway widening and/or for a reserve as a condition of development approval.	Commissioner of Works or their designate.	Commissioner of Finance to record in asset management system even if transaction is non-monetary and consistent with <i>Planning Act</i> , subsections 41(7)(a)(1), 41(8)(a)(1) and 41(9).	Property	
3.9	The authority to execute an agreement respecting utilities or telecommunications required to service a Regional property or facility.	Commissioner of Works	For any agreement outside of the online application, such additional agreement is to be Reviewed by Commissioner of Finance for billing arrangements and Recommended by Legal Services.	Property	
3.10	The authority to execute agreement with the applicable authority to permit Regional infrastructure to cross a railway, provincial highway, pipeline, hydro-electric power corridor, watercourse, communication, transmission line or any other infrastructure as may be required.	Commissioner of Works	Reviewed by Risk Management and Recommended by Legal Services.	Regional Infrastructure	
3.11	The authority to execute an agreement to permit the Region to have access to, or to encroach on, land owned by others for Regional purposes.	Commissioner of Works or their designate.	Reviewed by Risk Management and Recommended by Legal Services.	Property	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.12	The authority to execute an agreement to permit access to, or an encroachment on, Regional lands including rights-of-way, water and sanitary sewerage easements and facilities by third parties and to release those agreements as required.	Commissioner of Works or their designate.	Reviewed by Risk Management and Recommended by Legal Services.	Property	
3.13	The authority to execute any document required in connection with the transfer or assumption of Regional lands, infrastructure and facilities.	Commissioner of Works	Reviewed by Commissioner of Finance for recording of asset changes and Recommended by Legal Services.	Regional Infrastructure	
3.14	The authority to submit applications with respect to any Regional undertaking:				
	a) for any and all permits, agreements and/or approvals	Commissioner of Works	Approvals for undertakings for Planning related development approval matters to be Reviewed by the Commissioner of Planning and Economic Development.	Regional Infrastructure	
	b) for any and all licences	Commissioner of Works	Reviewed by Risk Management for appropriate insurance and indemnification terms and Recommended by Legal Services.	Regional Infrastructure	
3.15	The authority to execute any development agreements with an area municipality with respect to the construction of a Regional undertaking.	Commissioner of Works	Recommended by Legal Services.	Regional Infrastructure	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.16	The authority to execute an agreement relating to the installation of communications antennae on Regional property or facilities including the waiving or reduction of fees.	Commissioner of Works	In accordance with any relevant internal policy respecting telecommunication. The waiving of fees shall be Recommended by the Commissioner of Finance.	Property	
3.17	The authority to execute documents permitted or required under the Sewer Use By-law in force from time to time including surcharge agreements.	Commissioner of Works	Reviewed by Commissioner of Finance for surcharge billing terms, Risk Management and Recommended by Legal Services. Also, consistent with By-law 55-2013 or successor by-law.	Legal Agreements	
3.18	The authority to execute an agreement relating to the supply of a Regional water, sanitary sewer or storm sewer service within the Regional area, including an operation and maintenance agreement with a local area municipality.	Commissioner of Works	Recommended by Legal Services and Reviewed by Risk Management.	Legal Agreements	
3.19	The authority to execute an agreement, including a cost sharing agreement with an area municipality, other government agency, railway or public utility regarding road construction and/or road maintenance pursuant to a project or program approved by Council.	Commissioner of Works	Approval of the project or program by Council and/or monetary obligation captured in approved budget. Reviewed by Risk Management and Recommended by Legal Services.	Funding Agreement	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.20	The authority to execute an agreement or agreements with a developer or developers regarding road improvements to Regional roads, where the improvements are required for new development.	Commissioner of Works	Recommended by Legal Services.	Development Agreement	
3.21	The authority to direct the preparation of appraisal reports for the acquisition or disposition of land by either internal or external resources as required and deemed appropriate.	Commissioner of Works or their designate.	All appraisals to be completed by appraisers who hold the Accredited Appraiser Canadian Institute (AACI) or Certified Residential Appraiser (CRA) designations in good standing with the Appraisal Institute of Canada.	Property	
3.22	The authority to execute an agreement of purchase and sale and any deed, transfer or other document required for the acquisition, purchase, sale or exchange of any interest in land including, without limitation, an easement, a right of first refusal, an option agreement and a re-purchase agreement.	Commissioner of Works	The acquisition of land or land interests are included as part of a project or program approved by Council, and/or the monetary obligation captured in approved budget. Reviewed and Recommended by Legal Services with the recording of any asset changes and financing confirmed by the Commissioner of Finance.	Property	
3.23	The authority to grant an extension of time for making a connection to the Regional sanitary or storm systems or the water supply system.	Commissioner of Works or their designate.		Development Agreements	

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.24	The authority to approve a request for a connection to a sanitary sewer or watermain outside of the urban area.	Commissioner of Works	Subject to the policies of the Greenbelt Plan and the Region's Connection Policy. Reviewed by the Commissioner of Planning and Economic Development.	Development Agreements	
3.25	The authority to permit a non-standard connection to the Region's sanitary sewer or watermain infrastructure under special circumstances.	Commissioner of Works	Consistent with W-SER-2.	Development Agreements	
3.26	The authority to regulate traffic and parking on highways and property under the Region's jurisdiction.	Commissioner of Works or their designate.		Regional Infrastructure	
3.27	The authority to execute subdivision and servicing agreements including cost sharing in keeping with the approved Region Share Policy.	Commissioner of Works or their designate.	Recommended by Legal Services and the Commissioner of Finance where cost sharing is included.	Regional Infrastructure	
3.28	The authority to arrange for, and permit the planting of, trees on Regional property, including Regional rights of way and easements for underground infrastructure.	Commissioner of Works		Property	
3.29	The authority to execute lease renewal/extension agreements negotiated by the Real Estate Division on behalf of the Region, Durham Region Police Service and Durham Region Transit.	Commissioner of Works	Subject to the limitations in Budget Management Policy and Recommended by Legal Services.	Property	Annually as part of the business planning cycle.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.30	The authority to execute lease agreements negotiated by the Real Estate Division for the use of property/buildings owned by the Region excluding DRLHC.	Commissioner of Works	Subject to limitations in Budget Management Policy and Reviewed by Risk Management and Recommended by Legal Services.	Property	
3.31	The authority to enter into agreements with volunteer citizen groups for "Adopt-A-Road" litter removal programs.	Commissioner of Works	Reviewed by Risk Management and Recommended by Legal Services.	Property	
3.32	The authority to enter into agreements for restricted access to Regional property for the purposes of bird observation.	Commissioner of Works or their designate.		Permit	
3.33	The authority to advise the area municipality accordingly when the Region has an objection or has no objection to the stopping up of a highway by an area municipality.	Commissioner of Works or their designate.	Reviewed and Recommended by the Commissioner of Planning and Economic Development.	Regional Infrastructure	Where the Region objects to the stopping up of a highway, the matter will be reported to Council in an information report on the weekly Council Information Package with the rationale for the objection.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.34	The authority to designate a highway or a portion of a highway under the municipality's jurisdiction a construction zone and require that it be marked with signs in accordance with regulations; and set a lower rate of speed for motor vehicle driven in the designated construction zone.	Commissioner of Works or their designate.	Consistent with By-Law 34-2006, or successor by-law.	Regional Infrastructure	
3.35	The authority to negotiate and execute an agreement requiring the payment of frontage and/or connection charges, at rates approved by resolution of Council, upon requests from residents requesting permission to connect to existing Regional sanitary sewer, storm sewer and/or water systems.	Commissioner of Works	Reviewed by Commissioner of Finance and Recommended by Legal Services.	Development Agreement	
3.36	The authority to amend By-law #44-2006 or any successor by-law which regulates traffic and parking on roads under the jurisdiction of the Regional Municipality of Durham including speed limits, turn restrictions, parking restrictions, community safety zones or lane designations, and other traffic control measures.	Commissioner of Works		Regional Infrastructure	Annual reporting on any exercise of this delegated authority.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
3.37	The authority to amend any by-law to limit the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the Regional Road System.	Commissioner of Works	Pursuant to Ontario Regulation 103/97 of the Highway Traffic Act, any load limit by-law recommendation must be signed and sealed by two professional engineers.	Regional Infrastructure	Annual reporting on any exercise of this delegated authority.
4. Planning and Economic Development					
4.1	The authority to execute any agreement imposed or required in the satisfaction of any condition of approval under the <i>Planning Act</i> and/or the <i>Condominium Act</i> , in connection with the development of land including, without limitation, a plan of subdivision, a plan of condominium, a site plan, a zoning by-law and a Holding (H) by-law where the Region is not the applicant.	Commissioner of Planning and Economic Development	Reviewed by the Commissioner of Finance and Recommended by the Commissioner of Works or their designate and Legal Services.	Development Agreement	Existing
4.2	The authority to prepare and file an application, submission, declaration, representation and execute any agreement imposed or required in the satisfaction of any condition of approval under the <i>Planning Act</i> or the <i>Building Code Act, 1992</i> in connection with the development or redevelopment of Regional property or building, where the Region is the applicant, provided the project has been approved by Council.	Commissioner of Planning and Economic Development	Recommended by Legal Services and the Commissioner of Works	Regional Infrastructure	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
4.3	The authority to issue a release or an acknowledgment of compliance pursuant to any agreement executed under the <i>Planning Act</i> or the <i>Condominium Act</i> .	Commissioner of Planning and Economic Development or their designate.	Recommended by Legal Services	Development Agreement	Existing
4.4	The authority to issue draft and final approval of any plan of subdivision under the <i>Planning Act</i> , or any draft plan of condominium under the <i>Condominium Act</i> within the Townships of Brock, Scugog and Uxbridge.	Commissioner of Planning and Economic Development or their designate.		Development Agreement	Annual reporting on any exercise of this delegated authority.
4.5	The authority to issue Regional comments and draft conditions of draft approval, and issue Regional clearance of conditions of draft approval with respect to an application for draft plan of subdivision under the <i>Planning Act</i> or draft plan of condominium under the <i>Condominium Act</i> within the Cities of Oshawa and Pickering, the Towns of Ajax and Whitby and the Municipality of Clarington.	Commissioner of Planning and Economic Development or Designate or their designate.	Reviewed by Commissioner of Works or their designate.	Planning	Existing
4.6	The authority to schedule, give notice of, and conduct a statutory public meeting under the Planning Act concerning an application for an amendment to the Durham Regional Official Plan in order to comply with the statutory timeframes under the Planning Act where a meeting before the Planning and Economic Development Committee or Council is not possible within the required timeframe.	Commissioner of Planning and Economic Development or their designate.		Planning	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
4.7	The authority to initiate a Notice of Appeal through the Director of Legal Services to the OLT: of a decision of an area municipal Committee of Adjustment, of a decision of the Land Division Committee, of a zoning by-law passed by an area municipality under section 34 of the <i>Planning Act</i> , or of an exempt local official plan amendment under the <i>Planning Act</i> adopted by a local council that is not consistent with the draft amendment upon which the exemption decision was based.	Commissioner of Planning and Economic Development	Recommended by Legal Services.	Legal Proceedings	As required
4.8	The authority to select and assign street names on Regional roads.	Commissioner of Planning and Economic Development or their designate.		Planning	Annual reporting on any exercise of this delegated authority
4.9	The authority to issue a permit, or to undertake any action under the authority of the Region's Woodland Conservation and Management by-law.	Commissioner of Planning and Economic Development or their designate.		Permit	Existing
4.10	The authority to undertake provincial plan review responsibilities in the review of applications filed under the <i>Planning Act</i> or the <i>Condominium Act</i> .	Commissioner of Planning and Economic Development or their designate.		Planning	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
4.11	The authority to deem an application filed under the <i>Planning Act</i> as complete.	Commissioner of Planning and Economic Development or their designate.		Planning	Existing
4.12	The authority to advise an area municipality in respect to a proposed area municipal official plan amendment filed under the <i>Planning Act</i> , whether the proposed amendment is exempt from Regional approval.	Commissioner of Planning and Economic Development or their designate.		Planning	Existing
4.13	The authority to refuse to accept or consider a locally adopted official plan amendment adopted under the <i>Planning Act</i> without a complete record.	Commissioner of Planning and Economic Development or their designate.		Planning	Existing
4.14	The authority to approve, approve with modifications, or partially approve an area municipal official plan or amendment adopted under the <i>Planning Act</i> where such modifications or deferrals have been agreed to by the council of the area municipality.	Commissioner of Planning and Economic Development		Planning	Annual reporting on any exercise of this delegated authority.
4.15	The authority to execute a non-financial agreement required as a condition of a decision of Land Division Committee.	Commissioner of Planning and Economic Development	Commissioner of Finance to be advised of any financial transactions or implications.	Planning	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
4.16	The authority to approve an application for consent which, in the opinion of the Commissioner, is routine or non-controversial.	Commissioner of Planning and Economic Development		Planning	Monthly reporting on any exercise of this delegated authority.
4.17	The authority to approve a part lot control exemption by-law within the Townships of Brock, Scugog and Uxbridge.	Commissioner of Planning and Economic Development		Planning	Annual reporting on any exercise of this delegated authority.
4.18	The authority to refund all or part of a planning application fee to facilitate the withdrawal of a Regional planning application where planning merits cannot be adequately justified, or to correct an error in the original fee calculation.	Commissioner of Planning and Economic Development		Planning	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
4.19	The authority to take all steps necessary to pass a by-law as provided in s.4 of the Retail Business Holidays Act (RBHA), including the passing of the by-law to permit a business to operate during holidays as described in the RBHA.	Commissioner of Planning and Economic Development	<p>The delegation shall only be exercised if, in the opinion of the Commissioner of Planning and Economic Development, the request for an exemption under s.4 of the RBHA is of a minor nature. Without limiting the generality of the foregoing, the request shall be considered minor in nature if it is:</p> <ul style="list-style-type: none"> - Not located within a shopping centre; - Not located within a downtown of either Pickering, Ajax, Whitby, Oshawa, Courtice or Bowmanville; - Is Independently owned and operated; - Generally smaller than 200 sq. m. 	By-law	A report to council will be made within 6 months of the exercise of this delegation.

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
5. Social Services					
5.1	The authority to execute a license agreement and license agreement renewal for child care centres operated on behalf of the Region.	Commissioner of Social Services or their designate.		Contract	Existing
5.2	The authority to execute child care subsidy service contracts with: (i) licensed day nurseries (institutions); and (ii) private home day care facilities (individuals); pursuant to the <i>Child Care and Early Years Act</i>	Commissioner of Social Services or their designate.		Contract	Existing
5.3	The authority to execute agreements relating to the admission of persons to long-term care homes or supportive housing operated by the Region, including both permanent and temporary admissions (respite).	Commissioner of Social Services or their designate.		Contract	Existing
5.4	The authority to execute lease agreements for housing units owned or leased by the Region.	Commissioner of Social Services or their designate.		Contract	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
5.5	The authority to execute agreements between the Region acting as delivery agent under the <i>Ontario Works Act, 1997</i> , and a person who has a legal obligation to provide financial support to a recipient of Ontario Works, regarding the recovery of income assistance paid for the benefit of the Ontario Works recipient from that person.	Commissioner of Social Services or their designate.		Financial	Existing
5.6	The authority to issue directions and assignments (including assignments of support orders, assignments of insurance proceeds and assignments of other benefits and sources of income) in favour of the Region acting as delivery agent under the <i>Ontario Works Act, 1997</i> , and agreements to reimburse the Region acting as delivery agent under the <i>Ontario Works Act, 1997</i> .	Commissioner of Social Services or their designate.		Financial	Existing
5.7	The authority to issue receipts, releases, minutes of settlement, consents and other documents required for the settlement or compromise of any claim, action, application or other proceeding brought or made by or against the Region, acting as delivery agent under the <i>Ontario Works Act, 1997</i> , in relation to support for a recipient of Ontario Works and/or support arrears owed to the Region as support assignee.	Commissioner of Social Services or their designate.	Recommended by Legal Services.	Legal Proceedings	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
5.8	The authority to adjust individual target plans for rent geared to income units and market units as allowable under the <i>Housing Services Act, 2011</i> in order to achieve the legislated Regional rent geared to income service level standard and to ensure that this service level is not exceeded without prior approval from Council.	Commissioner of Social Services or their designate.	In compliance with Budget Management Policy.		
5.9	The authority to institute proceedings, in the interests of the Region, in Provincial Court (Family Division), for the purpose of securing or pursuing support orders where the lack of such orders has caused or obligated the Region to expend public monies in the form of social assistance to one or more persons involved.	Commissioner of Social Services or their designate.	Recommended by Legal Services	Legal Proceedings	Existing
5.10	The authority to lay such information and charges in civil court as are necessary, from time to time, to recover overpayments or payments of social assistance benefits, issued to applicants as a consequence of apparent fraud, misrepresentation or the withholding of pertinent information.	Commissioner of Social Services or their designate.	Recommended by Legal Services.	Legal Proceedings	Existing

NO.	Delegation of Authority	Delegate	Delegation Process	Document Type	Reporting Existing/Proposed
5.11	The authority to sign as co-applicants on behalf of the Region to institute proceedings in Provincial Court, (Family Division), for the purpose of securing or pursuing support orders when the lack of such orders has or may obligate the Region to issue public assistance to one or more of the persons involved.	Family Court Workers	Recommended by Legal Services.	Legal Proceedings	Existing
5.12	The authority to approve and execute acceptable rent supplement agreements.	Commissioner of Social Services or their designate.	In compliance with Budget Management Policy and Recommended by Legal Services.	Legal Agreements	
5.13	The authority to submit, to any government or relevant agent of the crown and program plan or activity report, of any kind, as may be required by legislation.	Commissioner of Social Services or their designate or Commissioner of Finance as required by legislative authority.			Existing
5.14	The authority to approve and execute acceptable Service Agreements under Part VII.1 of the Housing Services Act.	Commissioner of Social Services or their designate.	Recommended by Legal Services.	Legal Agreement	