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# The Regional Municipality of Durham Report

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To: Works Committee  
From: Commissioner of Works  
Report: #2025-W-3  
Date: January 8, 2025

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## **Subject:**

Declaration of Significant Weather Events and the Delegation of Authority to the Commissioner of Works

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## **Recommendations:**

That the Works Committee recommends to Regional Council:

- A) That Regional Council delegate authority to the Commissioner of Works or their designate to declare the beginning and end of a Significant Weather Event and issue the prescribed notifications to the public for purposes of O.Reg. 239/02: Minimum Maintenance Standards for Municipal Highways under the *Municipal Act, 2001*, S.O. 2001, c. 25; and
  - B) That a By-law to amend the Delegation of Authority By-law (By-law #04-2023), generally in the form included as Attachment #1 to this Report, to reflect the addition of the delegation of authority as provided in Recommendation A), be approved.
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## **Report:**

### **1. Purpose**

- 1.1 The purpose of this report is to recommend amendments to the by-law that delegates authority of certain powers to specified senior Regional staff with certain specific restrictions and reporting obligations.

- 1.2 This report recommends amendments to Schedule A of By-law #04-2023 (the Delegation of Authority By-law) to grant the Commissioner of Works and their designate the authority to make a declaration of the beginning and end of a Significant Weather Event and issue the prescribed notifications to the public for the purposes of O. Reg. 239/02: Minimum Maintenance Standards for Municipal Highways under the *Municipal Act, 2001*, S.O. 2001, c. 25.

## **2. Background**

- 2.1 The Municipal Act, 2001, governs the composition, structure, powers, and responsibilities of municipalities in Ontario 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.
- 2.3 O.Reg. 239/02 Minimum Maintenance Standards for Municipal Highways under the *Municipal Act, 2001*, S.O. 2001, c. 25 allows municipalities to declare Significant Weather Events, that is, a weather hazard determined by Environment Canada through its Public Weather Alerting Program with potential to pose a significant danger to users of the Region’s right of ways, including significant snow or ice accumulation. When a municipality declare a Significant Weather Event, roadways, bicycle lanes, and sidewalks for which the municipality has maintenance obligations are determined to be in a state of repair during the event. With the declaration of a Significant Weather Event, standard timelines to meet maintenance obligations are suspended until the end of the event.
- 2.4 The Commissioner of Works or their designate will consider the issuance of an Environment Canada Public Weather Alert that could impose considerable damage to a Regional Right of Way and local weather forecasts before declaring the start of a Significant Weather Event.
- 2.5 When declaring a Significant Weather Event, the municipality must provide notice to the public through its website or social media platforms, by sending a press release or similar communication, through the municipality’s police service or by any other notification method required by a by-law of the municipality.

**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. Optimizing winter maintenance resources and driving organizational success through innovative and modernized services, supporting Goal 5 (Service Excellence).

**4. Conclusion**

- 4.1 It is recommended that By-law #04-2023 be amended to provide the Commissioner of Works and their designate with the authority to declare the start and end of a Significant Weather Event.
- 4.2 This report has been reviewed by the Legislative Services Division – Corporate Services Department and Legal Services – Office of the CAO.
- 4.3 For additional information, please contact David Stewart, Project Manager, at 905-668-7711, extension 6543.

**5. Attachments**

- 5.1 Attachment #1: Proposed Amending By-law

Respectfully submitted,

**Original signed by:**

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Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE  
Commissioner of Works

Recommended for Presentation to Committee

**Original signed by:**

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Elaine Baxter-Trahair  
Chief Administrative Officer

**By-law Number xxxx-xx  
of the Regional Municipality of Durham**

Being a by-law to amend By-law #04-2023 to provide the Commissioner of Works and their designate with the authority to declare the beginning and end of Significant Weather Events, for the purposes of O.Reg. 239/02: *Minimum Maintenance Standards for Municipal Highways* under the *Municipal Act, 2001*, S.O. 2001, c. 25.

Whereas when a Significant Weather Event is declared, roadways, bicycle lanes, and sidewalks with respect to which the municipality has maintenance obligations are declared to be in a state of repair during the event.

Whereas the municipality must provide notification to the public when declaring the beginning or end of a Significant Weather Event using the municipality’s website or social media platforms, by sending a press release or similar communication, through the municipality’s police service, or by any other notification method required by a by-law of the municipality.

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, 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.

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 under Category 3. Works by adding thereto the following Section identified as Section 3.40.

#	Delegation of Authority	Delegate	Delegation Process	Document	Reporting Existing/ Proposed
3.40	The authority to declare the beginning and end of a Significant Weather Event and issue the prescribed notifications to the public pursuant to O. Reg. 239/02 under the <i>Municipal Act, 2001</i> .	Commissioner of Works or their Designate		Regional Infrastructure	

This By-law Read and Passed on the 29th day of January, 2025.

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J. Henry, Regional Chair and CEO

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A. Harras, Regional Clerk