



Report to: Development Services Committee

Meeting Date: September 9, 2019

SUBJECT: Delegated Authority for Signing Conservation Authority, Provincial and Federal Permit Applications for Engineering Capital Projects

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REVIEWED BY: Alain Cachola, P. Eng., Senior Manager, Infrastructure and Capital Projects, Engineering Department, ext. 2711

RECOMMENDATION:

1. That the report titled “Delegated Authority for Signing Conservation Authority, Provincial and Federal Permit Applications for Engineering Capital Projects” be received; and,
2. That Council authorize the Director of Engineering to execute application forms and other documents required to obtain permits from various government agencies and levels of government for City capital projects; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to obtain delegated authority for the Director of Engineering to make permit applications and to sign application forms and other documents required for capital projects undertaken by the Engineering Department, and where the proponent is The Corporation of the City of Markham (the “**City**”).

BACKGROUND:

Council authorizes the Engineering Department to design and construct engineering infrastructure to support the growth of the City. As a part of the project delivery, the City must comply with federal and provincial legislation and policies. This includes filing applications for relevant permits from various government agencies and levels of government.

OPTIONS/ DISCUSSION:

Certain City capital projects may be located in areas where permits and/or review and inspection are required by government agencies having jurisdiction, including but not limited to the following:

- Toronto and Region Conservation Authority (TRCA)
- Ontario Ministry of the Environment, Conservation and Parks (MECP)

- Ontario Ministry of Natural Resources and Forestry (MNR)
- Federal Fisheries and Oceans Canada (DFO)

As these projects are initiated by the City, the City is the “proponent” of these projects. In order to obtain permits from these agencies, the City has to make applications and sign certain standard application forms and documents. These application forms set out certain project information and often contain indemnities to protect the agencies against claims relating to the project. In addition, the application also requires the proponent to comply with relevant pieces of legislation and comply with the terms and conditions set out in the application form. There are consequences for failing to comply with the terms and conditions that are typically set out in the application form.

Staff recommend that the Director of Engineering be delegated the authority to sign the above described application forms and related documents on behalf of the City.

For clarity, the proposed delegated authority to the Director of Engineering does not extend to executing permits or agreements to enter real property which is already dealt with in By-Law 2013-113, A By-Law to Delegate Authority to Conduct Certain Real Property Transactions.

FINANCIAL CONSIDERATIONS

There are no financial impacts of adopting the recommendations of this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Adopting the recommendations of this report will streamline the process of implementing capital projects and is consistent with the Strategic Priorities of “Exceptional Services by Exceptional People” and “Safe & Sustainable Community”.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Department has been consulted and concurs with the recommendations.

RECOMMENDED BY:

Brian Lee, P.Eng.
Director of Engineering

Arvin Prasad, MCIP, RPP
Commissioner, Development Services