



Report to: Council

Meeting Date: February 25, 2025

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**SUBJECT:** Update to Delegation of Approval Authority By-law  
**PREPARED BY:** Joshua Silver, Assistant City Solicitor (Ext 2056)

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**RECOMMENDATION:**

- 1) THAT the report titled “Update to Delegation of Approval Authority By-law”, dated February 25, 2025, be received; and,
- 2) THAT the Amendment to By-law 2023-19, being a By-law to provide for the Delegation of Approval Authority pursuant to the Planning Act and Condominium Act, as amended, be approved by Council, and that the draft By-law Amendment attached hereto as Appendix ‘A’, be finalized and brought forward to be enacted without further notice; and further
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

Staff have been undertaking a best practice review of Development Approvals processes. Bill 109, passed by the province in 2022, amended the Planning Act to require that municipal authorities delegate site plan approval authority to an officer, employee or agent. However, Staff currently have no delegated authority to revoke such approval if it is in the City’s best interest to do so. As a result, Staff propose recommended changes to the Delegation of Approval Authority By-law 2023-19.

**BACKGROUND:**

**Site Plan Control By-law 262-94**

Site Plan Control By-law 262-94 prescribes the type and location of development that is subject to a site plan control application under Section 41 of the Planning Act.

**Delegation of Development Approval Authority By-Law 2002-202**

Under this By-law, Council has delegated certain limited authorities to the Director of Planning and Urban Design, including to approve plans and drawings in respect of development.

**Bill 109, More Homes for Everyone Act and Amendment to the Delegation of Development Approval Authority By-Laws 2023-19 and 2023-39**

Bill 109 amended the Planning Act to require municipal authorities to delegate site plan approval authority for all Site Plan applications under the Planning Act. In response to Bill

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109, the City passed By-laws 2023-19 and 2023-39 which delegates approval authority for all applications for Site Plan (and Subdivisions applications) to the Director of Planning and Urban Design.

### **OPTIONS/ DISCUSSION:**

Currently, the City's Site Plan Control By-law and Delegation of Approval Authority By-law are silent on the issue of revocation of approval. Similarly, the Planning Act does not specifically address the subject. In the absence of delegated authority, the power to revoke an approval resides with Council.

Staff have conducted a review of other municipal approval authorities, and have identified the following scenarios where, after Site Plan approval has been issued, it is recommended to delegate to Staff the authority to revoke such approval:

- (a) The applicant for the approval has requested in writing that it be revoked; or
- (b) The approval has been granted on mistaken or false or incorrect information; or
- (c) The approval has been granted in error; or
- (d) Two (2) years after the approval has been granted, if the development has not been substantially commenced in the opinion of the Director of Planning and Urban Design or delegate, acting reasonably, unless otherwise specified in the associated site plan agreement; or
- (e) There is justification, in the reasonable opinion of the Director of Planning and Urban Design or delegate.

Where any of the above circumstances arise, it is in the City's interest to revoke approval. The City cannot compel a developer to commence construction, and to refuse revocation of approval, where requested or otherwise reasonable, will encumber City resources and potentially servicing allocation, preventing other development from proceeding.

It is recommended that this authority be delegated to Staff. By expressly delegating this authority and enacting the proposed amendments to the Delegation of Approval Authority By-law, this would remove a barrier and allow the City to provide appropriate development and deliver efficient service for residents and stakeholders.

### **FINANCIAL CONSIDERATIONS**

There are no direct financial costs associated with amending the By-law.

### **HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

This Project aligns with the City's strategic priority of Exceptional Services by

Exceptional People by streamlining the development process and reducing barriers to development.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Brad Roberts, Manager of Zoning and Special Projects;  
John Yeh, Manager Strategy and Innovation; Acting Manager, Policy & Research, Zoning & Special Projects

**RECOMMENDED BY:**

Claudia Storto  
City Solicitor & Director of People Services

Arvin Prasad, MCIP, RPP  
Commissioner, Development  
Services

Giulio Cescato, MCIP, RPP  
Director, Planning and Urban Design

**ATTACHMENTS:**

By-law 2025-XXX to Amend By-law 2023-19