WHEREAS Ontario Regulation 516/89, Order Made Under the Planning Act, 1983 assigns the Council of the Corporation of the City of Peterborough all authority of the Minister of Municipal Affairs with respect to the approval of Plans of Subdivision and Plans of Condominium pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS subsection 51.2(1) of the Planning Act, R.S.O. 1990, as amended provides that a Municipal Council may by by-law delegate to an appointed officer identified in the by-law either by name or position occupied, all or part of Council's authority under Section 51 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS the Council of the Corporation of the City of Peterborough has deemed it advisable to delegate by by-law certain powers to an appointed officer of the City identified by position occupied;

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That for the purpose of this By-law, “Commissioner” shall mean the Commissioner of Infrastructure and Planning Services for the City of Peterborough or his/her designate as appointed by the Commissioner of Infrastructure and Planning Services or the Chief Administrative Officer.

2. All authority of Council under Section 51 of the Planning Act, R.S.O. 1990, as amended ("Act"), as assigned by the Minister of Municipal Affairs, is hereby delegated to the Commissioner save and except for:

   (a) the authority to enter into agreements pursuant to subsection 51(26) of the Act;

   (b) the authority to grant or refuse to grant approval pursuant to subsection 51(31) of the Act;

   (c) the authority to impose a lapse of approval provision pursuant to subsection 51(32) of the Act;

   (d) the authority to withdraw approval or make significant changes to conditions of approval as determined by the Commissioner pursuant to subsection 51(44) of the Act; and

   (e) the authority to withdraw final approval pursuant to subsection 51(59) of the Act.

3. Further to Section 2 of this By-law, the Commissioner is hereby delegated the authority to approve applications submitted pursuant to subsection 50(7) of the Act to designate lands not subject to part lot control where the lands are within a plan of subdivision that has received Final Approval from the City of Peterborough provided the approval of the exemption from part lot control shall not take effect until Council has passed the
appropriate by-law and the by-law has been registered against title to the property.

4. Further to Section 2 of this By-law, the Commissioner is hereby delegated the authority to exempt a proposed Plan of Condominium from the provisions of Sections 51 and 51.1 the Act pursuant subsections 9(3)(b) and 9(7) of the Condominium Act, 1998 S.O. 1998, as amended.

5. Upon the granting of approval by Council pursuant to subsections 51(31) or 51(44) of the Act and upon the granting of approval by the Commissioner pursuant to subsections 51(44) and 51(58) of the Act, the approval shall be evidenced by the signature of the Commissioner on all Draft Plans of Subdivision, Final Plans of Subdivision, Proposed Plans of Condominium and Final Plans of Condominium for registration.

6. For information purposes, the Commissioner shall provide an annual report to Council summarizing all approvals and exemptions granted by the Commissioner under this By-law.

7. Notwithstanding Sections 2, 3 or 4, Council shall retain the right to exercise all of its approval authority if a decision proposed to be made by the Commissioner in accordance with the authority delegated therein is a refusal.

8. The Mayor and the City Clerk are hereby authorized to execute any agreement required as a condition of approval pursuant to subsection 51(26) of the Act.

9. This By-law shall come into force and take effect upon final passing thereof.

By-law read a first, second and third time this 6th day of June 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Kevin Arjoon, Deputy Clerk