

Subdivision & Condominium Delegation & Approval By-law

CP-17 – Consolidated October 17, 2017

As Amended by:

By-law No.	Date Passed at Council
CP-17-11001	December 20, 2010
CP-17-11002	February 28, 2011
CP-17-12003	May 1, 2012
CP-17-15004	September 15, 2015
CP-17-17005	October 17, 2017

**This by-law is printed under and by authority
of the Council of the City of London, Ontario, Canada**

Disclaimer:

The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The City of London does not warrant the accuracy of this electronic version. This consolidation cannot be distributed or used for commercial purposes. It may be used for other purposes only if you repeat this disclaimer and the notice of copyright.

Copies of Official versions of all by-laws can be obtained from the City Clerk's Department by calling 519-661-4530 or e-mailing docservices@london.ca.

For by-law related inquiries or complaints please contact the Licensing & Municipal Law Enforcement Department at 519-661-4660 or enforcement@london.ca.

Copyright 2001



**OFFICE CONSOLIDATION
INCLUDING AMENDMENT CP-17-17005 (October 17, 2017)**

Bill No. 437
2003

By-law No. CP-17

A by-law to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the *Planning Act*.

COMMUNITY PLANNING

WHEREAS subsection 51(6) of the *Planning Act, R.S.O. 1990, c. P.13* assigns to the Municipal Council of The Corporation of the City of London certain approval authorities under the said *Act*;

AND WHEREAS subsection 51.2(1) of the said *Act*, 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, the authority to approve Plans of Subdivision, including Plans of Condominium;

AND WHEREAS the Municipal Council has deemed it advisable to delegate by by-law certain powers to the Director, Development Services with respect to Plans of Subdivision and Plans of Condominium;

THEREFORE the Municipal Council of The Corporation of The City of London enacts as follows:

SHORT TITLE

SUBDIVISION AND CONDOMINIUM DELEGATION AND APPROVAL BY-LAW

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

City - defined

"City" shall mean The Corporation of the City of London.

Council - defined

"Council" shall mean the Municipal Council of The Corporation of the City of London.

Clerk - defined

"Clerk" shall mean the City Clerk of The Corporation of the City of London.

Director, Development Services - defined

"Director, Development Services" shall mean the person who holds the position of Director, Development Services and who holds the responsibility for supervising the Development Services section for The Corporation of the City of London.

Manager, Development Planning - defined

"Manager, Development Planning" shall mean the person who holds the position of Manager, Development Planning for The Corporation of the City of London.

Minister - defined

"Minister" shall mean the Minister of Municipal Affairs of Ontario.

Plan(s) - defined

“Plan(s)” shall mean plans of subdivision or plans of condominium.

Part 2**DELEGATION OF APPROVAL AUTHORITY****2.1 Approval Authority - Director, Development Services - General Powers**

Upon the coming into force of this by-law, the Director, Development Services has in lieu of the Council, all powers and rights in respect of the authority delegated by this by-law, and the Director, Development Services shall be responsible for all matters pertaining thereto, subject always to the terms and limitations of this by-law and in exercising such authority may affix his signature as required to all documents and Plans arising from or connected with the operation of this by-law.

2.2 Approval Authority – Director, Development Services - Specific Powers

The Council hereby delegates to the Director, Development Services the authority:

- (a) to determine whether or not an Application made in respect of a draft Plan is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required;
- (b) to determine whether or not a draft Plan is or is not required to be circulated for comments among administrative units of relevant government authorities and to circulate same pursuant to section 51 of the *Planning Act*;
- (c) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*;
- (d) to extend time limits for the receipt of comments from the administrative units which received the draft Plan;
- (e) to settle and give Draft Plan Approval to any Plan of Subdivision the approval of which has been recommended by the Council where there have been no written requests for referral received in accordance with the *Planning Act* prior to the time the Director, Development Services proceeds to settle and give Draft Plan Approval to the said Plan subject to the following;
 - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Development Services shall consult with the Council, and Council shall make the decision; and
 - (ii) on the further understanding that the Director, Development Services may consult with the Council prior to making his/her decision to refuse approval of an application;
- (f) to sign a proposed Plan of Subdivision and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plan by the Director, Development Services by the Council pursuant to paragraph (e) above;
- (g) to exempt a proposed Plan of Condominium from approval in accordance with section 9 of the *Condominium Act*, S.O. 1998, c.19 or to settle and to give draft Approval to any proposed Plan of Condominium where there have been no written requests for referral received in accordance with the *Planning Act* prior to the time the Director, Development Services proceeds to settle and give draft Approval to the said Plan subject to the following;
 - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Development Services shall consult with the Council, and Council shall make the decision;

- (h) to sign a proposed Plan of Condominium and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plans by the Director, Development Services or by the Council pursuant to paragraph (f) above;
- (i) to enter into negotiations/dispute resolution with those parties involved in a referral of a draft Plan or conditions thereof, which has been referred to the Ontario Municipal Board, in an attempt to resolve the issues and avoid an Ontario Municipal Board Hearing, if possible;
- (j) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Municipal Board notifies the Approval Authority that the Approval Authority may proceed to make a decision under Section 51 (31) of the *Planning Act*;
- (k) to refer the Plan and/or conditions of approval Plan of any draft to the Ontario Municipal Board pursuant to subsection 51(31) of the *Planning Act*;
- (l) to make any change in the conditions of approval imposed by the Director, Development Services;
- (m) to make any change to any conditions of approval imposed by the Council provided the request for the change is made by or endorsed by the Council;
- (n) to sign a final Plan for the purpose of indicating the final approval of the Director, Development Services or the Council, as the case may be, and the acceptability of the said Plan or Plans for tendering for registration;
- (o) to grant extensions of draft approval to a proposed Plan, where the Council concurs with such an extension;
- (p) to grant extensions of draft approval to a proposed Plan for not more than six (6) months on an emergency basis without the approval of the Council, in order that a decision may be obtained from the Council, in respect of any requested extension unless the Director, Development Services has been given written notice of an objection to such emergency extension;
- (q) to refuse a draft Plan where the file has remained inactive for more that one (1) year, and only after the applicant has been given written notice that the draft plan will be refused, and given 60 days to respond;
- (r) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Municipal Board by Order has assigned responsibilities back to the Approval Authority to make a decision under Section 51 (58) of the *Planning Act*;

Part 3

DELEGATION OF APPROVAL AUTHORITY IN DIRECTOR, DEVELOPMENT SERVICES ABSENCE

3.1 Approval Authority – Director, Development Services - Absence

When the Director, Development Services is absent or his office is vacant, the Manager, Development Planning shall act in the place and stead of the Director, Development Services under this by-law and while so acting, the Manager, Development Planning has and may exercise all the rights, powers, and authority of the Director, Development Services as delegated by this by-law subject to the same responsibilities and limitations as set out in Part 2 of this by-law.

Part 4

DELEGATION OF AUTHORITY

4.1 Approval Authority - subdivisions and condominiums - annexed lands included

The approval authority given in Parts 2 and 3 of this by-law as it relates to a Plan of Subdivision and a Plan of Condominium applies both to lands in the City as it existed on December 31, 1992 and to those lands annexed to the City of London on January 1, 1993. (Bill No. 127, 1998/CP-13-98001)

4.2 Confirmation of Action

Any approvals given by the Director, Development Services pursuant to the provisions of By-law CP-13 with respect to any of the files listed in paragraph 19 (Plans of Subdivision) of Schedule 1 and in paragraph 13 (Plans of Condominium) of Schedule 2 of Ontario Regulation 175/97 during the period from May 22, 1996 until the day on which this by-law takes effect are hereby authorized, ratified and confirmed. (Bill No. 127,1998 / CP-13-98001)

Part 5

DELEGATION SUBJECT TO MINISTER'S ORDER/*PLANNING ACT*

5.1 Delegation of authority - subject to terms of Minister's Order/*Planning Act*

All delegations of authority contained in this by-law are subject to such terms and conditions as have been imposed by the *Planning Act* and by the Minister on the Council by the delegation of the Minister's authority to the Council.

Part 6

REPEAL

6.1 Repeal - CP-13

By-law CP-13, as amended, passed on June 19, 1995 is repealed.

Part 7

EFFECTIVE DATE

7.1 Effective Date

This by-law comes into force on the day it is passed.

PASSED in Open Council on November 3, 2003.

Anne Marie DeCicco
Mayor

Kevin Bain
City Clerk

First Reading – November 3, 2003
Second Reading – November 3, 2003
Third Reading – November 3, 2003