

# **The Corporation of the Township of North Kawartha**

## **By-law 2026-0000**

**Being a by-law to provide delegations of authority from the Council of the Corporation of the Township of North Kawartha to North Kawartha Municipal Staff and to repeal By-Laws 2015-0012, 2015-0142, 2017-0059, 2017-0081, 2018-0020, 2020-0004, 2022-0073 and 2024-0018.**

Whereas Subsection 23.1(1) of the Municipal Act, 2001, as amended, authorizes a municipality to delegate its powers and duties under the Municipal Act (the Act) or any other Act to a person or body, subject to the restrictions set out in the Municipal Act;

And whereas Subsection 270(1)6 of the Municipal Act, 2001, as amended, states that a municipality shall adopt and maintain policies with respect to the delegation of its powers and duties;

And whereas Subsection 275(6) of the Municipal Act, 2001, as amended, states that nothing in this section prevents any person or body exercising any authority of a municipality that is delegated to the person or body prior to nomination day for the election of the new council;

And whereas the Council of the Township of North Kawartha, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision making, policies, and administrative functions and Council's decisions are generally expressed by by-law or resolution of Council carried by a majority vote;

And whereas the efficient management of the municipal corporation and the need to respond to issues in a timely manner require Council to entrust certain powers and duties to staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions;

And whereas the Council of the Township of North Kawartha has deemed it desirable and efficient to delegate certain powers pursuant to the provisions of the Municipal Act, 2001 to enhance the efficiency of its decision making and administrative processes;

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

### **Definitions**

1. In this By-law:

- a) "Administrative Powers" includes all matters required for the management of the Corporation which includes staffing and the provision of services.
- b) "Agreement" means a routine contract, lease, or other legally binding document.
- c) "By-Law" means this By-law, as it may be amended from time to time, including schedules.
- d) "CAO" means the Township's Chief Administrative Officer and the person who holds that position, or another person acting in that position as described in Section 229 of the Municipal Act.

- e) “Chief Building Official” means the Township’s Chief Building Official or any acting or deputy Chief Building Official.
- f) “Council” means the Council of the Township of North Kawartha.
- g) “Designate” means any individual within the Township appointed from time to time to act on behalf of the appointing person in respect of the exercise of their delegated authority.
- h) “Department Manager” means a person who is responsible for a Department or their designate(s) or, in the event of organizational changes, another person designated by Council or the CAO.
- i) “Director of Parks and Recreation / Waste” means the Township’s Director of Parks and Recreation / Waste or their designate.
- j) “Lease” means a contract by which one conveys real estate, equipment, or facilities for a specified term, for specified conditions and for a specified cost or rent.
- k) “Legislative Powers” includes all matters where Council acts in a legislative and quasi-judicial function, including enacting by-laws, setting policies, and exercising adjudicative decision-making authority.
- l) “Licence” means an authorization by a regulatory authority.
- m) “Mayor” means the head of Council or, as applicable, the Acting Mayor.
- n) “Municipal Clerk” means the Township’s Municipal Clerk appointed by Council to perform the duties of the Clerk described in Section 228 of the Municipal Act, 2001 or their designate.
- o) “Public Works Manager” means the Township’s Public Works Manager or any acting Public Works Manager, or their designate, appointed by Council.
- p) “Routine” includes matters and services that are consistent with the operation of the Corporation and fall within the Department Manager’s authorized expenditure amounts as set out in the in-effect Procurement By-Law or the annual approved budget for example entering into contracts for supply of heat, communications, office equipment etc...
- q) “Treasurer” means the Township’s Treasurer appointed by Council to perform the duties of the Treasurer described in Section 286 of the Municipal Act, 2001 or their designate.
- r) “Municipality” means the Corporation of the Township of North Kawartha.
- s) “OLT” means the Ontario Land Tribunal under the Ontario Land Tribunal Act, 2021, or its successor organization.

## **General**

2. For the purposes of subsection 270(1)6 of the Municipal Act, 2001, this By-law shall satisfy the requirement to adopt and maintain a policy on the delegation of its powers and duties.
3. Pursuant to subsection 23.2(4) of the Municipal Act, 2001, any legislative powers delegated within this By-law are expressly of a minor nature having

regard to the number of people, the size of the geographic area, and the time period affected by the exercise of each such power.

**General Delegation**

- 4. All delegations of Council powers, duties, and functions shall be listed in Schedule “A” of this By-law or otherwise affected by by-law or may be authorized by resolution of Council.
- 5. Unless a power, duty, or function of Council has been expressly delegated by by-law or resolution, all the powers, duties and functions of Council remain with Council.
- 6. A delegation of power, duty, or function under any by-law or resolution to any member of Staff shall include a delegation to the CAO and to any member of Staff selected from time to time by the CAO, or delegate, to act in the capacity of the delegate in the delegate’s absence.
- 7. Staff with delegated signing power may use their signature in forms that may be written, printed, including by electronic means or measures, or otherwise reproduced.
- 8. In exercising any delegated power, the delegate shall ensure the following:
  - a) Any expenditure related to the matter shall have been provided for in the approved year’s budget or otherwise authorized by the Procurement By-law or related policies or a motion of Council.
  - b) A person to whom a power, duty or function has been delegated by bylaw has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.
  - c) Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers be exercised and must take into account the limitations set out in the Act.
  - d) Administrative matters may generally be delegated to staff subject to the conditions set out in the delegation and in this policy and must take into account the limitations set out in the Act.
  - e) The scope of the delegated authority shall not be exceeded by the delegate.
  - f) Compliance with all Corporate policies, including those related to insurance and risk management; and,
  - g) The consistent and equitable application of Council policies, procedures and guidelines.

**Further Delegation**

- 9. Within each row of the table in Schedule “A” to this By-law, the delegated authority may be exercised by any such person(s) identified. However, the CAO is in effect the head of all Departments and may intervene, sub-delegate, or exercise any authority delegated in this By-law, where legally permitted to do so, if done in writing.

10. Where authority is delegated to a specific staff member in this By-law, the authority may be further delegated by the authorized person to staff members within the applicable department, provided that such delegation is legally permissible, authorized in writing and does not exceed the authority delegated by this By-law to the authorized person.

### **Title Change and Conflicts**

11. Where delegations of authority have been assigned to a staff position, such authority includes the person temporarily acting in that position.
12. Where a delegation of power, duty or function is to a staff position that no longer exists in title, those delegations shall be deemed transferred to the staff person who is assuming the responsibilities of the obsolete position.
13. The CAO is hereby authorized to resolve any conflict, or ambiguity, regarding the individual, or individuals, of the Municipality authorized to exercise any delegation.

### **Emergency or Special Circumstances**

14. In cases of emergency or special circumstances, as determined by the CAO and/or Mayor, where it is necessary to act within the normal mandate of a department, but such action is not strictly within the terms of a delegated authority, a Deputy, in respect of their specific department, may take such action as necessary to rectify the situation. Any such action shall be reported immediately to the CAO, and to Council within a reasonable timeframe.

### **Inconsistency**

15. In the event of any contradiction between this By-law and any other Municipal by-law, this By-law prevails to the extent of the inconsistency.

### **Validity of Actions Taken**

16. Any variation or revocation of a delegated authority pursuant to this By-law shall have no effect on the validity of any action taken pursuant to a valid delegation of authority and occurring before the terms of such delegation where varied or revoked.

### **Severability**

17. If a court of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

### **Repeal of By-laws**

18. The following by-laws and any by-laws or provisions in other by-laws found to be inconsistent with this by-law are hereby repealed, effective the date of passing of this by-law:
- Bylaw 2015-0012 being a by-law to delegate the authority to determine complete applications under the Planning Act;
  - By-law 2015-0142 being a by-law of the Corporation of the Township of North Kawartha to designate the Mayor as Head and to delegate to the Clerk the powers and duties of the Head for the purposes of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and to repeal By-Law #34/13;

- By-law 2017-0059, being a by-law to amend By-law 2015-0011 being a by-law to delegate certain powers of Council for Election Agreements;
- By-law 2017-0081 being a by-law of the Corporation of the Township of North Kawartha to delegate Administrative Matters to staff, to authorize the Treasurer or his/her designate, to file complaints to the Assessment Review Board relating to requests for reconsideration of assessment, and to settle assessment appeals and requests for reconsideration of assessment, where appropriate;
- 2018-0020 being a by-law of the Corporation of the Township of North Kawartha, to authorize the delegation of authority to the Chief Administrative Officer, or designate, for certain acts during any "Lame Duck" period between Nomination Day to the swearing in of the newly appointed Council;
- By-law 2020-0004, being a by-law to delegate municipal powers and duties including previous delegation by-laws 2007-0122, 2008-0057, 2011-0005 and 2015-0011;
- By-law 2022-0073, being a by-law to delegate the authority to the Clerk or designate respecting site plan control agreements;
- By-law 2024-0018 being a by-law of the Corporation of the Township of North Kawartha to amend By-Law 2020-0004 and to repeal By-Law 2014-0007;

This by-law shall come into force and effect on the 17<sup>th</sup> day of February, 2026

Read and adopted in open Council on the 17<sup>th</sup> day of February, 2026.

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Carolyn Amyotte, Mayor

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Connie Parent, Clerk

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
Administrative – Bind the Corporation	Chief Administrative Officer	Authority to bind the Corporation to execute delegated authority	Municipal Act, s. 23.1	
Administrative – Bind the Corporation	Treasurer	Authority to bind the Corporation to accommodate timely and electronic submission of applications for grants. Authority to submit reports as required for grant applications.	Municipal Act, s. 23.1	
Administrative - Agreements - Routine contracts or agreements for the general administration and operation of the Corporation	Any two of the CAO, Clerk, Treasurer or Department Manager	To execute routine agreements related, but not limited to, data sharing, office equipment, equipment rental, website products, contractor services. Includes products provided by MPAC, OPTA, County GIS and computer software and equipment	Municipal Act, s. 23.1	Expenditure must fall within the amount authorized by Council in the in-effect Procurement By-Law. Monetary obligation captured in the approved budget.
Administrative - Agreements for Federal and Provincial Programs and Grants	Mayor along with the Clerk or Treasurer	To execute agreements with the Federal or Provincial government, a municipality, agency, institution, or community partner for a Municipal undertaking or program delivery.	Municipal Act, s. 23.1	Approval of the project or program by Council and / or monetary obligation captured in the approved budget
Administrative - Agreements – Procurement	Delegates as set out in the Procurement (Purchasing) By-law	To enter into agreements procured under the in-effect	Municipal Act s. 23.1	Subject to budget limitations or motion of Council

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		procurement (purchasing) By-law		
Administrative - Agreements – Election	Clerk	To execute agreements and contracts for the purposes of securing equipment, facility rentals, purchasing of goods and other services. The authority to hire staff to conduct Municipal and School Board Elections. Authority to implement policies, processes and procedures as may be necessary or desirable for the conduct of the municipal election. (former By-Law 2017-0059)	Municipal Elections Act, s. 12	Discretionary Authority
Administrative - Agreements – Lease renewal or extensions	Any two of CAO, Treasurer or Clerk	To execute lease renewal or extension agreements for tenants that occupy space in a Township facility or property	Municipal Act, s. 23.1	Subject to reasonable market increases.
Administrative - Application and Reporting - Federal and Provincial Grants	Treasurer	Authority to execute and submit applications for grants to accommodate timely and electronic submission. Authority to submit reports as required. Authority to bind the Corporation when required. Note: In most cases	Municipal Act, s. 23.1	Subject to monetary obligation being captured in the approved budget

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		submission of applications will be authorized by Council.		
Administrative – Investment of the Township’s Surplus Funds	Treasurer	Authority to invest the funds of the Municipality according to the Investments and Goals Policy including surplus cash, Trust Funds, Reserve and Reserve Funds.	Municipal Act, s. 23.1	
Administrative – Lottery Licences and Requests to sell tickets in the Township by other municipalities or the province	Lottery Licencing Officer appointed by Council	Authority to issue lottery licences and approve requests to sell tickets in the Township by other municipalities or the Province		
Administrative - Policy for Use of Municipal Facilities and Resources for a Reduced Rate or Free of Charge.	Clerk	Authority to oversee the implementation of the Policy, approve applications and to make minor amendments to the Policy and application forms. (former By-law 2024-0018)	Municipal Act, s. 23.1	Apply authority in a fair and consistent manner, in line with the overall goals and objectives of the Policy. At the discretion of the clerk an annual report may be provided to Council.
Administrative – Restricted Acts during Lane Duck Period	Chief Administrative Officer	Authority to take action with respect to the following restrictions as listed in the Municipal Act, where necessary:	Municipal Act, s. 23.1, s. 275	Authority is designated to take action, where necessary, between Nomination Day and the commencement of the new Council term if the Council is



Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		<div><div>a. The appointment or removal from office of any officer of the municipality</div><div>b. The hiring or dismissal of any employee of the municipality</div><div>c. The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal; and</div><div>d. Making any expenditures or incurring any other liability which exceeds \$50,000.00 (former By-law 2018-0020)</div></div>		Lame Duck (less than three-quarters of the members of the outgoing council). If after nomination day but before voting day, determine shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation. The CAO will report to Council on any actions taken.
Administration – Vehicle Identification and Drivers Abstracts	Clerk and Treasurer	Approve authorized requestor agreements which provide designated users access to certain information from the Authorized Requester Information System (ARIS) of the Ministry of Transportation for the Municipal Parking Tag Program, including vehicle and driver abstracts for various internal enforcement, safety and administrative purposes	Municipal Act, s. 23.1	

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
Building - Conditional Permit Agreement	Chief Building Official	Authority to enter into conditional permit agreements described in clause 8(3)(c) of the Building Code Act.	Building Code Act, 1992, S.O. 1992, Chapter 23, s. 8(3.1)	<p>The Chief Building Official must be of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted.</p> <p>In consideration whether a conditional permit should be granted, the Chief Building Official shall, among other matters, have regard to the potential difficulty in restoring the site to its original state and use if required approvals are not obtained.</p>
Fire - Agreement with Ministry of Natural Resources and Forestry	Fire Chief	To execute agreement with Ministry of Natural Resources and Forestry for fire services (Crown Land)	Municipal Act, s. 23.1	Fire Chief meet with representative of MNRF to review / agree to rate increases as may be applicable
Parks and Recreation – Use of North Kawartha Community Centre Facilities and Parks	Director of Parks and Recreation	Authority to waive fees or reduce charges for use of North Kawartha Community Centre(s) and Parks. Free Use includes free ice time, fitness memberships or use of banquet facilities (former By-law 2024-0018)	Municipal Act, s. 23.1	in accordance with the Policy for Use of Municipal Facilities and Resources for a Reduced Rate or Free of Charge. If requested by the Clerk provide an annual report to Council.

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
Planning - Letters of Credit – Developer Securities	Treasurer	To approve, accept, and release, letters of credit as security for performance and payments relating to development agreements	Municipal Act, s. 23.1	As recommended by the Township Planner, Planning Consultant
Planning – Easements for Shore / Road Allowance Purchases	Mayor and Clerk	To execute routine easements between the Township and Utilities (ex. Hydro and Bell)	Municipal Act, s. 23.1	As recommended by the Building and Planning Assistant
Planning – Determine Complete Planning Application(s)	Township Planner / Planning Consultant	Authority to determine Complete Planning Applications (Minor Variance and Zone Amendments) (former By-Law 2015-0012)	Planning Act, s. 34 (10.1), 5 (1) and Municipal Act, s. 23.1 (1)	Subject to the following limitations and conditions: a. The determination of a complete application shall occur in accordance with the required information pursuant to the Planning Act b. The determination of a complete application shall occur in accordance with the required information pursuant to the Ontario Regulation 545/06 c. The determination of complete application shall occur in accordance with the approved policies of the County / Township Official

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
				Plan in force at the time of receipt of the application
Planning - Licence of Occupation and Encroachment Agreements	Mayor and Clerk	To execute routine Licence of Occupation and Encroachment agreements	Municipal Act, s. 23.1	Subject to payment by the applicant of all required fees and the recommendation of the Township Planner, Planning Consultant or Chief Building Official as may be applicable.
Planning – Site Plan Control Agreement	Clerk	Upon approval of an application the Clerk is authorized to sign any site plan control agreement and any documents which may be required to implement the conditions of approval (former By-law 2022-0073)	Municipal Act, s. 23.1; Planning Act s. 41(2) (4), s. 14 (4.0.1)	Township Planner, Planning Consultant
Records Management – Head of Municipal Freedom of Information and Protection of Privacy Act	Clerk	To act as Head of the municipality for the purposes of the Municipal Freedom of Information and Protection of Privacy Act. Authority to use the title of Freedom of Information Coordinator. Authority to obtain advice from Municipal Solicitor, if required. (former By-law 2015-0142)	Municipal Act, s. 23.1, s. 239 (2) and (3) Municipal Freedom of Information and Protection of Privacy Act, Subsection 3(3) of, s. 2(1), s. 3 (1), S 3(3), s. 49 (1)	A meeting may be closed to the public if an ongoing investigation by the Ombudsman or investigator, if appointed. (Municipal Act, subsection 239.2 (1)
Records Management – By-Law and Schedule	Clerk	To make deletions or additions, consistent with annual TOMRMS updates, or to extend	Municipal Act, s. 23.1 & 23.3(2)	Substantive changes to the by-law shall be brought to the attention of Council at the

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		retention periods as deemed necessary		earliest convenience for consideration
Roads – Temporary Closures of Road(s)	Public Works Manager	To temporarily close any road or highway within Township jurisdiction or portion thereof for construction, repair or improvement or for a social, recreational, community (parade), athletic or cinematographic purpose.	Municipal Act, s. 23.2 (5)	Subject to approval of all required permits and / or licences for the event in advance of temporary closure. Provide appropriate public notice.
Roads – Temporary Closures of Road(s)	Public Works Manager	To temporarily close any road or highway within Township jurisdiction or portion thereof for any period due to a situation which would endanger traffic and / or the public	Municipal Act, s. 23.2 (5)	Provide appropriate public notice as soon as possible.
Roads – Impose Conditions	Public Works Manager	To impose conditions on the use of highways	Municipal Act, s. 23.1	Example: bridge / culvert failure, lane restrictions
Roads – Reduced Loads	Public Works Manager	To establish reduced load periods on Roads within the jurisdiction of the Township	Municipal Act., s. 23.1, Highway Traffic Act, s. 122 (7)	Provide appropriate public notice
Roads – Speed Limits – Construction Zones	Public Works Manager	To designate a road or highway under Township jurisdiction or a portion thereof as a construction zone and require that it be marked with signs in accordance with regulations; and set a lower rate of speed	Municipal Act., s. 23.1, Highway Traffic Act, s. 128 (8.1), (8.2)	Refer to Highway Traffic Act, s. 128 (10), (10.1) and exceptions in s. (13)

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		for motor vehicle driven in the designated construction zone, if applicable		
Roads – Traffic Signal Designs and Installations	Public Works Manager	To approve traffic signal designs and installations on Township Roads	Adoption of Ontario Traffic Manuals as the standards for the design and installation of traffic management devices Book 1, 2, 5, 6, 7, 8, 11, 12, 15, 18 and to delegate approval to Road Superintendent <b>(Motion 17-261 on June 6, 2017)</b>	In compliance with Ontario Traffic Manuals as the standards for the design and installation of traffic management devices to be installed on Township roadways
Roads – Significant Weather Event	Public Works	To declare a Significant Weather Event	Adoption of Ontario Regulation 239/02 Minimum Maintenance Standards <b>(Motion 22 – 481 on December 20, 2022)</b>	
Taxes – Assessment Review – Appeals	Treasurer	Authority to: 1. Initiate and file notices of assessment appeals and applications for assessment reconsideration, for any property in the Municipality of North Kawartha, with the Assessment Review Board (ARB) and The Municipal Property Assessment Corporation (MPAC).	Assessment Act, s. 39 and 40 and Municipal Act, s. 23.1 and 357	Examples: Property Assessment too high, too low, wrongly classified or omitted from the assessment roll.

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		<div>2. Withdraw any appeal or assessment reconsiderations filed by the Municipality of North Kawartha, should it be determined that it is not in the Municipality's best interest to proceed.</div> <div>3. Attend before the ARB on property tax or assessment matters as a party to all appeals whether filed by Municipality of North Kawartha or another person, entity or agent.</div> <div>4. Execute settlement agreements and approve requests for reconsideration, on behalf of Municipality of North Kawartha, reached in the course of a taxation or property assessment appeal or request.</div>		
Taxes – Assessment – To file complaints to the Assessment Review Board	Treasurer	To file complaints, to settle all outstanding assessment appeals and requests for reconsideration of assessment and to execute minutes of	Municipal Act s. 8, s. 227 Assessment Act, R.S.O. 1990, c. A31, s. 39.1, s. 39.1 (5) and (8), s. 40	Where appropriate to do so in the opinion of the Treasurer

Description of Matter	Delegate	Delegation of Authority	Legislative Reference	Checks and Balances
		settlement on behalf of the Township (former By-law 2017-0081)		

Notwithstanding the above:

- a) The delegate may bring forward to Council any of the above for a decision
- b) In the absence of the delegate and / or in an emergency, the following are deemed designates, unless otherwise directed by the Chief Administrative Officer (CAO)
- c) Executed documents shall be classified and retained in accordance with The Ontario Municipal Records Management System (TOMRMS) and the Records Retention By-law and saved in the filehold records management system

Delegate	Designate
Mayor	Deputy Mayor
CAO	Clerk / Deputy CAO
Treasurer	Deputy Treasurer
Clerk	Deputy Clerk
Fire Chief	Deputy Fire Chief
Chief Building Official	Deputy Chief Building Official
Public Works Manager	Road Foreman