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January 21, 2014

CORPORATE SERVICES (LEGAL SERVICES) REPORT 2014-03

TO: Committee of the Whole

SUBJECT: Delegation By-law – 2013 Report Summarizing Delegated Matters to Staff

ORIGIN: Director, Legal Services/Municipal Solicitor

RECOMMENDATIONS

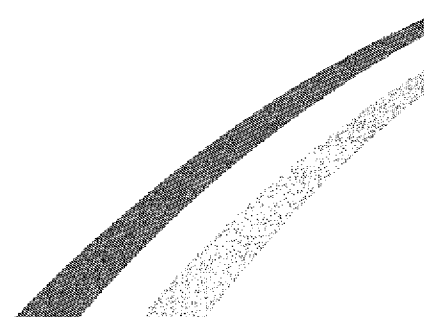
That Corporate Services (Legal Services) Report 2014-03 dated January 21, 2014 regarding Delegation By-law 2007-114 and a summary of the matters delegated to staff from October 1, 2012 to September 30, 2013 be received.

COMMENTS

On October 22, 2007 Council passed Delegation By-law 2007-114. The Delegation By-law consolidates previous by-laws that delegate authority. The by-law also authorizes additional areas of delegated authority. It has helped to improve operational efficiency, customer service and the management of Committee and Council agendas. As part of the ongoing review of all by-laws, staff are in the process of updating Delegation By-law 2007-114.

This report represents a summary of delegated matters from October 1, 2012 to September 30, 2013. The information has been compiled with the assistance of all affected departments (the details of which are attached in Schedule "A"). Matters that have received Council approval or budget approval are not included in this report. Procurement matters are reported separately as per Schedule D of Procurement By-Law #2011-74. The following departments reported:

Legal Department

- 2 Permission to Enter Agreements
 - 1 Amending Agreement for Perpetual Care
 - 1 External Residential Pre-Servicing Agreement
 - 1 Town Transfer Easement
 - 1 Maintenance Agreement
 - 1 Amending Maintenance Agreement
 - 2 Parking Spaces License Agreements
 - 1 Ownership of Art and Copyright Agreement
 - 1 Easement re storm outfall and oil and grit separator
 - 1 Release of Lot from Subdivision Agreement
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Planning Department

- 3 Minor Variance Applications
- 3 Subdivision Agreements
- 7 Site Plan Agreements
- 8 Amending Site Plan Agreements

Legislative Services

- 3 Liquor License Applications
- 2 Film Permits

Building Department

- 2 Temporary Sales Office Agreements

By-Laws Department

- 5 By-law Enforcement Private Parking Standard Agreements

Public Works Services

- 26 Road Closures

Engineering Department

- No items to report

CAO's Office

- No items to report

Procurement Services

All RFP's, bids, contracts and agreements as provided for in Procurement By-law 2011-74.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Delegation By-law 2007-114 responds to Council's direction. It supports the *Well Equipped* and *Well Managed* objectives of the Town's strategic plan in the area of efficient management of Town resources and providing excellent customer service. Standard process and procedures for recording and reporting delegated matters ensures consistency and predictability when dealing with delegated matters.

CONSULTATION

All affected departments have provided information regarding any delegated matters. Comments and recommendations have also been received in connection with updating the Delegation By-law.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT (CURRENT AND FUTURE)

There is no budget impact associated with Delegation By-law 2007-114 or the process and procedures for recording and reporting delegated matters.

CONTACT

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Esther Armchuk
Director, Legal Services/Municipal Solicitor



Anita Moore
Commissioner, Corporate Services

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

DELEGATION BYLAW 2007-114
Effective October 22, 2007
SUMMARY OF DELEGATED MATTERS – October 1, 2012 to September 30, 2013

LEGAL SERVICES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Permission to Enter Agreement	Town of Newmarket and Region of York	Part 25 on Plan 65R-31778	November 2012
Amending Agreement for Perpetual Care	Hicksite Cemetery	Belinda's Place	December 2012?
Permission to Enter Agreement	Town of Newmarket and Region of York	Parts 67-75 on 65R-31778	June 2013
External Residential Pre-Servicing Agreement	Ardree Management Inc.,	Phase 3	November 5, 2012
Town Transfer Easement	Newmarket-Tay Power	Ivsbridge Easement for Public Mobile	Registered April 18, 2013
Maintenance Agreement	Certain Traffic Control Signals and Flashers within Town	Signals: Bristol Road, Queen Street, Botsford Street, Carol Street/Sandford Drive, Lorne Avenue, Main Street, London Road, HWP; Flashers: Muriel Street, West of main Street on Curve	April 19, 2013
Parking Spaces License Agreement	1569121 Ontario Limited	400 Park Avenue	May 2013
Parking Spaces License Agreement	Guisepe Donia and Mafalda Donia	451 and 460 Botsford Street	May 2013
Easement – storm outfall and oil and grit separator Agreement	VIVA	474 Davis Drive	June 2013
	Barb McGuey	Ownership of Art and Copyright re Town Paintings	June 2013
Encroachment Agreement	2019772 Ontario Inc.	235 Eagle Street	June 14, 2013
Release of Lot from Subdivision Agreement	Timberbank Subdivision	924 Ataire Road, Lot 49	August 23, 2013
Amending Maintenance Agreement	Region of York and Town of Newmarket	East Side of Ford Wilson Blvd.	August 19, 2013

PLANNING DEPARTMENT			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Minor Variance Application	Roger Charles Gagne and Sandra Whyllie	333 Rannie Road	June 5, 2013

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

PLANNING DEPARTMENT			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Minor Variance Application	Christopher and Sarah Kreick	51 Portland Crescent	February 15, 2013
Minor Variance Application	Sil-Dom Holding Ltd.	125 Harry Walker Parkway	March 19, 2013
Site Plan Agreement	NMV Newmarket Inc.	415 Bogartown Curve	December 5, 2012
Site Plan Agreement	1576679 Ontario Inc.	1240-1250 Journeys End Circle	November 20, 2012
Site Plan Agreement	HWH Developments Inc.	470-500 Harry Walker Parkway South	November 20, 2012
Site Plan Agreement	Garden Commercial (Newmarket) Inc.	Bayview Ave./Stonehaven Ave.	November 27, 2012
Site Plan Agreement	Region of York	335 Kirby Crescent	April 11, 2013
Amending Site Plan Agreement	Jonathan Saunders & Suzanne Fairbairn	407 Eagle Street	May 8, 2013
Site Plan Agreement	Region of York	16580 Yonge Street	May 1, 2013
Amending Site Plan Agreement	Daniels LR Corporation	804 Shadrach Drive	June 25, 2013
Amending Site Plan Agreement	Greensides & Breen Insurance Brokers Ltd.	330 Eagle Street	August 2, 2013
Amending Site Plan Agreement	2318106 Ontario Inc.	23 Bolton Avenue	September 27, 2013
Amending Site Plan Agreement	Amigos Development Inc.	1001 Gorham Street	October 25, 2012
Amending Site Plan Agreement	Amigos Development Inc.	1001 Gorham Street	August 19, 2013
Amending Site Plan Agreement	Her Majesty the Queen as represented by Infrastructure Ontario	50 Eagle Street West	September 27, 2013
Site Plan Agreement	Douglas Toombs	29 Bolton Avenue	October 23, 2012
Amending Site Plan Agreement	1548373 Ontario Inc.	514 Davis Drive	October 8, 2012
Subdivision Agreement	Ardree Management Inc	Northwest Quad	March 2013
Subdivision Agreement	724903 Ontario Inc. (Goldstein) Phase 3	Southeast Quad	October 2012
Subdivision Agreement	724903 Ontario Inc. (Goldstein) Phase 4	Southeast Quad	October 2012

LEGISLATIVE SERVICES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Liquor Licence - Indoor	Astoria Shish Kebob House	16850 Yonge St. Unit 104	November 19, 2012
Liquor Licence – Indoor	Let's Be Frank	1100 Davis Dr.	April 23, 2013
Liquor Licence Indoor-Lower level and Outdoor Serving area	Tequila Grill and Lounge	185 Main St.	September 12, 2013
Film Permit	Sugino Studio	Tim Horton's – 191 Davis Dr.	March 28, 2013
Film Permit	Brain Power Studios	Max Stiles Park	September 27-29, 2013

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

BUILDING DEPARTMENT			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Temporary Sales Office Agreement	Mosaik Glenway Homes Inc. – To be removed and/or demolished from the lands on or before Dec. 31, 2014	Hwy 9, Draft Plan of Subdivision Part of Lot 95, Conc. 1	March 19, 2013
Temporary Sales Office Agreement	National Homes (Newmarket) Inc. – to be removed and/or demolished on or before 18 months from granting of servicing allocation to proposed draft plan of subdivision	Part of Lot 38, Plan 65M4022, Draft Plan of Subdivision: Part of Blocks 1&2, Plan 65M2559	August 21, 2013

BY-LAWS DEPARTMENT			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Bylaw Enforcement Private Parking	Security Management Services Inc	16635 Yonge Street Newmarket	November 2012
Bylaw Enforcement Private Parking	Tavco Realty Holding Ltd	16655 Yonge Street Newmarket	November 2012
Bylaw Enforcement Private Parking	Primary Response	17080 Bathurst St Newmarket	December 2012
Bylaw Enforcement Private Parking	Ontario Inc. 2097955	206 Main Street South Newmarket	July 2013
Bylaw Enforcement Private Parking	YRCC 742	110 Pony Drive	August 2013

PUBLIC WORKS SERVICES – ROAD CLOSURES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Road Closure	Tony Maio Tom Taylor Trail Run	Bayview Pkwy between Elgin St & Leslie Valley Dr., Timothy St. between Doug Duncan Dr. & Prospect St, Water St. Temp Closed (manned by YRP)	October 28, 2012 1 day closure

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

PUBLIC WORKS SERVICES – ROAD CLOSURES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Road Closure	Royal Canadian Legion Veterans Day Parade	Downtown parking lot opposite Fairy Lake, west on Water & Eagle to Church	November 11, 2012 1 day closure
Road Closure	Newmarket B.I.A. – Candlelight Parade/Tree Lighting Ceremony	Main Street from Water to Park Avenue	November 16, 2012 1 day closure
Road Closure	Newmarket Recreation & Culture Santa Claus Parade	Cane Parkway, William Roe, Lorne Ave, Eagle St. Avenue Rd., Helmer St., Ellen St., Andrew St., Roywood Cres., Towercrest Dr., Dennie Ave., Main St., Water St., Davis Dr., George St.	November 17, 2012 1 day closure
Road Closure	Huron Heights Secondary School Victory Parade	York Regional Police The parade will leave Fairy Lake at 2:15 pm turning west onto Water St, turning north onto Main St, turning east onto Queen St, turning north onto Roxborough Rd; crossing Davis Dr onto Patterson St and turning east onto Irwin Cres and into the high school parking lot	November 30, 2012 1 day closure
Road Closure	Inn from the Cold Coldest Night of the Year	Sidewalks- Prospect to Queen, Queen to Main, Main to Water, Water to Prospect 2km Bayview to prospect, Prospect to Queen, Queen to Main, Main to Water, Water to Cotter, Cotter to Oak, Oak to Kent, Kent to Mulock- 5 km	February 2, 2013 1 day closure
Road Closure	Inn from the Cold Coldest Night of the Year	Mulock to Leslie, Leslie to Davis, Davis to Lorne, Lorne to Queen, Queen to Main, Main to Water, Water to Prospect, Prospect to Mulock- 10 KM	February 23, 2013 1 day closure
Road Closure	Newmarket Farmer's Market	Timothy Street from Doug Duncan drive to Cedar Street	May 4, 2013 to October 26, 2013 1 day closures

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

PUBLIC WORKS SERVICES – ROAD CLOSURES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
			(Every Saturday between May 4, 2013 to October 26, 2013)
Road Closure	Danielle Edwards Newmarket Baseball Association	Timothy Street from Doug Duncan Drive to Pine Street	May 11, 2013 1 day closure
Road Closure	Sheilagh Rennie 2013 Easter Seals 10 km Run/Walk	Timothy Between Cedar and Doug Duncan, Doug Duncan between water and Timothy, Water Street between Main St and Prospect St. Timothy St at Main St to Cedar St. And Timothy St at Prospect St.	May 26, 2013 1 day closure
Road Closure	GO Transit and PNR Railworks Track maintenance	Timothy Street between Doug Duncan Drive and Prospect Street	May 29, 2013 1 day closure
Road Closure	Newmarket BIA Car Show	Main Street from Water Street to Park Avenue	June 15, 2013 1 day closure
Road Closure	Morgan Foot Street Party	Mynden Way- Memorial Gardens Way to Knapton Drive	June 22, 2013 1 day closure
Road Closure	Jamie Yuen, Canadian Mental Health Association 20km, 60km Family Bike Ride	Upper Canada Mall onto Yonge Street, Yonge St, to Kingston Rd, Kingston Rd to London Rd., London to Main St., Cross at Main St., to Tom Taylor Trail. Tom Taylor Trail to Timothy Street, Timothy to Church St, Church to Millard, Millard to Eagle St W, Eagle St W to Upper Canada Mall	June 23, 2012 1 day closure
Road Closure	Heather Cromie Street Party	Wildwood Drive from Hazelwood to 1070 Wildwood Drive	June 29, 2013 1 day closure
Road Closure	Barbara Heard Street Party	Macedonia Court	June 30, 2013 1 day closure
Road Closure	Newmarket BIA Canada Day Festivities	Main Street from Water St to Park Ave	July 1, 2013 1 day closure
Road Closure	Newmarket Recreation & Culture Canada Day Festivities	Timothy Street from Main St to Doug Duncan Doug Duncan from Timothy to Water Water Street from Main Street to Prospect	July 1, 2013 1 day closure

Summary of Delegated Matters – October 1, 2012 to September 30, 2013

PUBLIC WORKS SERVICES – ROAD CLOSURES			
Type of Document & Document Date	Relates to Individual or Corporation	Subject Property	Important Dates
Road Closure	Newmarket BIA Jazz Festival	Main Street from Water St to Park Ave	August 2, 2013 1 day closure
Road Closure	Newmarket Recreation & Culture	Timothy Street from Doug Duncan Dr to Cedar St	August 2, 2013 1 day closure
Road Closure	Claudio Caschera Street Party	Emma Broadbent Court	August 3, 2013 1 day closure
Road Closure	Suzanne Norton Street Party Hope Co-Op Housing	Hope Circle	August 10, 2013 1 day closure
Road Closure	Newmarket Recreation & Culture Newbarket Festival	Church Street from Eagle street to D'Arcy St	September 6-8, 2013 1 day closure
Road Closure	Jeff Stankiewicz Street Party	Elm Street from Park Avenue to Millard Avenue	September 7, 2013 1 day closure
Road Closure	Jackie Playter Street Party	Arden Avenue- from Millard Avenue to Queen Street	September 21, 2013 1 day closure
Road Closure	Newmarket Recreation & Culture Buskerfestival	Timothy St- from Cedar street to Doug Duncan	September 21, 2013 1 day closure

ENGINEERING SERVICES

No delegated matters to report

CAO's OFFICE

No delegated matters to report

PROCUREMENT SERVICES

All RFP's, bids, contracts and agreements as provided for in Procurement By-law 2011-74