

THE CORPORATION OF THE  
T O W N O F P E L H A M

BY-LAW NO. 4274(2020)

**Being a by-law to delegate authority to the Director of Community Planning and Development regarding condominium approval and the lifting of part lot control.**

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**WHEREAS** Section 23.1 of the *Municipal Act*, 2001, c. 25, as amended, authorizes a municipality to delegate its powers and duties to a person or body;

**WHEREAS** authority has been granted to Council to approve part lot control under Section 50 of the *Planning Act*, and plans of subdivision under Section 51 of the *Planning Act* and section 9 of the *Condominium Act*, and whereas Section 5 of the *Planning Act*, provides that council may by by-law delegate such authority;

**WHEREAS** authority has been granted to Council under section 9 of the *Condominium Act*, 1998 to exempt condominiums from draft approval;

**AND WHEREAS** Council deems it expedient to update and consolidate such authority through a single by-law,

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:**

1. **THAT** authority of the Council of the Town of Pelham under Section 50 of the *Planning Act* with respect to the lifting of part-lot control exemptions is delegated to the Director of Community Planning and Development.
2. **THAT** part lot control by-laws implementing the exemptions approved by the Director of Community Planning and Development be presented directly to Council for enactment.
3. **THAT** authority of the Council of the Town of Pelham under section 51 of the *Planning Act* with respect to approval of plans of condominium is delegated to the Director of Community Planning and Development.
4. **THAT** those condominium applications being a vacant land condominium and standard condominium that have been approved through site plan approval be exempt from draft plan of condominium approval.
5. **THAT** notwithstanding clause 3 above, this delegation does not apply in respect of approval or denial thereof pertaining to any condominium plan in which:
  - i. the recommendation of the Director of Community Planning and Development is for refusal of the plan condominium; or

- ii. the conditions to be imposed are at variance with the recommendations of the circulated agencies or contested by the applicant; or
  - iii. there are objections to the plan condominium by interested parties or circulated agencies who have given notice to the Director of Community Planning and Development of their interest prior to the time of approval of the condominium and which in the opinion of the Director of Community Planning and Development are unresolved objections.
6. **THAT** without limiting the generality of clause 3 and notwithstanding the limitations of clause 3, the delegation to the Director of Community Planning and Development shall apply in all cases as follows:
- i. revisions to the approved draft plan of condominium or conditions thereto, which in the opinion of the Director of Community Planning and Development are deemed to be minor;
  - ii. exemption of proposed plans of condominium from draft approval;
  - iii. final approval of plans of condominium which have been draft approved either by the Director of Community Planning and Development or Council;
  - iv. the granting of extensions to draft approval not exceeding 12 months;
  - v. refer conditions of approval to the Local Planning Appeal Tribunal;
  - vi. resumption of a proposed plan of condominium which has been referred to the Local Planning Appeal Tribunal; and
  - vii. the approval of draft and final plans of condominium shall be evidenced by the signature of the Director of Community Planning and Development.
7. **THAT** the Director of Community Planning and Development may deem that a review by Council is warranted under any circumstances and insofar as the particular matters referred by the Director to Council, the delegation provided for in clause 3 of this by-law to the Director of Community Planning and Development shall not apply.
8. **THAT** the Director of Community Planning and Development is authorized to do all acts necessary to carry out the authority delegated through this by-law related to the approval of plans of condominium, including affixing his/her signature as required to all documents and plans.
9. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof.

ENACTED, SIGNED AND SEALED THIS

24<sup>th</sup> DAY OF AUGUST, 2020 A.D.

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MAYOR MARVIN JUNKIN

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CLERK NANCY J. BOZZATO