

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD(S): ALL

TITLE: DELEGATION OF AUTHORITY

FROM:

Claudia Storto, City Solicitor

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

Tim Simmonds, Chief Corporate Initiatives and Intergovernmental Relations

Todd Coles, City Clerk

ACTION: DECISION

Purpose

The *Municipal Act, 2001* permits certain delegations of Council's legislative and administrative authority and requires that all municipalities adopt and maintain a policy with respect to such delegation, setting out the scope of the powers and duties being delegated and to establish principles governing such delegation.

The purpose of this proposed delegation of authority is to seek Council's approval to delegate certain matters to staff to promote efficiencies in managing daily business, where feasible, particularly during the summer hiatus and the municipal election period.

Report Highlights

- The proposed Delegation of Authority By-law will delegate certain authorities to be exercised by staff in two circumstances: at all times or during Council summer hiatus (i.e. the period of time between the last meeting of Council prior to the summer hiatus period and the first meeting of Council after the summer hiatus period) and the municipal election period (i.e. the period of time between the last meeting of a term of Council and the first meeting of the next term of Council).
- Staff recommends the approval of the implementing by-law as it will ensure the continuity of business and the delivery of uninterrupted customer service during the prescribed periods, where permitted by the *Municipal Act*.

Recommendations

1. THAT Council authorize the delegation of authority to those members of staff designated in Schedule “A”, subject to the conditions set out therein, pursuant to Section 23.1 of the *Municipal Act, 2001* and such other applicable legislation, and that said authority be implemented through the enactment of a by-law.

Background

Continuity is required to ensure timely delivery of the City’s projects and services

Sections 23.1 and 23.2 of the *Municipal Act, 2001* provide that municipalities may delegate their powers and duties subject to certain conditions. Generally, administrative powers may be broadly delegated to committees, individual members of Council, or staff.

Section 270 of the *Municipal Act, 2001* requires municipalities to adopt and maintain a policy regarding the delegation of its powers and duties.

Section 102.1 of the *Municipal Act, 2001* contains a general power for the Council of a municipality to delegate any powers, duties or functions that are administrative in nature to either a committee of Council or to staff. This authority must be exercised by by-law which can impose conditions on the exercise or performance of the delegated powers, duties or functions.

Previous Reports/Authority

N/A

Analysis and Options

Council’s ability to delegate its powers and duties under the *Municipal Act, 2001* is set out in section 23.1. This discretionary authority permits Council to delegate many of its

various legislative and administrative powers and duties, subject to any limits or conditions as prescribed.

Delegating some of its powers and duties would streamline Council's decision-making process. The efficient management of the City and the need to respond to issues in a timely manner requires the delegation of certain powers and authority to staff, particularly during extended periods of time between Council meetings. This can be accomplished through the delegation of certain functions pursuant to the *Municipal Act, 2001*, as amended, in addition to other legislation such as the *Planning Act*, as amended.

Over time, Council has enacted various by-laws delegating certain authorities to staff as the need has arisen in order to expedite approval processes and service delivery. Staff has reviewed current departmental needs and considered ongoing projects and activities that may be impacted by the summer hiatus in Council meetings and the election period. As a result, it is recommended that the authorities as set out in Schedule "A" attached to this report be delegated to the designated members of staff.

In accordance with the *Municipal Act, 2001*, the delegation of authority does not preclude staff from seeking Council direction on delegated matters where warranted. Council also maintains the ability to alter or revoke a delegated authority. Additionally, staff will report to Council after the hiatus and election period to identify where delegated authority was used during these periods.

With the rapid growth and pace of activity in Vaughan, delegation allows routine matters to be dealt with on a more expeditious basis. This is consistent with the priorities previously set by Council and ties into the Vaughan Vision 20/20 Goals of Service Excellence and to Enhance Productivity, Cost Effectiveness and Innovation.

Financial Impact

There are no direct financial implications associated with this report.

Broader Regional Impacts/Considerations

N/A

Conclusion

Pursuant to the *Municipal Act*, Council may delegate certain powers and duties to Committees of Council or appointed officers or employees. Periods of time where there are no meetings of Council scheduled impact the ability of the administration to obtain direction in a timely manner, resulting in challenges to the continuity of City business and the uninterrupted delivery of customer service. As these are key elements of the City's Service Excellence Strategy, it is recommended that the delegation of authorities set out in Schedule "A" of this report be approved.

Attachments

Schedule "A" – Delegated Authority

Prepared by:

Claudia Storto, City Solicitor

Michael Toshakovski, Director, Legal Services

**SCHEDULE “A”
DELEGATED AUTHORITY**

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
BUILDING STANDARDS					
1.	Power to enter into agreements described in Clause 8(3)(c) of the <i>Building Code Act</i> .	Chief Building Official	Legislative requirements under section 8(3) must be satisfied.	<i>Building Code Act, 1992, S.O. 1992, c.23, as amended, section 8(3.1)</i>	At all times.
2.	Power to appoint inspectors.	Chief Building Official	The Chief Building Official must maintain an up to date list of all inspectors appointed. Prior to their appointment, each candidate for appointment must hold the necessary legislated qualifications for the position to which they are to be appointed.	<i>Building Code Act, 1992, S.O. 1992, c.23, as amended, section 3(2)</i> <i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.</i>	At all times.
CITY CLERK					
1.	Execution of confidentiality of data and non-disclosure agreements.	City Clerk	Agreements are to be reviewed by Legal Services Department	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
DEVELOPMENT PLANNING					
1.	The powers of Council under Section 41 of the <i>Planning Act</i> outlined in the City’s Site Plan Control Area By-law 123-2013, as amended, for the following classes of development: -Region of York School Boards, including portables (Note 3, Schedule 1, By-law 123-2013)	Deputy City Manager of Planning and Growth Management	This delegated authority only applies where an application is made under Section 41 of the <i>Planning Act</i> that is not appealed to the Local Planning Appeal Tribunal and conforms to the Official Plan of the Vaughan Planning Area and does not require a Zoning By-law Amendment Application.	<i>Planning Act, R.S.O. 1990, c. P.13, as amended, section 41</i> <i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1, 23.2 (2)</i>	Council Summer Hiatus and Election Period between Council meetings.

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SCHEDULE "A"
DELEGATED AUTHORITY

DELEGATED AUTHORITY	DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
<ul style="list-style-type: none"> -Private Schools -Day Care Centre -Nursing Homes -Senior Citizens (Private) -Private Recreational Facilities -All Office Development -All Hotel Development -All Commercial Development outside the Employment Area -Employment Area Development abutting Arterial Roads and Provincial Highways and any Open Space within Employment Area -Retail / Service Commercial / Retail Warehouse Development -Industrial Development Outside the Employment Area -Single Detached Dwellings located in a Heritage District (Section 6. v) iii), By-law 123-2013) 				

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**SCHEDULE “A”
DELEGATED AUTHORITY**

DELEGATED AUTHORITY	DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
<p>-Corporate Commercial Re-branding (Note 8, Schedule 1, By-law 123-2013)</p> <p>Notwithstanding the above, any class of development identified for delegation, may be “bumped-up” for approval by Vaughan Council in accordance with Section 6. v) v) of By-law 123-2013</p>				
<p>2. Extend the 210-day non-decision appeal period provided at section 17(40) of the <i>Planning Act</i></p>	<p>Deputy City Manager of Planning and Growth Management</p>		<p><i>Planning Act</i>, R.S.O. 1990, c. P.13, as amended, Subsection 17(40.1)</p>	<p>At all times.</p>
<p>3. Authority to:</p> <ul style="list-style-type: none"> a. Consider applications to repeal designating by-laws and either give notice of decision to refuse the application or give notice of intention to repeal the by-law; b. Consider applications to alter property or erect, demolish or remove buildings or structures on properties designated under Parts IV and V of the <i>Ontario Heritage Act</i>, R.S.O. 1990, c.O.18 and either consent to the application, with or without terms and conditions, or refuse the application, and give notice of decision; and 	<p>Deputy City Manager of Planning and Growth Management</p>		<p><i>Ontario Heritage Act</i>, R.S.O. 1990, c.O.18</p>	<p>Council Summer Hiatus and Election Period between Council meetings.</p>

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SCHEDULE "A"
DELEGATED AUTHORITY

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
	c. Give notice of intention to designate properties				
ECONOMIC DEVELOPMENT					
1.	Power to execute Community Improvement Plan agreements.	Mayor and City Clerk	The agreements must be in a form satisfactory to the City Solicitor and with content consistent with previous reports satisfactory to the Chief Financial Officer and City Treasurer, Chief Corporate Initiatives and Intergovernmental Relations and the Deputy City Manager, Planning and Growth Management.	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1. Community Improvement Project Areas By-law 176-2015 and CIP By-law 177-2015	Council Summer Hiatus and Election Period between Council Meetings.
2	Approve grant applications and execution of grant agreements for grant sources that stipulate that Council approval is required for such applications or agreements.	City Clerk, CFO & City Treasurer, or City Manager	The terms and conditions of such applications and agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001</i> , S.O. 2001, C.25, as amended, section 23.1.	Council Summer Hiatus and Election Period between Council Meetings.

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**SCHEDULE “A”
DELEGATED AUTHORITY**

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
LEGAL SERVICES					
1.	Commence any action or other legal proceeding on behalf of the City where the monetary value of the claim is below \$100,000, excluding interest and costs.	City Solicitor	City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of any action or other legal proceeding.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
2.	Where the monetary value of a claim is \$100,000 or more, excluding interest and costs, commence any action or other legal proceeding on behalf of the City to ensure that no limitation period or other time restriction expires before Council instructions can be obtained.	City Solicitor	City Solicitor to obtain instructions of Council as soon as practicable thereafter.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
3.	Take all steps necessary to defend any action or legal proceeding commenced against the City.	City Solicitor	City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of any action or other legal proceeding.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
4.	Commence any counterclaim, crossclaim or third party claim as part of the City’s defence to any action or other legal proceeding.	City Solicitor	City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of any action or other legal proceeding.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.

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**SCHEDULE “A”
DELEGATED AUTHORITY**

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
5.	Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the City.	City Solicitor	The cost of the retainer falls within the approved City budget.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
6.	Accept service of any legal document on behalf of the City.	City Solicitor or City Clerk		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
7.	Obtain standing or participate in any administrative proceeding on behalf of the City.	City Solicitor	City Solicitor to obtain instructions of Council as soon as practicable thereafter.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
8.	Take all necessary steps to protect or pursue the rights of the City in its capacity as an owner, occupier, landlord or tenant of property.	City Solicitor	City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of any action or other legal proceeding.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.
9.	Take all steps deemed necessary to collect debts and outstanding accounts, enforce orders, decisions, awards and judgements made in favour of the City, including the commencement of claims or other legal proceedings.	City Solicitor	City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of any action or other legal proceeding.	Various Acts and Regulations, including the <i>Courts of Justice Act</i> , Rules of Civil Procedure and Small Claims Court Rules.	At all times.
10.	Enter into a settlement with any person or entity on behalf of the City where the monetary amount of the settlement is below \$100,000, inclusive of interest or costs.	City Solicitor	Sufficient funds are available within the approved budget. City Solicitor shall report to Council from time to time on all actions or other legal proceedings involving the City, including a description of any settlement of	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 9, 11 and 23.1</i>	At all times.

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DELEGATED AUTHORITY

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
			any action or other legal proceeding.		
11.	Execute any agreement or other legal document on behalf of the City that is necessary to carry out the City Solicitor's authority as set out herein, including releases, receipts, waivers, indemnities, and minutes of settlement.	City Solicitor or City Clerk		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
12.	Support Committee of Adjustment approvals before the Local Planning Appeal Tribunal where City staff have no objections or are in support of the application.	City Solicitor		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
13.	Support Committee of Adjustment refusals before the Local Planning Appeal Tribunal where City staff support the refusal of the application.	City Solicitor		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
14.	Where Committee of Adjustment decisions are contrary to the City staff position, that staff attend before the Local Planning Appeal Tribunal to request conditions, if any, only.	City Solicitor		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
15.	Where a Committee of Adjustment decision does not have significant impacts or broader implications, or where the parties are represented by lawyers and/or planners, that staff only attend before the Local Planning Appeal Tribunal to request conditions, if any.	City Solicitor		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
16.	Where an appeal of a Committee of Adjustment matter results in a revised proposal or a settlement proposal that is supported by the parties and staff or	City Solicitor		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.

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**SCHEDULE “A”
DELEGATED AUTHORITY**

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
	there are no objections, that the Local Planning Appeal Tribunal be advised that the City supports the revised or settlement proposal.				
17.	Take all steps necessary to respond to appeals filed with the Local Planning Appeal Tribunal in accordance with Council decisions, including the retention of external lawyers and experts, as required, and filing or responding to procedural matters, as deemed necessary.	City Solicitor and Deputy City Manager, Planning and Growth Management		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
18.	Where time does not allow for obtaining Council authority, that all steps necessary to respond to appeals before the Local Planning Appeal Tribunal prior to the expiry of any time restrictions or limitation periods be taken, in accordance with recommendations of the Deputy City Manager, Planning and Growth Management and the City Solicitor.	City Solicitor and Deputy City Manager, Planning and Growth Management	City Solicitor to obtain instructions of Council as soon as practicable thereafter.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, section 23.1.</i>	At all times.
19.	Participate in and/or give notice of intention to use mediation, conciliation or other dispute resolution techniques to all appellants and to invite participants to dispute resolution process as deemed necessary.	City Solicitor and Deputy City Manager, Planning and Growth Management	Subsections 17(26.2), 17(37.3), 22(8.2), 34(11.0.0.2), 34(20.2), 51(49.2) and 53(27.2) of the <i>Planning Act</i>	Subsections 17(26.1), 17(37.2), 22(8.1), 34(11.0.0.1), 34(20.1), 51(49.1) and 53(27.1) of the <i>Planning Act</i>	At all times.

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DELEGATED AUTHORITY

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
REAL ESTATE					
1.	Approve execution of agreements of purchase and sale for fee simple title together with such other documents as may be required in connection with the City's acquisition of real property for City projects at fair market value, provided that fair market value is \$100,000 or less.	City Solicitor	Terms and conditions of such agreements and related documents must be acceptable to the Senior Manager, Real Estate and the Deputy City Manager of the relevant department.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	Council Summer Hiatus and Election Period between Council Meetings
2.	Approve execution of agreements of purchase and sale for fee simple title together with such other documents as may be required in connection with the City's disposal, at or above fair market value, of City-owned real property that has been declared surplus or where the requirement for a surplus declaration has been waived in accordance with this authority.	City Solicitor	Terms and conditions of such agreements and related documents must be acceptable to the Senior Manager, Real Estate and the Deputy City Manager of the relevant department.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	Council Summer Hiatus and Election Period between Council Meetings
3.	Waive the requirement for surplus declaration for real property when the conveyance is (a) to a government organization or a public utility, (b) within the scope of usual operations of the City, (c) at or above current market value, (d) the current fair market value of the real property is \$100,000 or less.	Senior Manager, Real Estate or City Solicitor	Waiver is subject to the approval of the Deputy City Manager of the relevant department.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	Council Summer Hiatus and Election Period between Council Meetings
4.	Waive the requirement for surplus declaration for real property when the conveyance is (a) to a government organization or a public utility, (b) within	City Manager and Deputy City Manager of the		<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	Council Summer Hiatus and Election

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DELEGATED AUTHORITY

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
	the scope of usual operations of the City, (c) at or above current market value, and (d) the current fair market value of the real property exceeds \$100,000.	relevant department			Period between Council Meetings
5.	Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000.	Senior Manager, Real Estate or City Solicitor	Terms and conditions of such agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	At all times.
6.	Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$50,000.	Senior Manager, Real Estate or City Solicitor	Terms and conditions of such agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	At all times.
7.	Approve execution of agreements for the acquisition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$100,000.	City Manager	Terms and conditions of such agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	At all times.

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SCHEDULE "A"
DELEGATED AUTHORITY

DELEGATED AUTHORITY		DELEGATE	CONDITIONS/RESTRICTIONS	LEGISLATIVE AUTHORITY	DURATION*
8.	Approve execution of agreements for the disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisitions, provided the value of consideration does not exceed \$100,000.	City Manager	Terms and conditions of such agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	At all times.
9.	Approve execution of agreements for the amendment, extension, renewal, and/or revival of leases and licenses on substantially the same terms and conditions of the original agreements.	Senior Manager, Real Estate or City Solicitor	Terms and conditions of such agreements and related documents must be acceptable to the City Solicitor.	<i>Municipal Act, 2001, S.O. 2001, C.25, as amended, sections 23.1 and 270(1)</i>	Council Summer Hiatus and Election Period between Council Meetings

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