

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 26, 2023**

Item 6, Report No. 37, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 26, 2023.

#### **6. TITLE RESTRICTIONS DELEGATED AUTHORITY**

**The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Infrastructure Development, dated September 19, 2023:**

##### **Recommendations**

1. THAT City of Vaughan By-law 344-1999 be repealed.
2. THAT City of Vaughan By-law 005-2018, be further amended to add the following as section 10 and to consecutively re-number all existing subsequent sections:
  10. The Director of Development Engineering or its designate(s) be and is hereby authorized to execute any consent to the transfer or charge of a lot or block or to the discharge of a restriction, pursuant to Section 118 of the *Land Titles Act*, as it relates to a requirement of a subdivision agreement, which prevents the transfer or charge of such lot or block without the consent of the City. Any such consent, when executed by the said Director or its designate(s), shall be binding upon the City and shall be an effective consent.

## Committee of the Whole (2) Report

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**DATE:** Tuesday, September 19, 2023

**WARD(S):** ALL

**TITLE:** TITLE RESTRICTIONS DELEGATED AUTHORITY

**FROM:**

Vince Musacchio, Deputy City Manager, Infrastructure Development

**ACTION:** DECISION

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**Purpose**

To seek Council approval to amend the delegation of authority by-law (“**By-law 005-2018**”) and to repeal By-law 344-1999 to reflect recent administrative changes in the processing of title restriction clearances.

**Report Highlights**

- The process of title restriction clearances was transferred from Building Standards Department to the Development Engineering Department to support the requirements found in the subdivision agreements administered by the Development Engineering Department.
- Repeal of By-law 344-1999 is required to facilitate the administrative change of functions of this authority from the Director of Building Standards to the Director of Development Engineering.
- Amendments to By-law 005-2018 are being proposed to include delegation of authority to the Director of Development Engineering or its designate to consent to transfer or charge of a lot or block or to discharge a S.118 Restriction registered on title pursuant to a subdivision agreement.

**Recommendations**

1. THAT City of Vaughan By-law 344-1999 be repealed.
2. THAT City of Vaughan By-law 005-2018, be further amended to add the following as section 10 and to consecutively re-number all existing subsequent sections:

10. The Director of Development Engineering or its designate(s) be and is hereby authorized to execute any consent to the transfer or charge of a lot or block or to the discharge of a restriction, pursuant to Section 118 of the *Land Titles Act*, as it relates to a requirement of a subdivision agreement, which prevents the transfer or charge of such lot or block without the consent of the City. Any such consent, when executed by the said Director or its designate(s), shall be binding upon the City and shall be an effective consent.

## **Background**

Upon registration of a plan of subdivision, the City requires registration of a restriction, pursuant to Section 118 of the *Land Titles Act* (“S.118 Restriction”), that no transfer or charge of the lots and blocks within the plan of subdivision shall occur unless the City consents to such transfer or charge. Registration of the S.118 Restriction allows the City to ensure that certain obligations of the developer under the subdivision agreement are satisfied prior to transfer of such lots or blocks to a third-party.

The Title Restriction Coordinator position is responsible for the preparation of consents for the transfer or charge of a lot or block and for reviewing and providing consents to discharges of the S.118 Restriction, as applicable. This position was transferred from Building Standards Department to the Development Engineering Department in May 2023.

Currently, By-law 344-1999 gives authority to the Director of Building Standards or his designate(s) to execute any consent on behalf of the City to transfer a lot, or the discharge of any registered S.118 Restriction.

By-law 005-2018 (see Attachment 1) is a by-law that delegates the approval of certain administrative matters to City staff, including approval and execution of standard form of City agreements such as Model Home Agreements, Subdivision Agreements, Development Agreements, Spine Servicing Agreements, Pre-servicing Agreements, Agreements arising out of Committee Adjustment, Permission to Enter and Construct, parking enforcement agreements, and delegates the authority to deem appropriate lifting of part-lot control restrictions, dedicating roads and road widenings, dedicating 0.3 metre reserves, and assumption of municipal services.

## **Previous Reports/Authority**

By-law 344-1999

## **Analysis and Options**

***By-law 344-1999 be repealed, and the current Delegation By-law 005-2018 be updated to reflect the administrative changes.***

In order to reflect the transfer of the Title Restriction Coordinator position to the Development Engineering Department, it is necessary to repeal the existing delegation of authority to the Director of Building Standards reflected in By-law 344-1999, and amend By-law 005-2018 to now delegate authority to the Director of Development Engineering, or its designate(s), to execute consent to transfer or charge, and to discharge S.118 Restriction, on behalf of the City. If left unchanged, the authority to process title restrictions consents and discharges will be misaligned and inefficient.

Therefore, to ensure alignment with current City practices, staff recommend that Delegation By-law 005-2018 be amended to delegate the authority of title restriction clearances to the Department that manages this process, and to repeal By-law 344-1999 to facilitate the changes.

## **Financial Impact**

There are no direct economic impacts associated with this report.

## **Operational Impact**

The Development Engineering and Building Standards Departments have been consulted and agreed to the proposed changes of delegated authority for title restriction clearances to reflect current City practices.

## **Broader Regional Impacts/Considerations**

Not Applicable

## **Conclusion**

It is recommended that By Law 344-1999 be repealed and By-Law 005-2018 be amended to allow for departmental delegation authority of title restriction clearances to change from the Building Standards Department to the Development Engineering Department.

**For more information**, please contact: Ary Rezvanifar, Manager of Development Engineering Review, or Frank Suppa, Director of Development Engineering

## **Attachments**

1. By-law 005-2018
2. By-law XXX-2023

## **Prepared by**

Ary Rezvanifar, Manager of Development Engineering Review, ext. 8239

## **Approved by**



Vince Musacchio, Deputy City Manager,  
Infrastructure Development

## **Reviewed by**



Nick Spensieri, City Manager

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 005-2018**

**A By-law to authorize delegation of approval of certain administrative matters to Staff and to repeal By-law 195-2015.**

**WHEREAS** Section 23.1 of the Municipal Act, as amended, provides for a municipal council to delegate functions of an administrative nature.

**WHEREAS** Section 51(26) of the Planning Act, as amended, provides municipalities the authority to enter into agreements concerning the subdivision of land;

**AND WHEREAS** the Council of the Corporation of the City of Vaughan has reviewed the provision of various development approval processes and administrative functions and considers it desirable for the purposes of efficient service delivery to delegate the authority to approve and execute standard form agreements including Model Home Agreements, Subdivision Agreements, various Development Agreements, Spine Servicing Agreements, Pre-servicing Agreements, Agreements arising out of Committee Adjustment matters, Permission to Enter and Construct and parking enforcement agreements and to delegate the authority to deem appropriate lifting of part-lot control restrictions, dedicating roads and road widenings, and dedicating 0.3 metre reserves, assumption of municipal services and other administrative matters;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. (a) That provided all required financial guarantees, letters of credit, and charges are filed with and/or paid to the City upon execution of the agreement, fire protection is established to the satisfaction of the Fire and Rescue Services Department, and any necessary municipal services are available, on behalf of the City of Vaughan, the authority to approve Model Home Agreements, substantially in the City's standard form, and as may be updated by the City from time to time, be and is hereby delegated to the Deputy City

Manager, Planning and Growth Management or designate.

- (b) The delegated authority set out herein shall permit the approval by the Deputy City Manager, Planning and Growth Management, and execution of Model Home Agreements for a maximum of ten (10%) percent of the total number of dwelling units to a maximum number of twenty dwelling units, whichever is less, for the development to which the agreement applies;
- 2.
- (a) THAT on behalf of the City of Vaughan, the authority to approve Subdivision Agreements, and Spine Servicing Agreements and Development Agreements, substantially in the City's standard form as amended from time to time be and is hereby delegated to the Deputy City Manager, Planning and Growth Management, or designate.
  - (b) THAT on behalf of the City of Vaughan, the authority to approve servicing agreements, Permissions to Enter and Construct and Development Road Occupancy agreements substantially in the City's standard forms be and is hereby delegated to the Deputy City Manager, Planning and Growth Management, or designate.
- 3.
- (a) That on behalf of the City of Vaughan, the authority to approve development or servicing agreements in substantially the City's standard form, required as a condition of a Decision of the Committee of Adjustment be and is hereby delegated to the Deputy City Manager, Planning and Growth Management, or designate.
  - (b) That on behalf of the City of Vaughan, the authority to approve other agreements, as required from time to time to comply with or fulfill conditions imposed by the Committee of Adjustment prior to the issuance of building permits, or to achieve compliance with the *Building Code Act* (Spatial Separation) be and is hereby delegated to the Chief Building Official or designate.
  - (c) That on behalf of the City of Vaughan, the authority to release financial securities posted with the City related to the installation of municipal services, land and infrastructure development and site alteration following assumption of municipal services by the City and based on the recommendation of the Director of Engineering or its designate, be and is hereby delegated to the City's Chief Financial Officer and City Treasurer or designate.

4.
  - (a) That on behalf of the City of Vaughan, the authority to approve agreements in the City's standard form as amended from time to time with private security companies for enforcement of the Parking By-law on private property is hereby delegated to the Director of Enforcement Services or designate.
  - (b) Notwithstanding the provisions of Section 6.3 of Procedural By-law Number 7-2011, by-laws appointing persons as municipal law enforcement officers for the purposes of this paragraph may be placed on the Agenda for Council without the prior consideration by a Standing Committee, and without recommendation to Council.
  - (c) That on behalf of the City of Vaughan, the authority to add or delete animals from time to time from the List of Animals Permitted to be Kept by the Earth Rangers Foundation is hereby delegated to the Director of By-law & Compliance, Licensing & Permit Services.
5. The Deputy City Manager, Public Works, is hereby authorized to grant exemptions to the provisions of the City's Noise By-law for City initiated capital construction projects and to order road closures for temporary periods for required construction.
6.
  - (a) That on behalf of the City of Vaughan, the Mayor and/or Clerk are hereby authorized to execute Agreements referred to in this By-law, once said agreement has been approved as provided for in this by-law.
  - (b) That on behalf of the City of Vaughan, the Deputy City Manager, Planning and Growth Management, or designate is hereby authorized to execute Development Road Occupancy agreements and Permission to Enter and Construct referred to in Section 2(b).
7. The authority delegated in sections 1 through 6 above shall also apply to the approval and execution of amendments to said agreements, and inclusion of additional provisions as may be required by the municipality.
8. That the authority to deem as appropriate, exemptions to the Part Lot Control provisions of the Planning Act be and is hereby delegated to the Deputy City Manager, Planning and Growth or designate.



9. That the authority to deem appropriate dedication of parcels of land for roads, road widenings and 0.3 metre reserves as public highways and amendments to the Traffic By-law and the Parking By-law be and is hereby delegated to the Deputy City Manager, Planning and Growth Management or designate.
10. Notwithstanding any provision of this By-law, the City Manager, or designate, may refer any matter referred to in this By-Law to Council for consideration.
11. Notwithstanding Section 6.3 of Procedural By-law Number 7-2011, matters referred to in this By-law may be placed on the Agenda for Council without the prior consideration of a Standing Committee, and without a recommendation to Council.
12. By-law 195-2015 is repealed.

Enacted by City of Vaughan Council this 30<sup>th</sup> day of January, 2018.

  
Hon. Maurizio Bevilacqua, Mayor

  
Barbara L. McEwan, City Clerk

Authorized by Item No. 1 of Report No. 34  
of the Special Committee of the Whole (Working  
Session) Adopted by Vaughan City Council on  
September 30, 2015.

Authorized by Item No. 12 of Report No. 40  
of the Committee of the Whole  
Adopted by Vaughan City Council on  
November 17, 2015.

Authorized by Item No. 3 of Report No. 1  
of the Finance, Administration and Audit Committee  
Adopted by Vaughan City Council on  
January 30, 2018.

***THE CITY OF VAUGHAN***

***BY-LAW***

**BY-LAW NUMBER XXX-2023**

**A By-law to amend By-law 005-2018 to authorize the Director of Development Engineering or his designate to execute certain consents and to repeal By-law 344-1999.**

**WHEREAS** The Corporation of the City of Vaughan does, from time to time, require that a restriction be placed on the title of a lot or block on a plan of subdivision which prevents its transfer or charge without the consent of the City.

**AND WHEREAS** currently By-law 344-1999 delegates authority to execute consents or discharge of title restrictions associated with subdivision agreements to the Director of Building Standards.

**AND WHEREAS** the staff functions associated with the clearance of title restrictions was transferred from the Building Standards Department to the Development Engineering Department in May 2023.

**AND WHEREAS**, in order to reflect the foregoing transfer of functions, Council deems it expedient to repeal the existing delegation of authority to the Director of Building Standards reflected in By-law 344-1999 and amend By-law 005-2018 to now delegate the authority to the Director of Development Engineering, or its designate(s), to execute consent to transfer or charge and to discharge title restrictions on behalf of the City.

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. **THAT** By-law 344-1999 is hereby repealed.
2. **THAT** By-law 005-2018, be amended to add the following as section 10 and to consecutively re-number all existing subsequent sections:
  10. The Director of Development Engineering or his designate(s) be and is hereby authorized to execute any consent to transfer or charge of a lot or block, and to discharge a restriction, registered pursuant to Section 118 of the *Land Titles Act* as it relates to a requirement of a subdivision agreement, which prevents the transfer or charge of such lot or block without the consent of the City. Any such consent, when executed by the said Director or its designate(s), shall be binding upon the City and shall be an effective consent.

Enacted by City of Vaughan Council this XX<sup>th</sup> day of (Month), 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by Item No. \_\_\_\_ of Report No. \_\_\_\_  
of the Committee \_\_\_\_\_  
Adopted by Vaughan City Council on  
\_\_\_\_\_.

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