

Committee of the Whole (2) Report

DATE: Tuesday, September 19, 2023

WARD(S): ALL

TITLE: TITLE RESTRICTIONS DELEGATED AUTHORITY

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

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 THAT City of Vaughan By-law 344-1999 be repealed.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

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