

APPENDIX D

Staff Report for City Manager Delegated Authority

Date of Report: August 8, 2022
Report Number: DA.22.008

Department: Planning and Infrastructure
Division: Infrastructure Planning and Development Engineering

Subject: **Authorization to Execute Amending Subdivision Agreement, Cal-Leslie Developments Inc. (DA.22.008) City File: D03-17006**

Purpose:

To obtain approval from the City Manager under the delegated authority outlined in Section 2(g) of By-Law 86-20, to authorize the execution of an Amending Subdivision Agreement with Cal-Leslie Developments Inc. (Subdivision File 19T-17006).

Recommendation(s):

- a) That the Mayor and Clerk be authorized to execute an Amending Subdivision Agreement with Cal-Leslie Developments Inc. under delegated authority outlined in Section 2(g) of By-Law 86-20, upon the written recommendation of the Commissioner of Planning and Infrastructure.

Contact Person:

Jeff Walters, Manager Engineering Subdivisions and Infrastructure Planning,
905-747-6380

Report Approval:

Submitted by:

Dan Terziewski, Director Infrastructure Planning and Development
Engineering

Approved by:



Kelvin Kwan, Commissioner Planning and Infrastructure Department

Approved by:



Darlene Joslin, Interim City Manager

Background:

On August 13, 2021, Cal-Leslie Developments Inc. executed a Subdivision Agreement with the City of Richmond Hill. Since that time, Cal-Leslie Developments has proceeded to register their subdivision plan, construct municipal roads/underground servicing and apply for building permits within Subdivision File 19T-17006. The Cal-Leslie Subdivision is located west of Leslie Street and south of Bethesda Sideroad within the West Gormley Secondary Plan area.

After plan registration, Cal-Leslie Developments obtained additional lands from an adjacent developer through an approved consent application. These additional lands allow Cal-Leslie to create a complete townhome block and extend a municipal road to support building permits for this townhome block. The additional land for the townhome block is designated as Part 1 on Plan 65R-39585 and the additional land to extend the fronting municipal road is designated as Part 2 and 3 on Plan 65R-39585 (refer to Map A for a copy of Plan 65R-39585).

To support eventual application for building permits for this complete townhome block, an amending subdivision agreement is required to convey Parts 2 and 3 to the City and to construct the required municipal road/underground servicing within Parts 2 and 3.

This amending agreement will ensure that Cal-Leslie Developments is obligated to convey the necessary lands and construct the required municipal servicing to ensure this townhome block has public road access and municipal service connections.

In order to proceed with this Amending Subdivision Agreement, approval is required to authorize the Mayor and Clerk to execute this agreement.

Cal-Leslie Developments has expressed an urgency to proceed with the amending agreement to allow them to proceed with building permit applications as soon as possible. Based on this request, staff are requesting that authorization to execute this agreement be granted under the City Manager delegated authority (Section 2(g) of By-Law 86-20) over the summer Council recess.

Financial/Staffing/Other Implications:

There are no financial implications associated with this report. Cal-Leslie Developments Inc. will be required to pay all fees and securities associated with this amending subdivision agreement.

Relationship to Council’s Strategic Priorities 2020-2022:

Execution of this Amending Subdivision Agreement supports the Council’s strategic priority of balancing growth and financial responsibility.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

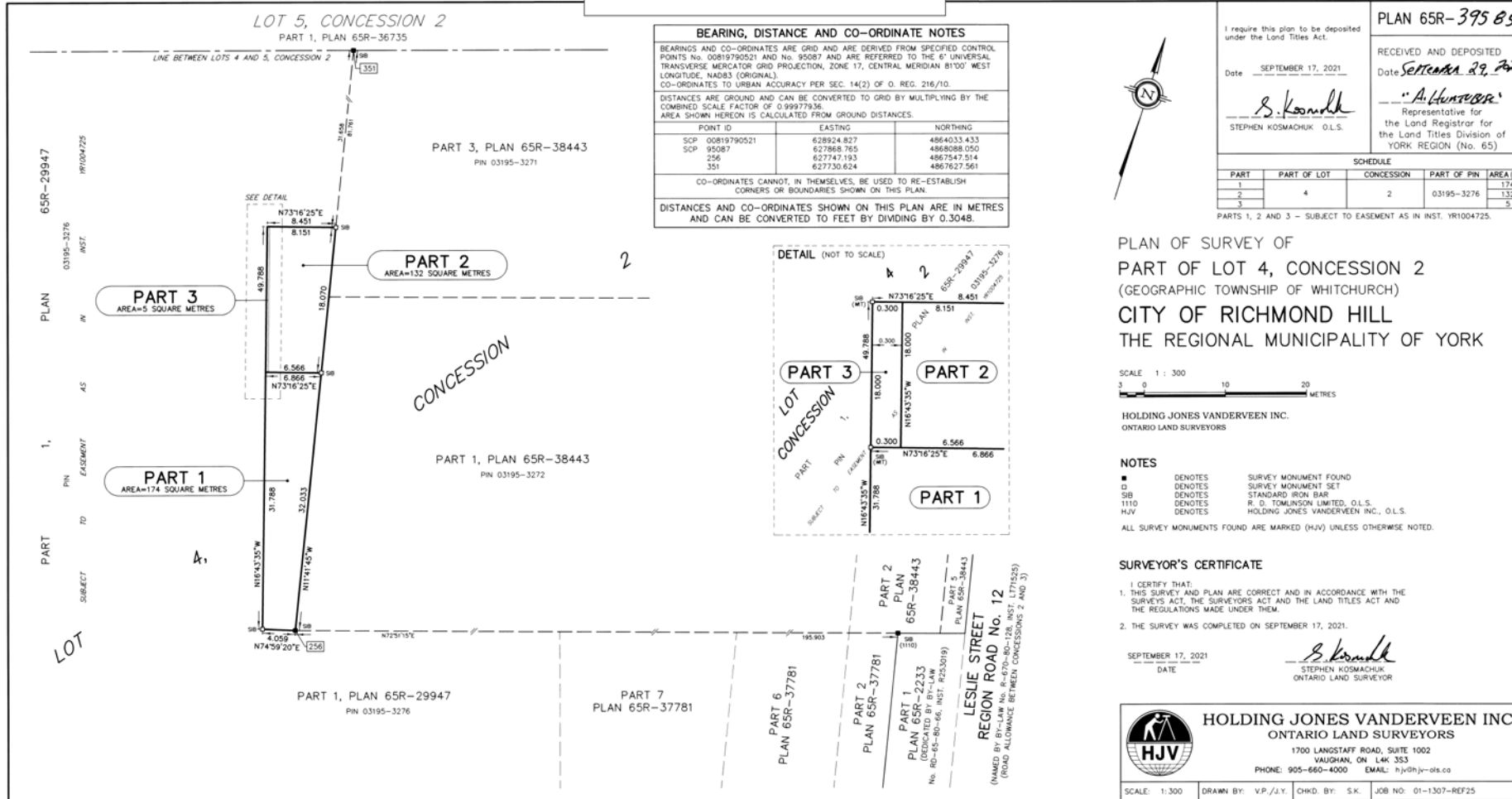
Staff recommend that, under delegated authority in Section 2(g) of By-Law 86-20, the City Manager authorize the Mayor and Clerk to execute an Amending Subdivision Agreement with Cal-Leslie Developments Inc. to reflect the revised municipal servicing and land conveyance obligations, as outlined in this report.

Attachments:

The following attached documents may include scanned images of appendices, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Map A – Copy of Plan 65R-39585
- Bylaw 86-20

Map A - Plan 65R-39585



BEARING, DISTANCE AND CO-ORDINATE NOTES

BEARINGS AND CO-ORDINATES ARE GRID AND ARE DERIVED FROM SPECIFIED CONTROL POINTS No. 00819790521 AND No. 95087 AND ARE REFERRED TO THE 6° UNIVERSAL TRANSVERSE MERCATOR GRID PROJECTION, ZONE 17, CENTRAL MERIDIAN 81°00' WEST LONGITUDE, NAD83 (ORIGINAL).
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG. 216/10.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977936.
AREA SHOWN HEREON IS CALCULATED FROM GROUND DISTANCES.

POINT ID	EASTING	NORTHING
SCP 00819790521	628924.827	4864033.433
SCP 95087	627868.765	4868088.050
256	627747.193	4867547.514
351	627730.614	4867627.561

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



I require this plan to be deposited under the Land Titles Act.

Date SEPTEMBER 17, 2021

S. Kosmachuk
STEPHEN KOSMACHUK O.L.S.

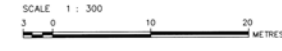
PLAN 65R-39585

RECEIVED AND DEPOSITED
Date SEPTEMBER 29, 2021
A. Hunter
Representative for the Land Registrar for the Land Titles Division of YORK REGION (No. 65)

SCHEDULE			
PART	PART OF LOT	CONCESSION	PART OF PIN
1			03195-3276
2	4	2	174
3			132
			5

PARTS 1, 2 AND 3 - SUBJECT TO EASEMENT AS IN INST. YR1004725.

PLAN OF SURVEY OF
PART OF LOT 4, CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF WHITCHURCH)
CITY OF RICHMOND HILL
THE REGIONAL MUNICIPALITY OF YORK



HOLDING JONES VANDERVEEN INC.
ONTARIO LAND SURVEYORS

- NOTES**
- DENOTES SURVEY MONUMENT FOUND
 - ID DENOTES SURVEY MONUMENT SET
 - SIB DENOTES STANDARD IRON BAR
 - 1110 DENOTES R. O. TOMLINSON LIMITED, O.L.S.
 - HJV DENOTES HOLDING JONES VANDERVEEN INC., O.L.S.
- ALL SURVEY MONUMENTS FOUND ARE MARKED (HJV) UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON SEPTEMBER 17, 2021.

SEPTEMBER 17, 2021
DATE

S. Kosmachuk
STEPHEN KOSMACHUK
ONTARIO LAND SURVEYOR

HOLDING JONES VANDERVEEN INC.
ONTARIO LAND SURVEYORS

1700 LANGSTAFF ROAD, SUITE 1002
VAUGHAN, ON L4K 3S3
PHONE: 905-660-4000 EMAIL: hjv@hjv-ols.ca

SCALE: 1:300	DRAWN BY: V.P./J.Y.	CHKD. BY: S.K.	JOB NO: 01-1307-REF25
--------------	---------------------	----------------	-----------------------

The Corporation of the City of Richmond Hill

By-Law 86-20

A by-law to delegate certain powers and duties during a recess of Council of the Corporation of the City of Richmond Hill

Whereas Section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25 (the “*Municipal Act, 2001*”) authorize a municipality to delegate its powers and duties under the *Municipal Act, 2001* or any other Act, subject to those restrictions set out in such Section;

And Whereas Council deems it appropriate to delegate certain powers and duties during any period of time in which Council does not hold regular meetings, including that period of time referred to in such as during the summer, prior to an election, or the a period referred to in Section 275 of the *Municipal Act, 2001* during which the actions that Council may take are restricted;

Now Therefore the Council of the Corporation of the City of Richmond Hill (the “Corporation”) Enacts as Follows:

1. In this By-law, the following terms have the following meaning:
 - (a) “City Manager” means the individual appointed from time to time by Council to exercise those powers and duties of the chief administrative officer of the Corporation as set out in the Municipal Act, 2001 and various by-laws of the Corporation, and includes any individual who has been authorized to act as City Manager during the incumbent’s absence or on interim basis during a vacancy in the office;
 - (b) “City Solicitor” means the individual from time to time occupying the position of City Solicitor for the Corporation, or such successor position as the case may be, and includes any individual who has been authorized to temporarily act as City Solicitor during the incumbent’s absence or a vacancy;
 - (c) “Commissioner of Planning” means the individual from time to time occupying the office of Commissioner of Planning and Regulatory Services for the Corporation, or such successor office as the case may be, and includes any individual who has been authorized to temporarily act as Commissioner of Planning and Regulatory Services during the incumbent’s absence or a vacancy in the office;
 - (d) “Corporation” means the Corporation of the City of Richmond Hill;
 - (e) “Council” means Council of the Corporation;
 - (f) “*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
 - (g) “*Ontario Heritage Act*” means the Ontario Heritage Act, R.S.O. 1990, c. 018;
 - (h) “*Planning Act*” means the Planning Act, R.S.O. 1990, c. P.13; and

- (i) “Recess Period” means the following periods of time in any calendar year:
 - (i) the periods of time referred to in subsection 5.1.7 of the Corporation’s Procedural By-law 74- 12, as amended (the “Procedural By-law”), which at enactment of this by-law are the periods of time referred to as the “summer recess”, being the last two weeks of July and the full month of August and as the “winter recess”, being the last two weeks of December and the first two weeks of January;
 - (ii) that period of time in September, October and November of a regular municipal election year as set out in subsection 4(1) of the Municipal Elections Act, 1996, as amended, and ending on the date of an inaugural meeting of the new council held pursuant to Section 5.1.3 of the Procedure By-law, during which there are no scheduled regular meetings of Council, including those periods of time in which regularly scheduled meetings are rescheduled to a later date pursuant to Section 5.1.4(c) of the Procedural By-law; and
 - (iii) if applicable, that period time referred to in Section 275 of the *Municipal Act, 2001* during which the actions that Council may take are restricted;
2. Subject to the reporting requirement referred to in Section 4, during any Recess Period the City Manager is hereby authorized to approve, grant or authorize:
 - (a) the carrying out of all activities in connection with an acquisition of goods and services otherwise requiring Council approval, including authorizing:
 - (i) any non-competitive acquisition over \$100,000; and
 - (ii) scope changes of any amount;
 - (b) the execution of the Richmond Hill Office Development and Local Centre Community Improvement Plan Agreements and Cash-in-Lieu of Parking;
 - (c) the execution of Offers to Connect and Letters of Consent with Aletra Utilities (formerly known as PowerStream); the sale of municipal property where Council has previously considered such sale and declared the land surplus to the Corporation’s needs and where any offer received for such lands (which the City Manager is prepared to accept pursuant to this delegated authority) meets or exceeds the listing price established by the Manager of Real Estate when the lands were offered for sale or is not more than 5% below such listing price or reserve bid, and to authorize the execution of any agreement related to such sale; the transfer or sale of any easement, right-of-way or other comparable limited right in or over any land owned by the Corporation

- or the release of any easement, right-of-way or other comparable limited right in favour of the Corporation in or over any land;
- (d) the giving of consent to the alteration of property and to the demolition or removal of a building or structure under Part IV and Part V of the *Ontario Heritage Act*;
 - (e) the determination, pursuant to Section 29 of the *Ontario Heritage Act*, of an intention to designate a property to be of cultural heritage value or interest and the authorization of the giving of notice of intention to designate the property;
 - (f) the determination, pursuant to Section 30.1 of the *Ontario Heritage Act*, of an intention to amend the Designation By-law of a property and the authorization of the giving notice of intention to amend the by-law;
 - (g) the execution and/or extension of any other agreements or documents which would otherwise require the express approval and authorization of Council, where the City Manager deems the matter either to be of a minor nature or determines that waiting until after the Recess Period would have adverse consequences;
 - (h) the acquisition of any land or easements by the Corporation (provided there is a source of funding for such acquisition approved by the Treasurer) and the execution of the Mayor and Clerk of any agreements required for such acquisition;
 - (i) the duty to seek of comments pursuant to the procedure for obtaining comments on proposed site plans for properties located on arterial roads, which shall be revised during any Recess Period to require the City Manager to seek such comments from and through the Mayor and the appropriate ward councillor only;
 - (j) the award of sanitary servicing allocation in respect of a draft approval of a plan of subdivision or site plan approval in accordance with the *Planning Act*, upon the satisfaction of the criteria in the Interim Growth Management Strategy and upon the recommendation of the Commissioner of Planning and Regulatory Services;
 - (k) to facilitate the timely resolution of matters before the Local Planning Appeal Tribunal (LPAT) and take the following actions:
 - (i) upon the recommendation of the Commissioner of Planning and Regulatory Services having advised the Mayor and respective Ward Councillor, instruct the City Solicitor to take a position in respect of matters before the Local Planning Appeal Tribunal, including, without limitation, with respect to any *Planning Act* appeals;
 - (ii) upon the recommendation of the Commissioner of Planning and Regulatory Services, authorize the acceptance of cash-in-lieu of parkland dedication; and

- (iii) declare lands owned by the Corporation surplus without public notice and authorize the disposition of such lands to an appellant in exchange for lands and/or monetary compensation of comparable value.
- (l) the following legislative powers, which Council deems to be of a minor nature:
 - (i) to enact a by-law to remove lands from part lot control pursuant to Subsection 50(7) of the *Planning Act*;
 - (ii) to enact a by-law extending the time period specified in any by-law passed pursuant to Subsection 50(7) of the *Planning Act*;
 - (iii) to repeal or amend a by-law passed pursuant to Subsection 50(7) of the *Planning Act*, pursuant to Subsection 50(7.5) of the *Planning Act*;
 - (iv) to provide draft approval of plans of subdivisions under Section 51 of the *Planning Act*, upon the recommendation of the Commissioner of Planning, provided that each respective application has been circulated for comments in accordance with the provisions of the *Planning Act* and procedures approved by Council, and the Regional Municipality of York and all other circulated agencies have requested routine conditions of approval, and not otherwise, and subject to the condition that Council's standard conditions of approval together with the conditions requested by the Regional Municipality of York and all other circulated agencies be imposed as conditions of approval of the respective plan; and
 - (v) upon the recommendation of the Commissioner of Planning, to name or change the name of a private road pursuant to Section 48 of the Municipal Act for the purpose of adding such name(s) to the Corporation's approved Street Name List and assigning street names for site plan, subject to the giving of the requisite public notice;
 - (vi) to enact, upon consultation with the Mayor and Ward 1 Local Councillor, a by-law to amend Schedule "E" of Parking Regulation Bylaw 402-89 (Municipal Code Chapter 1116), as amended, to implement permit parking on public highways near Lake Wilcox. [2(m)vi – added per By-law 113-20]
- 3. In connection with any actions authorized by the City Manager to facilitate the timely resolution of matters before the Local Planning Appeal Tribunal (LPAT) pursuant to paragraph (m) of Section 2 of this By-law:
 - (a) the City Solicitor is authorized to take any necessary actions to effect those actions authorized pursuant to paragraph (a), including the signing and registration of any electronic transfer documents; and

4. the Mayor and the Clerk are authorized to execute any necessary agreements or other documentation to effect those actions authorized pursuant to paragraph (a), upon the recommendation of the City Manager.
5. The delegated authorities to the City Manager under this by-law are subject to a report being submitted by the City Manager to Council at the earliest opportunity to advise of the approval of any matters pursuant to such delegated authority.

Passed this 24th day of June, 2020.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk