

## Document 11: Schedule K – City Solicitor

Table 1 – Purpose and scope of each delegated authority in Schedule K of the Delegation of Authority By-law

Section	Delegation	Purpose	Scope
1	<p>The City Solicitor is delegated the authority to purchase insurance to protect the City including claims adjusting, insurance brokerage services, and related services provided that the costs are within approved operating budget guidelines and the purchase of insurance complies with the provisions of By-law No. 50 of 2000, as amended, being the City’s Procurement By-law, or any successor by-law thereto.</p> <p>The exercise of this delegated authority pursuant shall be reported to the appropriate Standing Committee at least once in each calendar year.</p>	<p>Provides the ability for the City Solicitor to source and secure the various elements of the City's Integrated Insurance Program, as well as any discrete requirements for individuals, business lines/functions, subject to conformance with approved budget.</p> <p>Includes accountability and reporting mechanism.</p>	City Solicitor

Section	Delegation	Purpose	Scope
2	<p>The City Solicitor is authorized to represent the City, to advance the City's interests, and to defend the City by taking any step or action that is necessary and proper in respect of any legal proceeding affecting the City, including arbitrations, mediations, interim proceedings, and litigation before any court, tribunal, or other forum, subject to such instruction as may be issued by Council or the appropriate Standing Committee from time to time, and in the exercise of such authority, the City Solicitor shall use the most efficient combination of staff and external legal services as required.</p>	<p>Provides authority to the City Solicitor to represent the City in all forms of legal proceedings and to retain and instruct in-house and external legal counsel, as required.</p>	<p>City Solicitor</p>
3	<p>The City Solicitor is authorized to conduct prosecutions on behalf of the City and on behalf of the Attorney General of Ontario in accordance with the Memorandum of Agreement, including appeals.</p>	<p>Provides authority to the City Solicitor to carry out prosecutions of Provincial Offences in an independent manner for by-law charges laid by municipal staff, and to carry out the City's responsibilities under the Provincial Offences Transfer Agreement with the Attorney General.</p>	<p>City Solicitor</p>

Section	Delegation	Purpose	Scope
4	<p>In exercising the authority granted by Sections 2 and 3, the City Solicitor shall have the authority to:</p> <ul style="list-style-type: none"> <li>a) appeal, and seek review or reconsideration, of any judgment, decision, order, or award in any legal proceeding, regardless of the forum;</li> <li>b) authorize the payment of all expenses related to the conduct of any legal proceeding and the payment of any costs awarded against the City;</li> <li>c) execute all documents required to conduct any legal proceeding or conclude the settlement of any legal proceeding; and</li> </ul> <p>take all steps required to enforce orders, decisions, awards, and judgments.</p>	Particularizes and clarifies the scope of the authority provided in Section 2.	City Solicitor
5	The exercise of delegated authority pursuant to Sections 2 and 3 shall be reported to the appropriate Standing Committee on a semi-annual basis.	Accountability and reporting mechanism.	City Solicitor
6	Where time constraints or other circumstances will not allow for the required authority-granting procedures to be followed with respect to any legal matter, the City Solicitor shall have the authority to take the appropriate action and report such action to Council or the appropriate Standing Committee of Council at the earliest opportunity.	Provides authority to the City Solicitor to take steps in a legal matter to preserve the City's legal interests where, due to time constraints or special circumstances, delegated authority would not otherwise be available.	City Solicitor

Section	Delegation	Purpose	Scope
7	<p>The City Solicitor shall give notice, whenever possible, to those Members of Council that may reasonably be expected to have an interest in any legal proceeding involving the City.</p>	<p>Require the City Solicitor to notify Members of Council with an expected interest in legal proceedings involving the City.</p>	<p>City Solicitor</p>
8	<p>The City Solicitor shall have the authority to act as the representative of the City for the purposes of providing for the due and proper administration of the estates of the deceased residents of the City's Long-Term Care Homes under the <i>Fixing Long-Term Care Act, 2021</i>, where no next-of-kin are available or willing to administer the estate.</p> <p>The exercise of this delegated authority shall be reported to the appropriate Standing Committee on a semi-annual basis.</p>	<p>Provides authority to the City Solicitor to administer the estates of residents of City long-term care facilities where family or other estate administrators are not available.</p> <p>Includes accountability and reporting mechanism.</p>	<p>City Solicitor</p>
9	<p>The City Solicitor shall have the authority in expropriation cases to pay the cost of the owners in appearing at the Hearing of Necessity as provided for in subsection 7(7) of the <i>Expropriations Act</i>.</p> <p>The exercise of this delegated authority shall be reported to the appropriate Standing Committee on a semi-annual basis.</p>	<p>Provides authority to the City Solicitor to reimburse the costs of owners whose property is subject to expropriation by the City, as provided for in the relevant legislation.</p> <p>Includes accountability and reporting mechanism.</p>	<p>City Solicitor</p>

Section	Delegation	Purpose	Scope
10	The City Solicitor is delegated the authority to approve payment to the City's Insurers of any deductible limit provided under an insurance policy upon settlement of any claim in excess of the deductible limit.	Provides authority to the City Solicitor to pay to its insurer(s) the City's contribution to any insured claim, up to the limit of the City's Self-Insured Retention (a.k.a. "deductible"), generally for claims settled at the direction of the insurer or that exceed the City's deductible.	City Solicitor
11	The City Solicitor is delegated the authority to settle both litigated and non-litigated claims, to abandon any part of such claims, and make payments where the total amount of the claim settlement is an amount not exceeding the amount of \$1,000,000.00.	Provides authority to the City Solicitor to resolve legal claims without the need for a trial/hearing, up to \$1M.	City Solicitor
12	The City Manager is delegated the authority to settle both litigated and non-litigated claims, to abandon any part of such claims, and make payments where the total amount of the claim settlement is an amount not exceeding the self-insured retention limits under the City's insurance program.	Provides authority to the City Manager to resolve claims without the need for a trial/hearing, up to where the amount payable exceeds \$1M and does not exceed the City's relevant insurance deductible.	City Manager
13	The exercise of delegated authority pursuant to Sections 11 and 12 shall be reported to the appropriate Standing Committee on a semi-annual basis.	Accountability and reporting mechanism.	City Manager  City Solicitor

Section	Delegation	Purpose	Scope
14	Where the City Solicitor determines a claim of the City to be unrecoverable, in whole or in part, and the total claim amount does not exceed the amount referred to in Sections 11 and 12, the City Solicitor or the City Manager, as applicable, have the authority to abandon the claim or any part of it, including writing off any amount owing to the City.	Provides authority to the City Solicitor or City Manager to abandon the recovery of claims where there exists no reasonable prospect of recovery or where the recovery is not financially viable, considering the amounts involved.	City Manager  City Solicitor
15	The City Solicitor is assigned the exclusive authority for retaining all external legal counsel required by the City.	Provides the City Solicitor with the exclusive authority to retain external counsel, as required by Section 2.	City Solicitor
16	The City Solicitor shall have the authority to make applications under the <i>Land Titles Act</i> to bring under the Act such lands of the City as the City Solicitor deems proper, or for the conversion of such lands to absolute title under the <i>Land Titles Act</i> .	Provides authority in the City Solicitor to bring City-owned properties previously registered under the Land Registry system, within the Land Titles system, in keeping with the <i>Land Titles Act</i> .	City Solicitor

Section	Delegation	Purpose	Scope
17	<p>The City Solicitor shall have the authority together with any one of the Managers of Development Review to approve the release and conveyance of reserves of land held for purposes of development control and not exceeding 300 mm (one foot) in width, to the holder in fee simple of properties abutting upon the reserves of land to be released and conveyed for nominal consideration.</p> <p>The City Solicitor shall have the authority jointly with the General Manager, Planning, Real Estate and Economic Development, to release utility easements where the utility services or works at the location of the easements have been discontinued to the holder in fee simple of lands subject to the easements for nominal consideration.</p>	<p>Provides authority in the City Solicitor and Managers of Development Review to release and convey to abutting owners for nominal consideration, reserves held by the City for purposes of development control and utility easements, where these are no longer required by the City.</p>	<p>City Solicitor</p> <p>General Manager, Planning, Real Estate and Economic Development</p> <p>Managers, Development Review</p>

Section	Delegation	Purpose	Scope
18	<p>The City Solicitor shall have the authority, together with any one of the General Manager, Planning, Real Estate and Economic Development, the Director, Planning Services, or the Managers of Development Review, to approve the release of easements for water works and sewage works in development related situations to the holder in fee simple of the lands subject to the easement for nominal consideration where utility services provided by these works at the location of the easements have been discontinued.</p> <p>The City Solicitor shall have the authority, jointly with the General Manager, Planning, Real Estate and Economic Development, to approve the release of easements for water works and sewage works in non-development situations to the holder in fee simple of the lands subject to the easement for nominal consideration where utility services provided by these works at the location of the easements have been discontinued.</p>	<p>Provides authority in the City Solicitor and General Manager, Planning, Real Estate and Economic Development, the Director, Planning Services, or the Managers of Development Review, to release easements retained for utility services, where those service have been discontinued and there is therefore no further requirement for the easement, for nominal consideration.</p>	<p>City Solicitor</p> <p>General Manager, Planning, Real Estate and Economic Development</p> <p>Director, Planning Services</p> <p>Managers, Development Review</p>



Section	Delegation	Purpose	Scope
19	The City Solicitor is authorized to proceed directly to Council to authorize extension agreements approved by the Chief Financial Officer / Treasurer pursuant to Section 16 - Extension Agreements for Tax Arrears - of Schedule "B" by way of placing a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to an extension agreement approved by the Chief Financial Officer/Treasurer under delegated authority, without the necessity of an accompanying report.	City Solicitor
20	The City Solicitor is authorized to proceed directly to Council to authorize pursuant to Section 14 - Loans under the <i>Tile Drainage Act</i> - of Schedule "B" by way of placing a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to rating by-laws made pursuant to Section 8 of the <i>Tile Drainage Act</i> and based upon loans approved by the Chief Financial Officer / Treasurer pursuant to their delegated authority, without the necessity of an accompanying report.	City Solicitor
21	The City Solicitor shall have the authority to conclude, approve, and execute deferral agreements entered into pursuant to Section 27 of the <i>Development Charges Act, 1997</i> , and release of the said deferral agreements provided that:  a) the applicant agrees to pay the development charges within twelve (12) months of the issuance of each building permit for the project or the date the project receives an occupancy permit, whichever comes first;	Provides authority to the City Solicitor to conclude deferral agreements entered into pursuant to Section 27 of the <i>Development Charges Act, 1997</i> , and release of those deferral agreements, in accordance with the conditions established by City Council.	City Solicitor

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	<p>b) the applicant agrees to pay interest at the rate of ten (10) per cent per annum on the total amount of the development charges outstanding;</p> <p>c) the agreement terminates if the building permit is not issued within six (6) months of the date of the agreement or construction has not commenced within three (3) months after the first building permit is issued;</p> <p>d) the City retains the right to have the development charges collected as taxes, together with interest at the rate charged by the City for unpaid taxes, if the applicant fails to comply with any terms of the agreement;</p> <p>e) the applicant agrees that, if the applicant ceases to be the registered owner of the lands subject to the development charges, the development charges and interest shall be immediately due and payable; and</p> <p>f) the applicant agrees to pay all costs associated with the preparation and registration of this agreement.</p> <p>For development that consists of other than single detached homes, semi-detached homes and townhomes (row houses or stacked), the period in clause (1)(a) may be extended to twenty-four (24)</p>		

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	<p>months unless the concurrence of the Ward Councillor is withdrawn.</p> <p>Where the concurrence of the Ward Councillor is withdrawn, the matter shall proceed to the appropriate Standing Committee of Council.</p> <p>Where an applicant has defaulted on its obligations under a deferral agreement, such applicant is not entitled to any further deferrals of development charges unless the applicant has paid the arrears, including applicable interest.</p>		
22	<p>The City Solicitor is authorized to proceed directly to Council to authorize part lot control as approved by any one of the Managers of Development Review pursuant to Section 12 - Part Lot Control Exemptions - of Schedule "I" by way of placing a by-law on the Agenda of Council for enactment.</p>	<p>Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to part lot control approved under the authority delegated to the Managers of Development Review, without the necessity of an accompanying report.</p>	City Solicitor

<b>Section</b>	<b>Delegation</b>	<b>Purpose</b>	<b>Scope</b>
23	The City Solicitor is authorized to proceed directly to Council to authorize the lifting of Holding Zones approved by the General Manager of Planning, Real Estate and Economic Development, the Director, Planning Services, or any one of the Managers of Development Review pursuant to Section 25 - Lifting Holding Zones - of Schedule "I" by way of placing a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to the removal of a Holding provision within respect to a zoning amendment under Section 34 of the Planning Act, as approved under the authority delegated to the GM, Planning, Real Estate and Economic Development or Managers of Development Review, without the necessity of an accompanying report.	City Solicitor
24	The City Solicitor is authorized to proceed directly to Council to authorize road closures as approved by any one of the Managers of Development Review pursuant to Section 18 - Road Closures - of Schedule "I".	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to a road closure approved under the authority delegated to Managers of Development Review, without the necessity of an accompanying report.	City Solicitor
25	The City Solicitor is authorized to proceed directly to Council to authorize road openings as approved by any one of the Managers of Development Review pursuant to Section 19 - Road Openings - of Schedule "I" by way of placing of a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to a road opening approved under the authority delegated to Managers of Development Review, without the necessity of an accompanying report.	City Solicitor

<b>Section</b>	<b>Delegation</b>	<b>Purpose</b>	<b>Scope</b>
26	The City Solicitor is authorized to proceed directly to Council to authorize road openings where the land that is subject to the road opening was acquired as a result of a development approval and all conditions of development approval pertaining to the road opening have been met by way of placing a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to a road opening acquired through the development approvals process, without the necessity of an accompanying report.	City Solicitor
27	The City Solicitor is authorized to proceed directly to Council to obtain authorization for a transit funding agreement approved by the General Manager, Transit Services, by way of placing a by-law on the Agenda of Council for enactment.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order to give legal effect to a transit funding agreement approved by the GM, Transit Services, under delegated authority, without the necessity of an accompanying report.	City Solicitor
28	The City Solicitor is authorized to proceed directly to Council to obtain authorization for a by-law to authorize a local improvement where such has been approved in accordance with By-law 2022-134 – Energy efficiency and water conservation works on private property under the Better Homes Loan Program.	Allows the City Solicitor to place a by-law directly on the City Council agenda in order give legal effect to prior approvals given under the City's Better Homes Loan Program, without the necessity of an accompanying report.	City Solicitor

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29	<p>For purchases not exceeding \$15,000.00, the City Solicitor is authorized, in consultation with the Chief Procurement Officer, to prescribe non-monetary standard terms and conditions necessary to protect the legal interests of the City, including but not limited to, insurance, indemnification, Occupational Health and Safety, Workplace Safety and Insurance, termination for default, termination for convenience, and warranties.</p>	<p>In consultation with the Chief Procurement Officer, gives authority to the City Solicitor to establish standard terms and conditions for low-dollar value procurements in order to protect the City's legal interests.</p>	City Solicitor
30	<p>The City Solicitor is authorized to make minor amendments to a collective agreement provided that the affected bargaining agent agrees with the amendment and the amendment does not create any financial liability for the City that is beyond a budget approved by Council.</p> <p>The exercise of this delegated authority shall be reported to the appropriate Standing Committee and City Council as soon as is practicable.</p>	<p>Provides authority in the City Solicitor to make minor revisions to collective agreements outside of the collective bargaining process, provided that the revision does not give rise to an unbudgeted financial obligation.</p> <p>Includes accountability and reporting mechanism.</p>	City Solicitor

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31	<p>The City Solicitor and the Chief Procurement Officer, where appropriate, are delegated the authority to review or direct the review and initial as “Approved for Execution”, including by electronic means or measures, all significant legally binding contractual, funding, and other such contracts and agreements prior to final execution by authorized signing officers of the City.</p> <p>Where there is a disagreement between the City Solicitor and the operating department with respect to a contract or agreement awaiting approval for execution, the matter will be brought to the appropriate Standing Committee and City Council for resolution.</p> <p>The exercise of this delegated authority shall be reported to the appropriate Standing Committee on a semi-annual basis.</p>	<p>Provides authority in the City Solicitor and Chief Procurement Officer to review the provisions of significant contracts to ensure that they meet any necessary requirements (e.g. insurance, etc.) prior to execution.</p> <p>Includes accountability and reporting mechanism.</p>	<p>City Solicitor</p> <p>Chief Procurement Officer</p>