

**The Corporation of the Township of  
Cavan Monaghan**

**By-law No. 2023-XX**

**Being a By-law to Amend the Township of Cavan Monaghan Delegation to Staff By-law No. 2021-64.**

**Whereas** the Township has enacted a Site Plan Control By-law and Council of the Township is the Site Plan Approval granting authority;

**And Whereas** the County of Peterborough is the approval authority for matters under sections 17, 22, 50, 51 and 53 of the Planning Act, R.S.O. 1990, c. P. 13 (the "Planning Act") (Official Plans and Amendments, Part Lot Control and Plan of Subdivision and Condominium and Severance Approvals);

**And Whereas** the Township makes submissions to the County of Peterborough related to the foregoing applications;

**And Whereas** Subsection 23.1 (1) of the Municipal Act, 2001, 5.0. 2001, c. 25, (the "Municipal Act"), as amended, provides a municipality may delegate its powers and duties under the Municipal Act or any other Act to a person or body;

**And Whereas** Subsection 23.2 (4) of the Municipal Act, as amended, provides that no delegation of a legislative power shall be made to an individual unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power; and

**And Whereas** Subsection 41(13) of the Planning Act, R.S.O. 1990, c. P.13, (the "Planning Act"), as amended, provides that where the council of a municipality has designated a site plan control area under section 41, the council may by by-law delegate to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under section 41, except the authority to define any class or classes of development;

**Now Therefore** the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. In this By-law:
  - (a) Section 3 (a) of the By-law shall be amended by removing the word "unless" and subsections sections a., b. and c., and removing the final sentence "In the circumstances set out in subsections a., b., or c., Council shall retain the authority to issue site plan approval.";

- (c) Add Section 4 to state that “Where Council has imposed a Holding provision on a by-law amendment in accordance with section 39.2 of the Planning Act, Executive Director, Planning & Development or Chief Administrative Officer is authorized to lift the Bylaw.”; and
- (d) Amend section “4” to be renamed as section “5” and amend section “5” to be renamed as section “6”.

2. This By-law comes into force and effect on the date it is enacted by Council.

Read a first, second and third time passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Matthew Graham, Mayor

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Cindy Page, Clerk