

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 49

BY-LAW NO. 2009-49

A by-law governing the execution of documents on behalf of
The Regional Municipality of York

WHEREAS on October 27, 2005, Regional Council enacted By-law No. A-0368-2005-088, being a by-law governing the execution of documents on behalf of The Regional Municipality of York;

AND WHEREAS certain amendments are required to reflect changes to the organizational structure;

NOW THEREFORE the Council of The Regional Municipality of York hereby enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

- a) “Chief Administrative Officer” means the Chief Administrative Officer of the Regional Corporation;
- b) “Commissioner” means any officer or employee of the Region who is designated as the head of a department of the Regional Corporation;
- c) “document” means any written instrument in paper or electronic form which, when duly executed, will have or is intended to have the effect of binding the Regional Corporation but does not include any cheques, bank drafts, debentures or other financial instruments;
- d) “Regional Chair” means the Regional Chair of the Regional Corporation;
- e) “Regional Clerk” means the Regional Clerk of the Regional Corporation;

- f) “Regional Solicitor” means the Regional Solicitor of the Regional Corporation; and
- g) “signing officer” means a person appointed pursuant to this by-law to execute any document on behalf of the Regional Corporation.

2. APPOINTMENT OF SIGNING OFFICERS

- 2.1 The Regional Chair and Regional Clerk are hereby appointed signing officers of the Regional Corporation and may jointly execute any document on behalf of the Regional Corporation.
- 2.2 The Chief Administrative Officer is hereby appointed a signing officer in respect of any document listed in Column 1 of Schedule A to this by-law.
- 2.3 Any document listed in Column 1 of Schedule A to this by-law may be executed by the person holding the position set out opposite such document in Column 2 of Schedule A, and that person is hereby appointed a signing officer for such purpose.
- 2.4 Where any person is authorized to execute any document pursuant to this by-law, such person may appoint a designate to execute such document on his or her behalf.
- 2.5 The appointment of a designate by a Commissioner or the Regional Solicitor shall be subject to the approval of the Chief Administrative Officer.

3. SCOPE OF AUTHORITY

- 3.1 Despite any provision of this by-law, a signing officer shall not execute any document unless the transaction or activity to which the document relates has been approved by Regional Council. For greater certainty, a transaction or activity shall be deemed to be approved by Regional Council where such transaction or activity:
 - a) is included in the annual budget adopted by Regional Council;

- b) is included in a program, project or activity which has been approved by Regional Council; or
 - c) is reasonably incidental to the authority given to the Chief Administrative Officer, or the Commissioners, as the case may be, to carry out their duties and responsibilities on behalf of the Regional Corporation.
- 3.2 No provision of this by-law shall be construed as waiving any provision of By-law No. 2009-41 (the “Purchasing By-law”), as amended from time to time, and the said by-law shall continue to apply to the procurement of goods and services on behalf of the Regional Corporation.
- 3.3 Where authority has been given by Regional Council or pursuant to the Purchasing By-law to any person to execute any document, such authority shall include the authority to execute all ancillary documents necessary to give effect to the document and shall include the authority to amend the original document, where such amendment does not impose any additional financial obligation upon the Regional Corporation.
- 3.4 Where a signing officer is authorized to execute a document pursuant to this by-law, such authority shall include the authority to execute any ancillary documents necessary to give effect to the document and shall include the authority to amend the original document, where such amendment does not impose any additional financial obligation upon the Regional Corporation.
- 3.5 The execution of any document pursuant to this by-law shall be subject to compliance with any policies adopted by Regional Council from time to time with respect to the transaction or activity to which the document relates, and to any administrative procedures established by the Chief Administrative Officer.

4. ADMINISTRATION

- 4.1 Each signing officer shall obtain the approval of the Regional Solicitor or his or her designate prior to executing any document pursuant to this by-law.
- 4.2 Each Commissioner shall maintain a record of each document executed pursuant to this by-law and shall file such record with the Regional Clerk.

4.3 At least one original of each executed document shall be retained by the Regional Corporation.

4.4 All executed documents shall be delivered to the Regional Clerk for safekeeping unless otherwise directed.

5. SCHEDULE

5.1 Schedule A attached shall form part of this by-law.

6. REPEAL

6.1 By-law No. A-0368-2005-088 is hereby repealed.

ENACTED AND PASSED this 19th day of November, 2009.

Regional Clerk

Regional Chair

Authorized by Clause 7, Report 8 of the Finance and Administration Committee, adopted by Regional Council at its meeting on November 19, 2009.

Schedule A

Column 1 DOCUMENT	Column 2 SIGNING OFFICER
1. Funding Agreements 1.1 applications for Federal or Provincial funding or subsidy 1.2 agreements with Federal or Provincial governments or agencies for the provision of funding to the Regional Corporation 1.3 agreements for the provision of funding by the Regional Corporation 1.4 documents required in support of funding applications or as a condition of receipt of funds, including reporting requirements	Commissioner responsible for the program or project to which the funding relates
2. Facilities 2.1 agreements for rental or occupancy of facilities for Regional purposes, including public meetings, staff training and workshops 2.2 agreements respecting utilities, telecommunications and other services to Regional lands and facilities 2.3 agreements permitting temporary occupancy of Regional lands and facilities by third parties	Commissioner responsible for the program requiring the facility Commissioner responsible for the Regional infrastructure to which the agreement relates
3. Purchase of Services 3.1 agreements for the purchase of services from child care providers, homemakers and domiciliary and emergency hostel providers 3.2 agreements for the purchase of services from physicians, nurses and other health care professionals 3.3 agreements for the purchase of services for clients receiving social assistance 3.4 agreements for the purchase of services from agencies receiving funding from the Regional Corporation	Commissioner responsible for the program or project to which the service relates

Column 1 DOCUMENT	Column 2 SIGNING OFFICER
4. Real Estate Matters 4.1 agreements for the acquisition or disposal of land, provided that the value does not exceed \$50,000.00	Chief Administrative Officer and Commissioner of Corporate Services
4.2 offers to lease and leases for Regional purposes, provided the annual rent does not exceed \$100,000 4.3 renewals of leases provided the renewal has been approved by Regional Council 4.4 termination of leases, provided there is no penalty for termination 4.5 conveyance of rights and easements required to service Regional lands and facilities	Commissioner of Corporate Services
4.6 agreements permitting the Regional Corporation access to or encroachment on lands for Regional purposes 4.7 agreements permitting Regional infrastructure to cross railways, Provincial highways and pipelines 4.8 agreements permitting access to or encroachment on Regional lands by third parties	Commissioner responsible for the Regional infrastructure to which the agreement relates
4.9 documents required for the completion of any real estate transaction, including undertakings, certificates, acknowledgments and declarations 4.10 release of any interest in lands no longer required by the Regional Corporation 4.11 agreements respecting conditions, covenants or indemnities in favour of the Regional Corporation 4.12 documents required in connection with the transfer or assumption of Regional lands, infrastructure and facilities	Commissioner of Corporate Services

Column 1 DOCUMENT	Column 2 SIGNING OFFICER
4.13 where the Regional Corporation is a tenant, tenant acknowledgements in respect of the lease 4.14 where the Regional Corporation is a landlord, notices issued pursuant to the lease	Commissioner responsible for the program or project to which the lease relates
4.15 notices required under the <i>Expropriations Act</i>	Commissioner of Corporate Services
5. Land Registration 5.1 forms required under applicable legislation or the Teraview land registration system to register Regional interests in lands and to preserve any right, title or interest 5.2 consents and waivers of notice relating to registrations in the land registry system 5.3 documents to register liens and discharges on title to real property owned by recipients of social assistance	Commissioner of Corporate Services Commissioner of Corporate Services Commissioner of Community and Health Services
6. Administration 6.1 agreements for the exchange or release of information under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> or the <i>Personal Health Information Protection Act, 2004</i> 6.2 agreements with Federal or Provincial governments, municipalities and agencies for Regional undertakings, program delivery and administration 6.3 submission of service and program plans and activity reports as required by any legislative authority 6.4 agreements with institutions and community partners under approved programs 6.5 confidentiality agreements 6.6 release of agreements where Regional conditions have been fulfilled	Commissioner responsible for the program or project to which the matter relates

Column 1 DOCUMENT	Column 2 SIGNING OFFICER
6.7 acknowledgement of the status or term of any agreement or lease to which the Regional Corporation is a party 6.8 applications for permits, approvals or licences with respect to any Regional undertaking 6.9 permits and approvals issued by the Regional Corporation under any legislative authority 6.10 development agreements with municipalities for Regional undertakings	Commissioner responsible for the program or project to which the matter relates
6.11 lodging house licences 6.12 memoranda of understanding with housing providers under the <i>Social Housing Reform Act, 2000</i> 6.13 agreements respecting the admission of persons to long-term care facilities 6.14 admission agreements for supportive housing 6.15 admission agreements for long term care and seniors' day programs	Commissioner of Community and Health Services
7. Planning and Development 7.1 subdivision and site plan agreements and documents required to satisfy any conditions of such agreements 7.2 agreements required as a condition of development approvals, including conveyance of interests in lands 7.3 documents required to clear conditions of development approvals	Commissioner responsible for the program or project to which the matter relates
7.4 agreements permitting deferral of development charges in accordance with By-law No. A-243-98-5	Chief Administrative Officer and Commissioner of Finance
8. Regional Roads 8.1 temporary closure of Regional roads for construction or special events 8.2 access agreements to and from Regional roads 8.3 railway crossing relocation agreements	Commissioner of Transportation Services

Column 1 DOCUMENT	Column 2 SIGNING OFFICER
9. Claims 9.1 originating documents for claims on behalf of the Regional Corporation for amounts up to \$500,000.00 9.2 settlement documents for uninsured claims up to \$500,000.00, including settlements under the <i>Expropriations Act</i> 9.3 releases, indemnities, minutes of settlement and other documents required for the settlement of claims	Regional Solicitor Commissioner responsible for the matter to which the claim relates