



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: April 13, 2021

Report Number: CS- 2021-07

Subject: Delegation of Authority - Reopening Ontario Act & Other Violations

Recommendations

It is recommended:

That CS-2021-07 entitled “Delegation of Authority – Reopening Ontario Act Violations” be received;

And that the Director Planning & Building Services **be authorized** and empowered to provide direction to the Town’s By-law Enforcement Officers when attending legal proceedings in relation the Reopening Ontario Act or any other provincial legislation or municipal by-law.

And further that the Delegation of Powers Policy **be amended** in accordance with this delegation of authority to the Director Planning & Building Services.

Background

The Council of the Town of Tecumseh, as a duly elected municipal government is directly accountable to its constituents for its legislative decision-making, policies and administrative functions. Council’s decisions are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions.

Council may delegate authority within the context and in accordance with the requirements outlined in the Municipal Act, 2001. Section 270 of the Municipal Act, 2001 requires a municipality to adopt and maintain policies with respect to the delegation of its powers and duties.

Council enacted By-law No. 2007-92 at the December 11, 2007 meeting of Council thereby adopting Policy 62 entitled “Delegation of Powers” which sets out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation, required under the Municipal Act, 2001 (Delegation Policy).

The By-law has been amended from time to time as policies have been adopted delegating certain responsibilities to Administration.

The purpose of this report is seek authority for Administration to attend legal proceedings and to defend notice of offences (tickets) issued by the Town’s By-law Enforcement Officer(s) under the Reopening Ontario Act or any other provincial legislation or municipal by-law.

Comments

Council appointed the following positions under By-law No. 2020-77 as By-law Enforcement Officers, who have been, to varying degrees, undertaking a range of enforcement duties in relation to COVID-19 regulations, with the bulk of the duties to date being undertaken by the By-law Enforcement Officer:

- a. Manager Building Services, Chief Building Official;
- b. By-law Enforcement Officer;
- c. Building Inspector;
- d. Fire Prevention Officer.

Enforcement duties, particularly the provincial Stay-At-Home Order and revisions/extension to the Reopening Ontario Act have been undertaken using a strategic approach, in coordination with partner enforcement agencies (Windsor Essex County Health Unit and the Tecumseh OPP).

The Town’s By-law Enforcement Officer has issued tickets for violations under the Reopening Ontario Act.

Effective March 17, 2021, the Provincial Offences Act Offices (POA) recommenced processing convictions and scheduling proceedings for tickets that have been appealed. Earlier in the COVID-19 pandemic, most POA timelines were suspended.

The Clerk’s Office has received Notice of an Early Resolution Meeting from the Ontario Court of Justice regarding an offence under the Re-opening Ontario Act. The meeting to discuss the charges with the prosecutor is scheduled for Wednesday, April 14, 2021.

The Town’s By-law Enforcement Officer and Manager Building Services, CBO, report to the Director Planning & Building Services (Director). It is recommended that, under the direction of the Director, the By-law Enforcement Officers be authorized to attend legal proceedings in relation to tickets that have been issued and are appealed to the courts, and to make recommendations/decisions in reducing or waiving penalties when deemed appropriate.

Consultations

Planning & Building Services

Financial Implications

Administration's attendance at the legal proceedings would be more cost effective than retaining legal counsel to attend.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website Social Media News Release Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Brian Hillman, MA, MCIP, RPP
Director Planning & Building Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None