



Policy: Delegation of Powers and Duties

Policy Number: CP-03

Effective Date: February 9, 2026 (adopted by By-law 014-2026)

Revised Date:

Purpose

The *Municipal Act, 2001*, S.O. 2001 (the “Act”) requires that all municipalities adopt and maintain a policy with respect to the delegation of its powers and duties.

The Delegation of Powers and Duties Policy provides the framework for setting out the scope of the powers and duties which Council may delegate its legislative and administrative authority to and to establish principles governing such delegation. This policy has been developed in accordance with the Act to comply with its other applicable sections, including Section 270.

The Council of The Corporation of the Municipality of Thames Centre, 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 authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

Scope

This policy is required by Section 270 of the Act and applies to all operations for the Municipality of Thames Centre. This policy applies to all Committees of Council, Departments and Staff.

Definitions

For the purposes of this Policy:

Act - shall mean the *Municipal Act, 2001*.

Administrative Powers shall mean those powers that a natural person could delegate and that relate to the management of the Municipality of Thames Centre.

Chief Administrative Officer (CAO) shall mean the Chief Administrative Officer of the Corporation of the Municipality of Thames Centre.

Council shall mean the Council of the Corporation of the Municipality of Thames Centre.

Delegate shall mean the person, employee or officer who has been delegated by Council an authority.

Legislative Powers shall mean those powers that require policy setting and by-law making.

Municipality shall mean the Corporation of the Municipality of Thames Centre.

Officer shall mean an employee of the Municipality holding some position of responsibility or authority.

Policy Provisions

1.0 Legislative Authority

- 1.1 Section 270 (1) of the Municipal Act, 2001, provides that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties.
- 1.2 Section 23.1 (1) of the Act further provides that a municipality may "delegate its powers and duties under this or any other Act to a person or body" subject to certain restrictions.
- 1.3 Section 23.2 of the Act restricts the delegation of legislative and quasi-judicial powers to powers under "this Act, the Planning Act, a private Act relating to the municipality and such other Acts as may be prescribed".

2.0 Powers that cannot be Delegated

- 2.1 Section 23.3 (1) of the Act sets out the specific circumstances in which a municipality cannot delegate its powers or duties as follows:
 - a) Appointing or removing officers of the municipality whose appointment is required by the *Municipal Act* (i.e. Clerk or Treasurer);
 - b) Imposing taxes;
 - c) Incorporating corporations;
 - d) Adopting or amending the official plan;
 - e) Passing zoning by-laws;
 - f) Passing bonusing by-laws related to small businesses operating or proposing to operate in the municipality or bonusing by-laws related to the provision of municipal capital facilities;

- g) Adopting community improvement plans which include bonusing arrangements;
- h) Adopting or amending the municipal budget; and
- i) Other powers or duties as prescribed.

Scope of Delegation

- 3.1. Authority is delegated to specified officers and employees to act, subject to limits and restrictions, as described in Appendix 'A' attached hereto.
- 3.2. Any delegated authority is granted to the officer or employee holding the corresponding officer or employee position listed under the "Delegate(s)" section of each item. The delegation is also granted to the corresponding officer or employee's supervisor, and each supervisor above that position in the corporate structure, up to and including the CAO. The appointed delegation includes any officer or employee holding that position on a permanent, temporary or acting basis.
- 3.3. Where any delegation of authority to any officer or employee or their supervisor is not permissible at law, such as in the instance where a professional qualification or license is required to exercise the authority, then the delegation is deemed not granted to that officer or employee or their supervisor but does not affect the delegation of any other officer or employee or their supervisor.
- 3.4. A delegation of authority may be sub-delegated by the initial delegate, provided that the initial delegate shall remain responsible to the Council regarding the exercise of the authority, despite the sub-delegation.
- 3.5. Where a delegated authority involves the expenditure of funds and/or commitment of resources the delegated authority must be exercised within the Council approved budget and spending authority for that matter, unless specifically stated otherwise.
- 3.6. Officers and employees with delegated authority under this policy shall exercise their authority responsibly and shall be accountable and responsible for their actions and decisions.
- 3.7. This policy does not diminish, restrict or reduce any authority delegated to any officer or employee by any other by-law, statute, regulation or resolution of council.
- 3.8. Notwithstanding any provision of this policy, Council retains the authority to make or reconsider, at any time and without notice, revoke any delegated power that has been identified in this policy.
- 3.9. Unless the power, duty or function of Council has been expressly delegated by by-law, all of the powers, duties and functions of Council remain with Council.
- 3.10. Council has the authority to establish an appeal body to hear appeals or review decisions made under a delegated power as per Section 284.1 of the Act. This includes the power to determine procedures, powers and rules of those conducting the appeal.

- 3.11. Despite Section 5 (3) of the Act, Section 23.1 (3) provides that Council may require that the delegate act by by-law, resolution or otherwise.
- 3.12. This policy may be updated if the delegation of power or duties is created by another policy, resolution or by-law adopted by Council. The update may be implemented by the Municipal Clerk without formal amendment to this policy through Council Resolution.

4.0 Authorization of Expenditures

- 4.1 Council has the ultimate authority for all expenditures. Council delegates this authority through the authorization of budgets, the Procurement of Goods and Services Policy or by specific resolution.
- 4.2 The Procurement of Goods and Services Policy sets out the authority for Procurement and sets purchase limits. It also provides direction on the circumstances in which certain purchasing mechanisms are appropriate (e.g. informal quotes, formal quotes, tender submissions or requests for proposal).

Appendix A – List of Delegated Powers and Duties

Policy Review

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Consolidated List of Delegated Powers & Duties

Delegate(s)	Delegated Power	Legislative Authority	Conditions/Restrictions
CAO	Authority to hire Staff as per Hiring Policy	<i>Municipal Act, 2001. S. 23.1</i>	Council shall appoint all statutory positions by by-law.
CAO	Authority to delegate administrative authority, management and operational issues	<i>Municipal Act, 2001. S. 227 and 229</i>	
CAO	Authority to delegate an authority when a position identified in this by-law are changed or no longer exist	<i>Municipal Act, 2001. S. 270(1)</i>	
CAO	Negotiate and settle claims against the municipality within insurance deductible limit in consultation with Council.	<i>Municipal Act, 2001. S. 23.1</i>	
CAO	Retain external counsel, any expert or other person to assist in an actual or potential action or other legal proceeding or to obtain legal advice on behalf of the Municipality.	<i>Municipal Act, 2001, S. 9, 11 and 23.1</i>	Cost or retainer shall fall within approved budget.
CAO	Entering into settlement agreement for the purpose of resolving applications made under the Human Rights Tribunal of Ontario, in consultation with Council.	<i>Municipal Act, 2001. S. 23.1</i>	
Health and Safety Coordinator	Administration of the Municipality's Health and Safety Program and all associated documentation. Inclusive of development, approval, modification and implementation of administrative policies, procedures and practices.	<i>Occupational Health and Safety Act, 1990</i>	In consultation with Department Heads and the Joint Occupational Health and Safety Committee
CAO and Mayor	Authority to sign the Health and Safety Policy annually as required under the <i>Ontario Health and Safety Act</i>	<i>Municipal Act, 2001. S. 23.1</i> <i>Occupational Health and Safety Act, 1990</i>	
CAO and Director of Legislative Services/Clerk	Accept service of any legal document on behalf of the Municipality	<i>Rules of Civil Procedure</i> ; or <i>Municipal Act, 2001. S. 9, 11 and 23.1</i>	
Director of Legislative Services/Clerk	Appoint Deputy Division Registrars	<i>Vital Statistics Act, 1990. S. 34</i>	By virtue of office

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Delegate(s)	Delegated Power	Legislative Authority	Conditions/Restrictions
Director of Legislative Services/Clerk and Deputy Clerk	Issue Marriage Licenses Solemnize Marriages	<i>Vital Statistics Act, 1990. S. 34</i> By-law 017-2024	By virtue of office
Director of Legislative Services/Clerk and Deputy Clerk	Authority to issue Lottery Licenses	<i>Criminal Code (Canada)</i> Order-in-Council 1413/08 <i>Gaming Control Act, 1992</i>	Compliance with all applicable AGCO Regulations. Associated Policy Defines Criteria, S203-05.
Director of Legislative Services/Clerk	Delegation of the "Head" for Freedom of Information Requests Delegation of "Privacy Officer"	<i>Municipal Freedom of Information and Protection of Privacy Act, Section 3(1)</i> By-law 10-2011	
Director of Legislative Services/Clerk	Records Management Oversight	Records Retention By-law	Including the updating of retention periods, classifications, etc. in compliance with the Records Management By-law and associated policies
Director of Legislative Services/Clerk	Designate an event as event of municipal significance for purpose of prescribing it as a special event occasion where an application has been made.	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Compliance with all applicable AGCO Regulations; Consultation with applicable Municipal approvals for licensing.
Director of Legislative Services/Clerk	Issuance of "Letters of No Objection" for temporary liquor license extensions.	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	
Director of Legislative Services/Clerk	Provide written Municipal Approval, upon request for the selling of beverage alcohol products on holidays	<i>Liquor Licence Act R.S.O. 1990, c. L. 19</i>	Resolution of Council 103-2024
Clerk, Deputy Clerk, Treasurer/Deputy Treasurer	Commissioner of Oaths	<i>Commissioner for Taking Affidavits Act, R.S.O. 1990</i>	By virtue of office
Director of Legislative Services/Clerk	Administration of Municipal end of Wildlife Damage Compensation Program	OMAFRA	

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Delegate(s)	Delegated Power	Legislative Authority	Conditions/Restrictions
CAO/Director of Legislative Services/Clerk	Signing Authority for Agreements and other documents under by-law	<i>Municipal Act, 2001. S. 23.1</i>	All agreements authorized by by-law and to which the corporate seal is affixed must be executed in conjunction with the Mayor. Each document requires two signatures: one from Governance (Council) and one from Administration.
Director of Legislative Services/Clerk	Authority to make minor clerical, typographical or grammatical corrections to any Council record or documentation, including but not limited to: By-laws, Motions, Resolutions, Agendas and/or Minutes	<i>Municipal Act, 2001. S. 23.1</i>	Correction may only be made to ensure accurate and complete implementation of the decisions and actions of Council
Director of Legislative Services/Clerk	Register any instrument on behalf of the Township against the title to lands in which the Municipality has an interest	<i>Land Titles/Registry Act</i>	
Director of Legislative Services/Clerk	Apply to Ministry of the Attorney General for short form wordings and set fines for approved licensing and regulatory by-laws	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Legislative Services/Clerk	Authorization to control and manage each cemetery under the jurisdiction of the Municipality of Thames Centre subject to the requirements and regulations set out in the <i>Cemeteries Act</i> .	<i>Cemeteries Act</i>	
CAO/Directors	Purchase as per the procurement policy or by-law in place	Procurement of Goods and Services Policy	Includes Election Services agreement
CAO/Directors	Authority to sign and submit grant applications for capital programs	<i>Municipal Act, 2001. S. 23.1</i>	The submission of an application may not enter the Municipality into an agreement
CAO or Appropriate Director	Upon request from the Owner, be authorized to grant partial release of security amounts from the securities being held against works stated within an agreement, provided the works have been completed to the satisfaction of the Municipality.	<i>Municipal Act, 2001. S. 23.1</i>	

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CAO	Approval of all emergency expenditures deemed essential to mitigate a declared emergency incident	<i>Municipal Act, 2001. S. 23.1 and 275</i>	In accordance with Thames Centre Emergency Response Plan
CAO/Director of Financial Services/Treasurer	Authority for all investment transactions	<i>Municipal Act, 2001. S. 23.1</i>	In accordance with Municipal Investment Policy and other applicable regulations
Director of Financial Services/Treasurer	Files complaints, mediate and settle proceedings at the Assessment Review Board and Execute Minutes of Settlement of Assessment Review Board	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Financial Services/Treasurer	Designate Assessment Review Board (ARB) appeal representative	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Financial Services/Treasurer	Designate Assessment Review Board (ARB) complaints representative	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Financial Services/Treasurer	To draw, endorse, accept, sign and make all or any bills of exchange, cheques and orders for payment of money and that any one of the officers may on behalf of the Municipality draw drafts, endorse all or any bills of exchange, cheques, promissory notes and orders for the payment of money and other instruments whether negotiable or not for deposit or collection for the credit of the Municipality and to make minor or administrative changes to bank and other financial services agreements	<i>Municipal Act, 2001. S. 23.1</i>	Only with the bankers of the Municipality may arrange, settle, and certify all books and accounts between the Municipality and its bankers and sign receipts for vouchers.
CAO/Director of Financial Services/Treasurer	Administer all approved grant funding amounts, documents and submissions.	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Financial Services/Treasurer	Authority to accept all donations and sponsorship submissions. Approve and execute donation or sponsorship agreements for donations and to issue a receipt, release,	<i>Municipal Act, 2001. S. 23.1</i>	

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	indemnity, waiver, or other document required for the disbursement of a donation or a bequest to the Municipality.		
Director of Planning and Development Services	Authority to determine Planning Application Completeness	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	
Director of Planning and Development Services	Site Plan Approval	By-law 24-2020 (Site Plan Control By-law)	
Director of Planning and Development Services	Approve the Execution of Agreements pursuant to an Approval in the <i>Planning Act</i> : a) Pre-servicing agreement b) Severance Agreement c) Amend or terminate either above agreement	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	Authority to approve the execution of agreements pursuant to an approval by Council or the Committee of Adjustment. Agreements are to impose conditions which formed part of the approval by Council or the Committee of Adjustment under the <i>Planning Act</i> . Where applicable, timing of a development has been approved by Council.
CAO/Director of Planning and Development Services	Authority to take all steps necessary to respond to appeals filed with the Ontario Land Tribunal in accordance with Council Decisions, including retention of external lawyers and experts, as required, and filing or responding to procedural matters as deemed necessary. Authority to determine whether to employ dispute resolution techniques for appeals to planning applications and to approve an Ontario Land Tribunal Settlement.	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	In consultation with Council.
Director of Planning and Development Services	Approve Subdivision Agreements	Resolution No. 226-2021	Includes authority to sign easements, transfers, one-foot reserves etc. for approved subdivision plans.
Director of Planning and Development Services	Telecommunication Towers – Letter of Concurrence	<i>Radiocommunications Act</i>	

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Director of Planning and Development Services	Municipal Clearances to the County of Middlesex with respect to Draft Plan Approval to facilitate registration upon fulfillment of conditions	<i>Planning Act, R.S.O. 1990, c. P. 13, s. 5(1)</i>	
Director of Planning and Development Services	Act as the Community Improvement Plan Administrator to manage the day-to-day responsibilities of the CIP, including undertaking the pre-consultation meetings and coordinating the application submission process	By-law 50-2024 <i>Planning Act, R.S.O. 1990, c. P. 13, s. 28(2)</i>	
Chief Building Official (CBO)	Administration and Enforcement of the Sign By-law, including issuance of permits and approval of variances.	By-law 60-2006 (as amended)	Makes it more consistent with the wording in the by-law.
Chief Building Official (CBO)	Enforce the <i>Building Code Act</i> including issuance of construction and change of use permits and inspections.	<i>Building Code Act, 1992, S.O 1992, c. 23</i>	By virtue of appointment
Chief Building Official (CBO)	Authority to enter into Conditional Building Permit Agreements	<i>Building Code Act, 1992, S.O 1992, c. 23</i>	Agreement template reviewed by Solicitor and approved by Director of Planning and Development Services
Chief Building Official (CBO)	Authorized to process, decide upon and execute Demolition Permits.	<i>Building Code Act, 1992, S.O 1992, c. 23</i>	The CBO or delegate may identify controversial or significant issues to Council for information
Director of Public Works	Approve execution of agreements for acquisition or disposition of temporary and permanent easements as required for approved capital projects or other municipal purposes, together with such other documents as may be required in connection with such acquisition or disposition.	<i>Municipal Act, 2001. S. 23.1</i>	Terms and conditions of such agreements and related documents subject to legal review
Director of Public Works	Authority to execute applications for new entrance permits; provide written confirmation to applicant of diameter of culvert required entrance permits.	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Public Works	Issuance of Road Occupancy Permits and Municipal Consent for utility maintenance and works within road right-of-way, and/or for oversized loads.	<i>Municipal Act, 2001. S. 23.1</i>	

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Delegate(s)	Delegated Power	Legislative Authority	Conditions/Restrictions
Director of Public Works	<p>Temporarily close any highway or portion of a highway:</p> <ul style="list-style-type: none"> a) For construction, repair or improvement of the highway or portion of the highway, or construction or repair of any works, under, over, along, across, or upon the highway or portion of highway; b) Social, recreational, community, athletic or cinematographic purpose, or combination thereof; c) For any request under emergency services; or <p>For construction purposes when public safety may be impacted</p>	<i>Highway Traffic Act, 1990</i>	
Director of Public Works	Temporary Reduction or Lifting of Load Limits on Highways, including designation of alternate routes where applicable.	<i>Highway Traffic Act, 1990</i>	
Director of Public Works	Authority to declare a significant weather event to extend the response time to achieve Minimum Maintenance Standards.	Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways	
Director of Public Works	Enter into Encroachment Agreements for Municipal purposes.	<i>Municipal Act, 2001. S. 23.1</i>	Terms and conditions of such agreements and related documents subject to legal review
Director of Public Works	Execute agreements with Railway Authorities for cost sharing of warning systems and maintenance at level railway crossings.	<i>Municipal Act, 2001. S. 23.1</i>	Terms and conditions of such agreements and related documents subject to legal review
Director of Public Works	Execute applications for environmental approvals	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Public Works	Authority to approve temporary road closures for special events. Events are a one-time, annual or infrequently	<i>Municipal Act, 2001. S. 23.1</i>	

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	occurring activity, that utilize a road or street, thus requiring a temporary road closure and event approval.		
Director of Public Works	Regulate the use of Municipal Right of Way	By-law 42-2017	
Director of Public Works	Regulate Water Consumption	By-law 44-2003	
Director of Public Works	Unintentional Water Use – rate reduction	By-law 40-2016	
Director of Public Works	Execute applications to the Ministry of Environment and Conservation & Parks on behalf of the Municipality	<i>Ontario Water Resources Act</i>	
Director of Public Works	Authority to enter into connection of water and wastewater service agreements	<i>Policy – ES-WW-01.1</i>	
Director of Public Works	Regulation and inspection of the operation of the Municipal Landfill Site	By-laws 42-2012 & 41-2012	
CBO, Water Operations Staff, Director of Public Works or Designate	Regulate backflow prevention and Cross Connection Control to protect water quality	By-law 6-2019	
Director of Public Works	Regulate Discharge of Wastewater and Stormwater and connections to Public Sewers	By-law 7-2019	
Director of Public Works	Approval of utility, drainage road crossing agreements and service agreements for operational matters	<i>Municipal Act, 2001. S. 23.1</i>	
Director of Public Works	Temporary or preliminary work license agreements and any associated documents	<i>Municipal Act, 2001. S. 23.1</i>	
Environmental Services Superintendent	Overall Responsible Operator (ORA) for the Dorchester & Thorndale Drinking Water Systems	Resolution # 187-2021	

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Delegate(s)	Delegated Power	Legislative Authority	Conditions/Restrictions
Environmental Services Superintendent	Authority to disconnect water for non-payment of water accounts	By-law 71-2019	
Drainage Superintendent	Approval of Drainage Reapportionment	<i>The Drainage Act</i>	Annual report brought to Council containing listing of all drains reapportioned for year.
Director of Community Services and Facilities	Enter into and execute advertising agreements for municipal facilities.	Resolution 303-2019	Terms and conditions of such agreements and related documents subject to legal review
Director of Community Services and Facilities	Enter into and execute standard rental agreements for the use of municipal recreational facilities.		Terms and conditions of such agreements and related documents subject to legal review
Director of Community Services and Facilities	Administer use of public parks and recreation areas	By-law 1-2015	
Director of Community Services and Facilities	Authorization to close municipal parks due to seasonal restrictions, inclement weather, and emergencies which could affect the health and well-being of the community		
Director of Emergency Services/Fire Chief	Issue Permit for Fireworks Display	By-law 62-2022	
Director of Emergency Services/Fire Chief	Regulate the setting of open-air fires	By-law 23-2014	