



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number \_\_\_\_\_ - 2022

A by-law to designate Municipal Law Enforcement Officers, to amend Administrative Authority By-law 216-2017, as amended, and to repeal By-laws 136-2022, 146-2022 and 147-2022

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**WHEREAS** Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under the *Municipal Act, 2001* or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Subsection 1(1) of the *Provincial Offences Act*, R.S.O. 1980, c. P.33 provides that provincial offences officers include by-law enforcement officers of a municipality while in the discharge of their duties and an officer, employee or agent of any municipality whose responsibilities include enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of their duties;

**AND WHEREAS** Subsection 1(3) of the *Provincial Offences Act* provides that a Minister of the Crown may designate in writing any person or class of persons as a provincial offences officer for the purposes of all or any class of offences;

**AND WHEREAS** by communication dated July 30, 1984, the Solicitor General designated municipal by-law enforcement officers as provincial offences officers;

**AND WHEREAS** Subsection 15(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 permits a municipal council to appoint persons to enforce the by-laws of the municipality;

**AND WHEREAS** Subsection 3(2) of the *Building Code Act, 1992*, S.O. 1992, c. 23 permits a municipal council to appoint such inspectors as are necessary for the enforcement of the *Building Code Act*;

**AND WHEREAS** the *Building Code Act, 1992* provides that an officer means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1;

**AND WHEREAS** Subsection 7.1(4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

**AND WHEREAS** Subsection 38(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 permits any person authorized by the council of a municipality to inspect property designated or property proposed to be designated;

**AND WHEREAS** Clause 23.2(1)(c) of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality;

**NOW THEREFORE** the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

1. That any person employed by The Corporation of the City of Brampton, whose responsibilities include the enforcement of a by-law, an Act or a regulation of an Act, while in the discharge of his or her duties, is hereby designated as a municipal law enforcement officer.
2. That the designation of a person as a municipal law enforcement officer shall cease immediately upon such person ceasing to be an employee of The Corporation of the City of Brampton.
3. That Schedule A of By-law 216-2017, as amended, The Administrative Authority By-law, be further amended by adding the following delegation of authority:

Enforcement & By-law Services			
#	Delegation	Delegate	Limitation
112	To appoint or rescind the appointment of municipal law enforcement officers for the purposes of enforcing parking on private property contrary to the by-laws of The Corporation of the City of Brampton.	Director	

4. That By-law 146-2022 to appoint Municipal Law Enforcement Officers, By-law 136-2022 to appoint Municipal By-law Enforcement Officers (Summer Students) and By-law 147-2022 to appoint officers to enforce parking on private property are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 6<sup>th</sup> day of July, 2022.**

Approved as to form.  2022/07/04  Colleen Grant
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Patrick Brown, Mayor

Approved as to content.  2022/06/29  J.P. Maurice
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Peter Fay, City Clerk