

Bill No.233
2019

By-law No. A.-_____ - _____

A by-law to delegate the responsibilities of the City contained in Schedule "A" of the Ontario Transfer Payment Agreement for the Ontario Priorities Housing Initiative (OPHI) between The Corporation of the City of London and the Ministry of Municipal Affairs and Housing as it relates to the administrative and development activities for capital development within the Rental Housing Component, to the Housing Development Corporation, London.

WHEREAS section 2 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters;

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that The Corporation of the City of London ("the City") may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and the health, safety and well-being of persons;

AND WHEREAS it is deemed expedient for the City to delegate its duties contained in Schedule "A" of the Ontario Transfer Payment Agreement between The Corporation of the City of London and the Ministry of Municipal Affairs and Housing as it relates to the administrative and development activities for capital development with the "Rental Housing Component", to the Housing Development Corporation, London;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The duties of the City as Service Manager contained in Schedule "A" of the Ontario Transfer Payment Agreement for the Ontario Priorities Housing Initiatives between The Corporation of the City of London and the Ministry of Municipal Affairs and Housing, forming a part of By-law A.-_____ - _____, as it relates to the administrative and development activities for capital development within the "Rental Housing Component", are hereby delegated to the Housing Development Corporation, London, subject to the following:
 - i) the following duties are retained by the City associated with the ongoing operational compliance of proponents and their developments after rent-up of the affordable housing units:
 - a. ongoing compliance reviews and related requirements including the review and submission of any information reports to the Ministry of Municipal Affairs and Housing;
 - b. the completion of the "Proponents Annual Occupancy Report"
 - c. the ongoing review and updating of information in accordance to the "Rental Protocol". The City retains the responsibilities associated with the

- annual review, updating of information, and compliance based on this protocol;
 - d. establishing and signing Contribution Agreement(s) on behalf of the City of London as the Service Manager; and
 - e. advance payments and management of all related financial considerations of the associated Provincial Transfers, with assistance with the City.
 - ii) the Scope of Power of the above-noted delegation includes the following:
 - a. the City may revoke any delegation under this by-law at any time without notice;
 - b. nothing in the delegation shall limit the municipality's right to revoke the delegation beyond the term of council that made the delegation;
 - c. both the municipality and the delegate can exercise the powers delegated under this by-law; and
 - d. any delegation of a duty under this by-law results in the duty being the joint duty of the municipality and the delegate; and,
 - iii) the delegation to the Housing Development Corporation, London is subject to the following condition that the Housing Development Corporation, London shall include within its annual report to the Strategic Priorities and Policy Committee information with respect to the fulfillment of the duties delegated to the Housing Development Corporation, London.

2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – June 25, 2019
Second reading – June 25, 2019
Third reading – June 25, 2019