CITY OF KELOWNA

BYLAW NO. 11250

Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw

---

WHEREAS under Section 154(1) of the *Community Charter* as amended from time to time, empowers the City to, by bylaw, delegate powers, duties and functions, including those specifically established by an enactment, to officers and employees of the City;

AND WHEREAS Council wishes to delegate to its officers and employees' certain powers, duties and functions;

AND WHEREAS Council wishes to specify which officers and employees may act as signatories on behalf of the City as is relates to lease and licence of occupation transactions;

NOW THEREFORE, the Council of the City of Kelowna, in open meeting lawfully assembled, enacts as follows:

SECTION 1 - INTRODUCTION

1.1 This bylaw may be cited for all purposes as the "Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11550."

1.2 Definitions

1.2.1 In this Bylaw:

"City" means The Corporation of the City of Kelowna or the area within the Municipal boundaries thereof;

"Council" means the Municipal Council for the City of Kelowna;

"Lease" means all forms of leases including farm leases, residential property leases, commercial leases, bare land leases, facility leases, concession leases and patio agreements;

"Manager, Property Management" means the person hired in this position by the Real Estate Director; and

SECTION 2 - Authorized Signatories for Specified Real Property Transactions

2.1 Provided that all necessary prerequisites of the *Community Charter* the *Local Government Act,* other applicable federal and provincial enactments, City bylaws, and City policies have been met, the Manager, Property Management is assigned the authority within the parameters established by Section 2 to approve transactions for leases and licences of occupation over lands and buildings owned or vested by the City in addition to buildings and land to be leased by the City as required for municipal undertakings.

2.2 The Manager, Property Management is authorized to negotiate and execute on behalf of the City, transactions of up to a maximum fair market value of $45,000 per year of a lease or licence of occupation.

2.3 The Manager, Property Management is assigned the authority to negotiate, approve and execute on behalf of the City all contracts and other documents necessary or desirable to complete lease or licence of occupation transactions as approved pursuant to this Bylaw.

2.4 The value of a transaction is to be determined by the basic rent or fee payable under the lease or licence for the term of the lease or licence including any rights of renewal.

2.5 The maximum term of a lease or licence of occupations shall be fifteen (15) years inclusive of any rights of renewal, or as established in section 2.2, whichever is shorter in duration.

2.6 The Manager, Property Management shall provide a report to Council to be received for information regarding any transactions approved pursuant to this Bylaw on an annual basis.

SECTION 3 - SEVERABILITY

3.1 In the event that any section of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or sub-section shall be severed from and not affect the remaining provisions of this bylaw.

SECTION 4 – EFFECTIVE DATE

4.1 This bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

Read a first, second and third time by the Municipal Council this 25th day of July, 2016.

Adopted by the Municipal Council this

_____

Mayor

_____

City Clerk