

SUMMARY:

The Real Estate Delegation of Authority Bylaw No. 12875 delegates Council powers with respect to transitions involving leases, licences, and acquisition or disposal of real property.

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CITY OF KELOWNA

Real Estate Delegation of Authority Bylaw No. 12875

WHEREAS the *Community Charter*, Section 154(1), allows a municipality by bylaw to delegate council powers, duties and functions to an officer or employee of the municipality;

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. Definitions

1.1. In this bylaw:

“City” means the corporation of the City of Kelowna or the area within the municipal boundaries.

“City Clerk” means the municipal officer assigned responsibility for corporate administration of the City, including their lawful deputies.

“Lease” means all forms of leases including a farm lease, residential property lease, commercial lease, bare land lease, facility lease, concession lease, or patio agreement.

“Property Management Manager” means the Property Management Manager or the Real Estate Department Manager of the City.

“Real Estate Services Manager” means the Real Estate Services Manager or the Real Estate Department Manager of the City.

2. Leases and Licences

2.1. The following powers of Council with respect to transactions involving leases and licences are delegated to the Property Management Manager:

2.1.1. to approve a transaction for a lease or licence of occupation over lands or buildings or both owned by or vested in the City, or for buildings and land to be leased by the City as required for municipal undertakings, up to a maximum fair market value of \$60,000 per year of a lease or licence of occupation.

2.1.2. to execute on behalf of the City all contracts and other documents necessary or desirable to complete a lease or licence of occupation transaction as approved under the power delegated pursuant to section 2.1.1 of this bylaw.

2.1.3. to approve a transaction involving a lease or licence with respect to a contract or agreement with a public sector institution that the City has a formal working relationship with, and which fulfill key City objectives.

2.1.4. to approve a transaction involving a lease or licence with respect to minor amendments or modifications, or both, to a contract or agreement with a not-for-profit organization that has an existing lease or licence relationship with the City. This does not include a substantial new lease or licence of occupation.

2.2. 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.

2.3. The maximum term of a lease or licence of occupation will be fifteen (15) years inclusive of any rights of renewal.

2.4. The Property Management Manager will provide a report to inform Council regarding a transaction approved pursuant to this bylaw on an annual basis.

3. Acquisitions and Disposals

3.1. The following powers of Council with respect to transactions involving the acquisition or disposition of real property, including land title charges, are delegated to the Real Estate Services Manager:

3.1.1. to approve a transaction for an acquisition or disposition of a City-owned land or building or both as required for municipal undertakings, up to a maximum fair market value of \$250,000 for an acquisition or disposition, supported by a third-party appraisal.

- 3.1.2. to execute on behalf of the City all contracts and other documents necessary or desirable to complete a transaction as approved under the power delegated pursuant to section 3.1.1 of this bylaw.
 - 3.1.3. Despite the foregoing, no powers are delegated with respect to the expropriation of land or improvements.
- 3.2. The value of a transaction is to be determined by the amount payable for an acquisition or disposition.
- 3.3. The Real Estate Services Manager will provide a report to inform Council regarding a transaction approved pursuant to this bylaw on an annual basis.
- 4. Delegated Decisions to Comply with Law and Policy
 - 4.1. In exercising the powers delegated under this bylaw, a delegate must ensure that the decision complies with all applicable federal and provincial enactments, including the *Community Charter* and *Local Government Act*, City bylaws, and City policies.
- 5. Execution of Documents
 - 5.1. Except as otherwise provided in this bylaw, any contract, agreement or other document necessary to carry into effect a validly approved transaction involving a lease, license, acquisition or disposition of land must be executed on behalf of the City by the Mayor and City Clerk.
- 6. Severability
 - 6.1. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phase.
- 7. The Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11550, alternatively cited as Delegation of Authority to Enter into Leases and Licences of Occupation Bylaw No. 11250, including all amendments, is hereby repealed.
- 8. This bylaw may be cited as "Real Estate Delegation of Authority Bylaw No. 12875".
- 9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 9th day of March, 2026.

Adopted by the Municipal Council of the City of Kelowna this 16th day of March, 2026.

Mayor

City Clerk