

City Clerk's Office

**Secretariat**  
Marilyn Toft  
Council Secretariat Support  
City Hall, 12<sup>th</sup> Floor, West  
100 Queen Street West  
Toronto, Ontario M5H 2N2Tel: 416-392-7032  
Fax: 416-392-2980  
e-mail: mtoft@toronto.ca  
web: www.toronto.ca**In reply please quote:  
Ref.: 08-EX17.1**

March 10, 2008

**EXECUTIVE COMMITTEE:****Subject: Executive Committee Item 17.1  
Delegation of Certain Powers in Real Estate Matters (Ward: All)**

City Council on March 3, 4 and 5, 2008, referred this Item back to the Executive Committee, together with the following motions:

Moved by Councillor Moscoe:

That:

1. Recommendation 1 of the Executive Committee be amended by adding the following:

“subject to the following amendments to Appendix A:

1. General Condition (c) be deleted and replaced with the following:
  - (c) For all Acquisitions, Disposals, Land Exchanges and Leases, where the property is located within the boundaries of the City of Toronto, concurrence of the local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be obtained prior to the exercise of delegated Approving Authority by staff, failing which the local Councillor(s) shall request the delegated authority to be exercised by a higher level of authority on the chart (including the Government Management Committee) for final decision-making.
2. General Condition (y) be deleted and replaced with the following:
  - (y) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such

matter is of such special interest that same should be determined by the Government Management Committee.

2. Recommendation 3 of the Executive Committee be deleted and replaced with the following:
  3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years or more prior to the proposed disposal.

Moved by Councillor Vaughan:

1. That, where a local Councillor feels that a property should be acquired, but through the process that idea is rejected by either staff or the Government Management Committee, there be an appeal mechanism to City Council.
2. That the Chief Corporate Officer be requested to report to the Government Management Committee on appropriate policies to facilitate the resale of expropriated properties that are tied to a land assembly or civic projects where the City is a partner.

for City Clerk

M. Toft/sb

Attachment


**TORONTO City Council Decision**


---

## Executive Committee – Item 17.1

Considered by City Council on March 3, 4 and 5, 2008

EX17.1	REFERRED			Ward: All
--------	----------	--	--	-----------

### Delegation of Certain Powers in Real Estate Matters

#### City Council Decision

City Council on March 3, 4 and 5, 2008, referred this Item back to the Executive Committee, together with the following motions:

Moved by Councillor Moscoe:

That:

1. Recommendation 1 of the Executive Committee be amended by adding the following:

“subject to the following amendments to Appendix A:

1. General Condition (c) be deleted and replaced with the following:
  - (c) For all Acquisitions, Disposals, Land Exchanges and Leases, where the property is located within the boundaries of the City of Toronto, concurrence of the local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be obtained prior to the exercise of delegated Approving Authority by staff, failing which the local Councillor(s) shall request the delegated authority to be exercised by a higher level of authority on the chart (including the Government Management Committee) for final decision-making.
2. General Condition (y) be deleted and replaced with the following:
  - (y) Where approving power has been delegated to staff, the Chief Corporate Officer, in consultation with the applicable Deputy City Manager or the City Manager, may determine that such matter is of such special interest that same should be

determined by the Government Management Committee.

2. Recommendation 3 of the Executive Committee be deleted and replaced with the following:
  3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years or more prior to the proposed disposal.

Moved by Councillor Vaughan:

1. That, where a local Councillor feels that a property should be acquired, but through the process that idea is rejected by either staff or the Government Management Committee, there be an appeal mechanism to City Council.
2. That the Chief Corporate Officer be requested to report to the Government Management Committee on appropriate policies to facilitate the resale of expropriated properties that are tied to a land assembly or civic projects where the City is a partner.

---

(January 23, 2008) Report from the Deputy City Manager and Chief Financial Officer and the City Solicitor

### **Committee Recommendations**

The Executive Committee recommends that:

1. City Council delegate the approving and signing powers in real estate matters as set out in Appendix A.
2. City of Toronto Municipal Code Chapter 27, Council Procedures, be amended as necessary to give effect to the delegation set out in Appendix A.
3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from

whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority.

4. In respect of the acquisition of contaminated lands by means other than the development review process, City Council rescind the policy adopted by the former City of Toronto entitled “Environmental Issues – Real Property Acquisitions” as set out in Clause 46 of Report No. 11 of the Executive Committee at its meeting of June 21, and 22, 1993, and the former City of Etobicoke “Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites”, adopted by the former Etobicoke Council meeting on September 15, 1997, together with any other subsisting policies from the legacy municipalities.
5. This authority supercede and replace the delegation of approving authority in real property matters authorized by City Council’s adoption of Appendix A-1 of Clause No. 1 as amended of Report No. 11 of The Corporate Services Committee at its meeting held on July 29, 30 and 31, 1998.
6. Authority be granted to the City Solicitor to submit any bills required to implement the foregoing, including all necessary amendments to City of Toronto Municipal Code Chapter 27, Council Procedures, and other chapters in the Municipal Code and other by-laws, generally in accordance with the report recommendations and Appendix A, and subject to any necessary technical adjustments.

### **Decision Advice and Other Information**

The Executive Committee referred the following motions to the Deputy City Manager and Chief Financial Officer and the City Solicitor for report directly to Council for its meeting scheduled to be held on March 3, 2008, with a request that staff explore how to best accomplish the authority to bump up the delegation authority to a higher level:

Moved by Councillor De Baeremaeker:

“That the Executive Committee recommend to City Council that:

1. General Condition (c) contained in Appendix A, Delegation of Certain Powers in Real Estate Matters, be amended by adding the words “concurrence of” before the words “the local Councillor” in the first line, substituting in the second line, the word “obtained” for the word “consulted”, and adding the words “, failing which the matter will be submitted to the Government Management Committee and Council for consideration and determination”, so that General Condition (c) will now read:

“(c) For all Acquisitions, Disposals, Land Exchanges and Leases, concurrence of the local Councillor will be obtained prior to the exercise of delegated Approving Authority by Staff, failing which the matter will

be submitted to the Government Management Committee and Council for consideration and determination.”

Moved by Councillor Moscoe:

“That the Executive Committee recommend to City Council that:

1. General Condition (c). contained in Appendix A, Delegation of Certain Powers in Real Estate Matters, be amended to read as follows:
  - (c) For all real estate transactions including, but not limited to Acquisitions, Disposal Land Exchanges and Leases, the local Councillor or Councillors, if the subject property is within 300 meters of a Ward boundary, or if the transaction involves an exchange of properties in more than one ward, will be consulted prior to the exercise of delegated approving authority by staff.”
2. the following General Condition (z) be added to Appendix A:
  - “(z) The local Councillor(s) as specified in item c., has the authority to bump the delegation authority to a higher level of staff authority on the chart up to an including the Government Management Committee;”;

The Executive Committee also referred the following motion to the Deputy City Manager and Chief Financial Officer and the City Solicitor for report directly to Council for its meeting scheduled to be held on March 3, 2008:

Moved by Councillor Moscoe:

“That the Executive Committee recommend to City Council that Recommendation 3 contained in the report (January 23, 2008) from the Deputy City Manager and Chief Financial Officer and the City Solicitor, be amended to read as follows:

3. In respect of the exercise of delegated authority to dispose of land, City Council, as the approving authority under the Expropriations Act, authorize the Government Management Committee and staff to whom authority to dispose of land is being delegated, to dispose of lands acquired by expropriation without giving the owner from whom the land was expropriated the first chance to repurchase the land on the terms of the best offer received by the expropriating authority, if the expropriation has taken place ten years prior to the proposed disposal.”

The Executive Committee held a public meeting on February 6, 2008, in accordance with the City of Toronto Act, 2006, and notice of the proposed amendments to Municipal Code

Chapter 27, Council Procedures, was posted on the City's web site for a minimum of 5 days.

### **Financial Impact**

There is no financial impact as a result of this report. It is a pre-condition to the exercise of any delegated authority that all required funding be available in an approved budget.

### **Summary**

To delegate various approving and signing powers in real estate matters.

### **Background Information**

Delegation of Certain Powers in Real Estate Matters

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10351.pdf>

Delegation of Certain Powers in Real Estate Matters - Appendix A

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10352.pdf>

1998 Delegation of Authority in Real Property Matters - Appendix A-1

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-10353.pdf>

### **Additional Background Information (City Council)**

- (February 27, 2008) from the Deputy City Manager and Chief Financial Officer and the City Solicitor ([EX17.1a](#))

### **Speaker**

Councillor Michael Walker, Ward 22, St. Paul's