

Appendix A

DELEGATION OF CERTAIN POWERS IN REAL ESTATE MATTERS

GENERAL CONDITIONS (“GC”):

- (a) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (b) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget.
- (c) For all Acquisitions, Disposals, Land Exchanges and Leases, the local Councillor will be consulted prior to the exercise of delegated Approving Authority by staff.
- (d) Sales, acquisitions and leases over which the Affordable Housing Committee has responsibility as set out in the Council Procedural By-law remain with the Affordable Housing Committee and are not affected by this delegation.
- (e) Property interests are to be based on appraised value, and no interest shall be granted at less than market value unless otherwise specifically authorized.
- (f) Authority to approve transactions at less than market value is subject to statutory anti-bonusing provisions.
- (g) Total compensation means the aggregate of all types of payments, including land value, estimated clean-up costs, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made for bring the property into compliance with applicable MOE or other requirements such that it will be fit for its intended municipal purpose.
- (i) Authority to initiate the permanent road closure process in **A.6(3)** is conditional upon confirmation by the GM of Transportation that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.8** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.9**, may be authorized based on the delegated Approving Authority for Disposals in **A.8**.
- (l) Authority to approve an exchange of land in **A.9(3)** is conditional upon confirmation by the Chief Planner and Executive Director, and the GM of Parks, Forestry & Recreation, that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

- (m) Authority in leasing matters (**A.10 and A.11**) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (n) Total compensation in leasing matters where the City is landlord (**A.10**) includes the value of tenant improvements if factored into tenant's rental payments.
- (o) Total compensation in leasing matters where the City is the tenant (**A.11**) includes the value of any tenant improvements to be paid by the City.
- (p) Where options/renewals are included in leases, if the renewal rent is to be determined at a date later than the original approval date, total compensation is to be calculated as though all options are exercised, estimating the renewal rent based on the highest rent payable in the first term of the lease.
- (q) Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (r) Approving Authority includes authority for amendments within the parameters of the delegated Approving Authority, the cumulative total of which may not exceed the delegated financial limit.
- (s) Where proposed additional amounts in **A.14** exceed 10 per cent of the original decision, even if otherwise in compliance with all other conditions, then approving authority is transferred upwards to the next more senior level of approving authority having the relevant overall financial limit.
- (t) Approving Authority includes authority for all documents necessary to implement the authority, on terms and conditions satisfactory to the Approving Authority, in consultation with the relevant operating Division(s).
- (u) Manager means, within his/her respective assigned area of responsibility within the City's Facilities and Real Estate Division: Manager of Acquisitions and Expropriations, Manager of Portfolio Management, Manager of Appraisals and Policy, and Manager of Leasing and Site Management.
- (v) Staff positions and Committee names referred to in this delegation include successors from time to time.
- (w) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (x) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (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 returned to the Government Management Committee and Council for consideration and determination.

Note: The delegation of authorities in real estate matters is reflected by the placement of bullets (●) on the chart in this **Appendix A**.

A. Approving Authority	(1) Government Management Committee	(2) City Manager	(3) Chief Corporate Officer	(4) Executive Director F&RE	(5) Director of Real Estate Services	(6) Manager
1. Acquisitions	● Where total compensation exceeds \$1 Million but does not exceed \$5 Million	● Where total compensation does not exceed \$1 Million	● Where total compensation does not exceed \$500,000	● Where total compensation does not exceed \$250,000	● Where total compensation does not exceed \$100,000	● Where total compensation does not exceed \$25,000
2. Expropriations	● Statutory offers, agreements and settlements where total compensation exceeds \$1 Million but does not cumulatively exceed \$5 Million	● Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million	● Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$500,000	● Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$250,000	● Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$100,000	● Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$25,000
3. Vesting in City Following Unsuccessful Tax Sale	● Condominium properties/ contaminated land, where total compensation does not exceed \$5 Million					
4. Issuance of RFPs/REOs			● Issuance of RFPs/REOs			
5. Jurisdictional Transfers between ABCDs			● Jurisdictional Transfers between ABCDs			
6. Permanent Highway Closures			● Initiate process and authorize GM of Transportation to give notice of proposed by-law			

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7. Limiting Distance Agreements		● Where total compensation does not exceed \$1 Million	● Where total compensation does not exceed \$500,000	● Where total compensation does not exceed \$250,000	● Where total compensation does not exceed \$100,000	● Where total compensation does not exceed \$25,000
8. Disposals: (including Leases of 21 years or more)	● Where total compensation exceeds \$1Million but does not exceed \$5 Million	● Where total compensation does not exceed \$1 Million	● Where total compensation does not exceed \$500,000	● Where total compensation does not exceed \$250,000	● Where total compensation does not exceed \$100,000	● Where total compensation does not exceed \$25,000
9. Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan			● Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan			
10. Leases/ Licences (City as Landlord/ Licensor)	● (a) Where total compensation (including options/renewals) exceeds \$1 Million but does not exceed \$5 Million (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.	● Where total compensation (including options/renewals) does not exceed \$1 Million	● Where total compensation (including options/renewals) does not exceed \$500,000	● (a) Where total compensation (including options/renewals) does not exceed \$250,000 (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.	● Where total compensation (including options/renewals) does not exceed \$100,000	● Where total compensation (including options/renewals) does not exceed \$25,000

A. Approving Authority	(1) Government Management Committee	(2) City Manager	(3) Chief Corporate Officer	(4) Executive Director F&RE	(5) Director of Real Estate Services	(6) Manager
11. Leases/ Licences (City as Tenant/ Licensee)	● Where total compensation exceeds \$1 Million but does not exceed \$5 Million	● Where total compensation (including options/renewals) does not exceed \$1 Million	● Where total compensation (including options/renewals) does not exceed \$500,000	● Where total compensation (including options/renewals) does not exceed \$250,000	● Where total compensation (including options/renewals) does not exceed \$100,000	● Where total compensation (including options/renewals) does not exceed \$25,000
12. Easements (City as Grantor)	● Where total compensation exceeds \$1Million but does not exceed \$5 Million	● Where total compensation does not exceed \$1Million	● Where total compensation does not exceed \$500,000	● Where total compensation does not exceed \$250,000	● Where total compensation does not exceed \$100,000	● Where total compensation does not exceed \$25,000
13. Easements (City as Grantee) Including Assumption of Services	● Where total compensation exceeds \$1Million but does not exceed \$5 Million	● Where total compensation does not exceed \$1Million	● Where total compensation does not exceed \$500,000	● Where total compensation does not exceed \$250,000	● Where total compensation does not exceed \$100,000	● Where total compensation does not exceed \$25,000
14. Revisions to Council/Delegated Government Management Committee Decisions in Real Estate Matters despite Municipal Code Chapter 27- 67.	● Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$5 Million)	● Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$1 Million)	● Amendment must not be materially inconsistent with original decision (and may include increase not to exceed the amount of the original decision by the lesser of 10 per cent and \$500,000)			

A. Approving Authority	(1) Government Management Committee	(2) City Manager	(3) Chief Corporate Officer	(4) Executive Director F&RE	(5) Director of Real Estate Services	(6) Manager
15. Miscellaneous			<ul style="list-style-type: none"> • (a) Approvals, Consents, Notices and Assignments under all Leases/Licences • (b) Releases/Discharges • (c) Surrenders/Abandonments • (d) Enforcements/Terminations • (e) Consents/Non Disturbance Agreements/Acknowledgments/ Estoppel Certificates • (f) Objections/Waivers/Cautions • (g) Notices of Lease and Sublease • (h) Consent to regulatory applications by City, as owner • (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title • (j) Documentation relating to Land Titles applications • (k) Correcting/ Quit Claim Transfer/Deeds 			
B. Signing Authority General Conditions: - Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions). - Documents must have received the City Solicitor's prior "Approval as to Form".						
1.		<ul style="list-style-type: none"> • In addition to corporate signing authorities, all staff positions having Approval Authority pursuant to this delegated authority also have signing authority on behalf of the City for documents required to implement any such approval. 				
2.		<ul style="list-style-type: none"> • For Council-approved expropriations, in addition to corporate signing authorities, any one of the: Chief Corporate Officer, Executive Director of Facilities and Real Estate, Director of Real Estate Services, and Manager of Acquisitions and Expropriations may sign Applications and Notices. 				
3.		<ul style="list-style-type: none"> • For purchases, sales and land exchanges not delegated to staff for approval, in addition to corporate signing authorities, any one of the: Chief Corporate Officer, Executive Director of Facilities and Real Estate, and Director of Real Estate Services may execute Agreements of Purchase and Sale, and all implementing documentation, on behalf of the City. 				

