

**REPORT ON MOTIONS ON DELEGATION OF POWERS
IN REAL ESTATE MATTERS**

Date:	February 27, 2008
To:	City Council
From:	Deputy City Manager and Chief Financial Officer City Solicitor
Wards:	All
Reference Number:	P:\2008\Internal Services\F&re\Cc08022F&re – (AFS 7059)

SUMMARY

Executive Committee, at its meeting of February 6, 2008, considered a report from the Deputy City Manager and Chief Financial Officer and City Solicitor entitled “Delegation of Certain Powers in Real Estate Matters” and requested that they report directly to Council with respect to various Councillors’ motions.

Financial Impact

There is no financial impact as a result of this report.

DECISION HISTORY

At its meeting on February 6, 2008, the Executive Committee had before it a report entitled “Delegation of Certain Powers in Real Estate Matters”. The Executive Committee recommended adoption of the recommendations in the report and also referred certain 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, including a request to explore how to best accomplish the authority to bump up the delegation authority to a higher level.

ISSUE BACKGROUND

The report (January 23, 2008) entitled “Delegation of Certain Powers in Real Estate Matters” from the Deputy City Manager and Chief Financial Officer and City Solicitor recommended, among other things, that certain decision making authority in real estate matters be delegated, variously, to certain staff positions and Government Management Committee within a series of stepped financial ceilings.

General Condition (c) in Appendix A of the report provides that for all Acquisitions, Disposals, Land Exchanges and Leases, the local Councillor will be consulted prior to the exercise of the Delegated Approving Authority by staff.

At Executive Committee, Councillor De Baeremaeker brought a motion requiring local Councillor concurrence (rather than consultation) for all Acquisitions, Disposals Land Exchanges and Leases, failing which the matter would be submitted to Government Management Committee and Council for consideration and determination.

Councillor Moscoe brought motions to require, among other things, a “bump up” of the delegated authority to staff to a higher level of authority on the chart up to and including the Government Management Committee for final decision making. Councillor Moscoe also moved that:

- (i) if the subject property is within 300 metres of a ward boundary, or if the transaction involved an exchange of properties in more than one ward, then the local Councillor(s) of such wards would also need to be consulted prior to the exercise of delegated approving authority by staff; and
- (ii) authority to dispose of land 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, should be limited to those situations where the expropriation took place 10 years prior to the proposed disposal.

COMMENTS

Staff subsequently met with Councillors De Baeremaeker and Moscoe, as well as with Councillor Lindsay Luby as Chair of the Government Management Committee. The Councillors all agreed that:

- (i) there should be local Councillor concurrence (not merely consultation) for all Acquisitions, Disposals, Land Exchanges and Leases;
- (ii) in the case of matters delegated to staff for decision-making, there should be an entitlement for a “bump up” by the local Councillor to a higher level of authority on the chart up to and including the Government Management Committee; and

- (iii) where a delegated real estate matter is within the jurisdiction of Government Management Committee (whether in the first instance or as a result of a bump-up from a matter otherwise delegated to staff), the decision of Government Management committee shall be final (with no availability of further consideration by Council).

Councillor Moscoe also indicated satisfaction with a process which would require, where the property is on a ward boundary, additional consultation with the adjoining ward Councillor. Councillor Moscoe continues with the objective of ensuring that individual Council consideration be given to any recommendation within a period of ten years of an expropriation, to approve of an 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.

Accordingly, if Council wishes to implement the objectives inherent in the foregoing motions and discussions, the following wording would accomplish that result:

1. General Condition (c) in Appendix A, be 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. Recommendation No. (3) be 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.”

In addition, the staff report contains a provision that if a matter otherwise having been delegated to staff for approval is of such special interest, that same should receive the consideration of Government Management Committee and ultimately be decided by Council, then the Chief Corporate Officer in consultation with the applicable Deputy City Manager or the City Manager could return such item to the Government Management Committee/Council process for consideration and decision-making by Council. If

Council decides to implement the objectives as discussed above, then it would be appropriate to provide that where staff considers a matter to be of such special interest that it be returned to the political forum for decision-making, then consistency would dictate that the matter be finally determined by Government Management Committee, and not Council. The following replacement General Condition (y) would accomplish that result:

“(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”.

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SIGNATURE

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