

2017 Final Report on Property Sales, Acquisitions, Expropriations and Leases and Proposed On-Line Registry for Delegated Approval Forms

Date: March 14, 2018
To: Government Management Committee
From: Director, Real Estate Services
Wards: All Wards

SUMMARY

This final report provides an annual overview of property sales, purchases, expropriations and leases by the City from January 1, 2017 to December 31, 2017.

A synopsis of real estate transactions are included in this report, specifically on properties declared surplus, sale activities, as well as information on property acquisitions by negotiation/expropriation and leases. Also included is a breakdown of real estate transactions processed by delegated authority.

RECOMMENDATIONS

The Director, Real Estate Services recommends that:

1. City Council direct the Deputy City Manager, Internal Corporate Services to maintain and publish an on-line registry of Delegated Approval Forms related to real estate matters that is available to the general public ("the DAF Registry") and authorize the Deputy City Manager, Internal Corporate Services to collect and maintain information, which may include personal information, for the purpose of the DAF Registry.
2. City Council approve the Delegated Approval Form Registry Policy attached as Appendix "A" to this report, and authorize the Deputy City Manager, Internal Corporate Services to amend the Delegated Approval Form Registry Policy as may be required in the opinion of the Deputy City Manager, Internal Corporate Services to ensure the efficient operation of the DAF Registry, while maintaining transparency, accountability and personal safety.

FINANCIAL IMPACT

There is no financial impact.

The Acting Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Annual overview of property sales, purchases, expropriations and leases by the City.

COMMENTS

Properties no longer operationally required are circulated to the City's Agencies, Corporations and Divisions for potential municipal interest. If no interest is expressed or interest is not justified in the view of the Property Management Committee, the property is declared surplus and offered for sale, which is a commitment to sell or otherwise dispose of property, including a disposal by way of a lease of 21 years or longer. The Deputy City Manager, Internal Corporate Services, is authorized to declare land surplus and to approve the intended manner or process by which the sale and or lease of the property will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee.

At its meeting on May 24, 25 and 26, 2017, City Council considered and adopted a new real estate service delivery model for the City government that centralizes all real estate activities City-wide, including all real estate strategy and portfolio planning, major building projects, developments, real estate transactions and facilities management. It is the intention that the 2018 Final Report on Property Sales, Acquisitions, Expropriations and Leases will reflect the activity of the new model, including those of CreateTO.

Classification of Surplus Properties

The following table provides a breakdown of the 236 properties currently on the Declared Surplus List (see Appendix “B”) into several categories reflecting their status:

Market Category	Total Properties in Category
Intended Manner of Sale – Offer on the Open Market	6
Intended Manner of Sale ¹ – Transfer to Build Toronto	12
Intended Manner of Sale ² – Turnover to Build Toronto	12
City lands subject to OPA and under Master Planning Process – Build Toronto	2
Intended Manner of Sale – Invite an Offer from Specific Parties	48
Intended Manner of Sale – Invite an Offer from Adjoining Owner	129
Hardship Cases – HSC ³	1
Inactive Files ⁴	26
Total	236

1. Transfer – City properties declared surplus with Terms of Transfer approved by City Council (including a disposal by way of a lease of 21 years or longer).

2. Turnover – City retains title to the property and provides Build Toronto a site development opportunity leading to a potential transfer.

3. Residential tenants.

4. Planning studies, no interested purchaser, environmental issue, etc.

Sales Activity

The following table details sales activity through Delegated Approval from January 1, 2017 to December 31, 2017, including property transactions between the City of Toronto, Build Toronto and the TPA:

No. of Properties Declared Surplus by DAF	No. of Properties Authorized for Sale by DAF	Value of Sales Authorized by DAF in 2017	No. of Sale Transactions Closed including those Authorized in previous years	Value of Sale Transactions Closed in 2017
38	36	\$5,588,796.00	44	\$12,671,807.00

Build Toronto Activities

The table below summarizes the Build Toronto activities. Included are the number of properties that were declared surplus, the number of properties approved by City Council for transfer to Build Toronto for nominal consideration, the number of properties where the City conveyed title to Build Toronto, the number of transferred properties sold and the number of properties that were rescinded back to the City, in 2017. Effective January 1, 2018, the staff resources and operations of Build Toronto have been consolidated in the City's new realty agency, CreateTO. While the corporate entity "Build Toronto Inc." has been maintained for the purpose of implementing transactions under the mandate and direction of CreateTO, such transactions will be reported as one part of the CreateTO real estate activities going forward.

No. of Properties Declared Surplus	No. of Properties Approved for Transfer	No. of Transfers In Title	Transferred Properties Sold	No. of Properties Rescinded/ Amended
0	5	5	5	2 ⁵

5. Portion of Rockcliffe rescinded

Toronto Parking Authority

The table below summarizes the Toronto Parking Authority activities.

No. of Carparks Declared Surplus	No. of Joint Ventures through APS	No. of Joint Ventures Closed	No. of Sales Authorized by DAF or Report	Value of Sales Authorized by DAF
0	1	0	1 ⁶	\$1,000,000.00

6. Carpark 664 (Ward 15) - Declared surplus in 2013

Sales Reported by Ward

Appendix "D" attached provides additional information respecting the properties sold, including information on the purpose and date of acquisition and the amount paid. The table below summarizes the sale activity reported in 2017 by Ward:

Ward	No. of Sales Authorized by DAF	Value of Sales Authorized by DAF
2	1	\$200,000.00
5	1	\$11,000.00
14	1	\$15,000.00
15	1	\$1,000,000.00

Ward	No. of Sales Authorized by DAF	Value of Sales Authorized by DAF
16	17	\$176,668.00 ⁷
17	1	\$490,000.00
18	1	\$2.00 ⁸
19	1	\$1,695,000.00
21	1	\$2,700.00
26	1	\$2.00 ⁸
27	2	\$1,172,000.00
28	1	\$2.00 ⁸
32	1	\$40,000.00
34	1	\$2.00 ¹⁰
35	1	\$38,000.00
36	1	\$2.00 ¹¹
37	1	\$730,000.00
38	1	\$2.00 ⁸
Durham	1	\$18,420.00 ⁹
Totals	36	\$5,588,796.00

7. Includes closed Lane portions (rear) sold to residential houses

8. Nominal Land Exchange Agreements

9. Sale of City lands in Durham to County

10. Nominal transfer to Metrolinx for the Eglinton-Crosstown LRT Project

11. Nominal transfer Land Exchange with Build Toronto

Acquisitions and Expropriations

Appendix "C" attached indicates the Closed/Progress Payments /Settlements Payments by Quarter.

The following table provides a summary of acquisition/expropriation activity from January 1 to December 31, 2017 by delegated authority:

Market Category	Properties in Category	Various City Divisional Clients	Value
Acquired Properties including Temporary and Permanent Easements	29	Transportation Services, Parks, Forestry & Recreation, Toronto Water, Toronto Fire Services, Engineering & Construction Services, Real Estate Services, Toronto & Region Conservation Authority, Toronto Transit Commission	\$4,211,215.47
Expropriation/ Settlement Costs	6	Transportation Services, Toronto Transit Commission	\$2,983,479.02
Total	35		\$7,194,694.49

Real Estate Matters Processed by Way of Delegated Authority

By its adoption of EX43.7 on May 11 and 12, 2010, City Council delegated approving and signing authorities in certain real estate matters. Council also requested the Director of Real Estate Services to report annually, through the Government Management Committee, on all real estate matters that have been processed by way of delegated authority.

In the commentary of such report Council was advised that an on-line register for Delegated Approval Forms would be established and maintained by the City. Such a register has been previously established, and a policy to ensure consistency with respect to the ongoing maintenance of such register has been included in Appendix "A".

Items processed by way of delegated approval in 2017 are as follows:

Activity	No. of Delegated Approvals Processed	Estimated Value Reported Through Delegated Approvals
Declare Surplus (Excludes technical requirements to declare surplus in accordance with the City's disposal by-law)	38	N/A
Sales ¹²	36	\$5,588,796.00
Leases/ Licences ¹³	147	\$45,642,401.32
Acquisitions/Easements ¹⁴	29	\$4,211,215.47
Expropriations ¹⁴	6	\$2,983,479.02
Other Real Estate Transactions ¹⁵	26	\$1,159,060.00
Total	282	\$59,584,951.81

12. Including Permanent Road Closures

13. Including Nominal Leases, and those for Parks, TPA and Metrolinx

14. Offers, Costs, Settlements, Permanent and Temporary etc.

15. Permission to Enter, Consents, LDA Amendments, Extended Terms and Land Exchange Agreements etc.

CONTACT

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ATTACHMENTS

Appendix "A" – Delegated Approval Form Registry Policy

Appendix "B" – Declared Surplus List

Appendix "C" – Property Acquisitions / Expropriations

Appendix "D" – Properties Authorized for Sale

APPENDIX "A"

Delegated Approval Form Registry Policy

Category: Transparency and Accountability

Policy Statement

The City of Toronto is committed to transparency and accountability to the public in relation to the exercise of delegated authorities in real estate matters.

Application

This policy applies to all programs, practices, systems and communications regarding the maintenance and publication of an on-line registry of Delegated Approval Forms related to real estate matters.

Responsibilities

The Deputy City Manager, Internal Corporate Services will:

- a. maintain and publish an on-line registry available to the general public containing all Delegated Approval Forms related to real estate matters, including all personal information contained therein, as defined in the Municipal Freedom of Information and Protection of Privacy Act, subject to paragraph e. below;
- b. establish and maintain policies and guidelines governing the operation of the Delegated Approval Form Registry;
- c. ensure that the Delegated Approval Forms appearing on such registry identify the key terms of the real estate transactions to which they relate, including, subject to paragraph e. below, the identities of the transacting parties and the location of the property;
- d. ensure that all employees within the Real Estate Services Division receive training regarding the provisions of section 190 of City of Toronto Act, 2006.
- e. ensure that any information identified as confidential in a Delegated Approval Form will only be classified as such on the basis that such information:
 - (i) falls within a category identified in subsection 190(2) of City of Toronto Act, 2006; and
 - (ii) shall, in the case of personal information, only remain confidential indefinitely where the disclosure of the information could reasonably be expected to cause a serious threat to an individual's health or safety; or to endanger the life or physical safety of an individual.

Related Information

"Delegation of Authority in Certain Real Estate Matters" - Item EX43.7, as adopted by City Council on May 11 and 12, 2010

"Minor Amendments to Delegation of Authority in Certain Real Estate Matters" - Item GM24.9, as adopted by City Council on October 8, 9, 10, & 11, 2013

"City-Wide Real Estate - Delegated Authorities Framework and Transition Plan" - Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 (<https://www.ontario.ca/laws/statute/90m56>)

City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A. (<https://www.ontario.ca/laws/statute/06c11>)