

**DELEGATED APPROVAL FORM  
CHIEF CORPORATE OFFICER  
DIRECTOR OF REAL ESTATE SERVICES**

TRACKING NO.: 2015-118

- Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled "**Delegation of Authority in Certain Real Estate Matters**" adopted by City Council on May 11 and 12, 2010 (City Council confirmatory By-law No. 532-2010, enacted on May 12, 2010), as amended by GM24.9 entitled "**Minor Amendments to Delegation of Authority in Certain Real Estate Matters**" adopted by City Council on October 8, 9, 10 and 11, 2013 (City Council confirmatory By-Law No. 1234-2013 enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087.
- Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled "**Union Station Revitalization Implementation and Head Lessee Selection**" adopted by City Council on August 5 and 6, 2009. City Council confirmatory By-law No. 749-2009, enacted on August 6, 2009.

Prepared By:	Tim Park	Division:	Real Estate Services
Date Prepared:	June 1, 2015	Phone No.:	(416) 392-5838

<b>Purpose</b>	To seek authority for the City to enter into a purchase and sale agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Infrastructure ("the Province") to acquire the fee simple interest of a portion of property located at the southwest of corner of The Queensway and The West Mall, identified as Part 1 on attached Plan 66R-26788 attached hereto, for the purpose of a future public road.
<b>Property</b>	The subject property ("Subject Lands") are shown on Plan 66R-26788 as Part 1 and part of land legally described as Part of Lot 14, Concession 3, Colonel Smith's Tract, former geographic Township of Etobicoke, now City of Toronto. The Subject Lands are located west of The West Mall and south of The Queensway, as shown on the attached Schedule "SD-062" and has an area of 0.19 acres / 0.078 ha
<b>Actions</b>	It is recommended that: <ol style="list-style-type: none"> <li>authority be granted for the City to enter in an agreement of purchase and sale (the "Agreement") with Her Majesty the Queen in Right of the Province of Ontario as represented by the Province on the terms and conditions outlined herein and any such other terms and conditions deemed appropriate by the Director of Real Estate Services and in a form acceptable to the City Solicitor;</li> <li>in accordance with the delegated authority cited herein, the Director of Real Estate Services, or his designate, administer and manage the Agreement, to take all necessary action to give effect thereto, including the execution of any and all agreements and documents ancillary to the Agreement, provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction;</li> <li>the City Solicitor be authorized to complete these transactions on behalf of the City, as required, including amending any dates under the Agreement, and the closing, due diligence and other dates, and amending and waiving terms and conditions, such terms as she considers reasonable; and</li> <li>the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	There is a net zero financial impact to the City, as Queen's Walk Development Limited ("QWDL") is paying the Province for the Subject Lands and all associated costs with constructing and building this portion of the public road to City standards. Upon payment to the Province by QWDL, title to the Subject Lands will be transferred over to the City. A letter of credit to secure the construction of the Subject Lands to City public roadway standards will be provided to the City by QWDL in accordance with the conditions of the Section 37 and Site Plan Approval agreements for the associated development located on adjacent lands owned by QWDL.  The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
<b>Comments</b>	QWDL owns a parcel of land located at the southwest corner of The West Mall and The Queensway. The property owned by QWDL has no direct frontage on a public road. In order to develop their site, QWDL must have direct frontage on a public road. Schedule 2 of the Official Plan identifies a proposed public road extension running south from The Queensway to The West Mall at this location. QWDL has negotiated the purchase of the Subject Lands from the Province to facilitate a connection from The Queensway to their development site. The Subject lands form part of the proposed public road extension identified in the Official Plan. Acquisition of the Subject Lands has been done at no cost to the City. Additionally, all associated costs, including any environmental remediation and the construction and maintenance of the Subject Lands to City public roadway standards are to be borne by QWDL. Until such time as the Subject Lands are dedicated by By-law as a public highway, the City will grant QWDL a temporary easement over, upon and in the Subject Lands for vehicular and pedestrian access, maintenance and road construction purposes.
<b>Terms</b>	See page 4.

<b>Property Details</b>	<b>Ward:</b>	05- Etobicoke - Lakeshore
	<b>Assessment Roll No.:</b>	Not assessed
	<b>Approximate Size:</b>	Irregular
	<b>Approximate Area:</b>	0.08 ha / 0.19 acres
	<b>Other Information:</b>	

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.
3. Issuance of RFPs/REOs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Transfer of Operational Management to ABCDs.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licenser):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million; <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million; <input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding six (6) months, including licences for environmental assessments and/or testing, etc.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million. <b>Delegated to a less senior position.</b>
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> 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).	<input type="checkbox"/> 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).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner; <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title; <input type="checkbox"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <input type="checkbox"/> (h) Consent to regulatory applications by City, as owner; <input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title; <input type="checkbox"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.

**B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:**

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him.

**Chief Corporate Officer also has approval authority for:**

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)										
Councillor:	J. Di Ciano			Councillor:						
Contact Name:				Contact Name:						
Contacted by:	Phone	x	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	June 3, 2015			Comments:						
Consultation with ABCDs										
Division:	Transportation Services			Division:	Financial Planning					
Contact Name:	Al Smithies			Contact Name:	Anthony Ng					
Comments:	Concurs			Comments:						
Legal Division Contact										
Contact Name:	Jacqueline Vettorel									
DAF Tracking No.: 2015- 118				Date		Signature				
Recommended by: Manager Tim Park				June 8, 2015		Signed by Tim Park				
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali			June 15, 2015		Signed by Joe Casali				
<input type="checkbox"/>	Approved by:									
<input type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli									

**General Conditions ("GC")**

- (a) 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 consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land Exchanges and Leases.
- (b) 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 relevant Committee and Council for consideration and determination.
- (c) Exercise of delegated authority is subject to all applicable Council policies, statutes or other applicable law.
- (d) Authority to approve financial commitments/expenditures is subject to all amounts being available in an approved budget [or funding is available from alternative sources].
- (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, potential arbitration awards, loss claims, etc, but exclusive of any applicable taxes and registration costs.
- (h) Authority to acquire property is conditional upon provision being made to 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.4** is conditional upon confirmation by the GM of Transportation Services that it is feasible to permanently close the highway.
- (j) Disposal authorities in **A.7** are subject to the property having been declared surplus, and the disposal policy complied with.
- (k) Land exchanges, except for those in **A.8**, may be authorized based on the delegated Approving Authority for Disposals in **A.7**.
- (l) Approving Authority with respect to land located in the Designated Waterfront Area is conditional upon the approval of the Director, Waterfront Secretariat.
- (m) Authority to approve an exchange of land in **A.8** 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.
- (n) Approving Authority in **A.9** Leases (City as Landlord) but not Licences (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years.
- (o) Total compensation in leasing matters where the City is landlord (**A.9**) includes the value of tenant improvements if factored into tenant's rental payments.
- (p) Total compensation in leasing matters where the City is the tenant (**A.10**) includes the value of any tenant improvements to be paid by the City.
- (q) 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.
- (r) Total compensation in leasing matters where the City is landlord (**A.9**) or tenant (**A.10**) is to be calculated from the date of approval pursuant to this delegation (ie. first allowing for the expiry of any prior approvals, whether by Council or a delegated authority).
- (s) Approving Authority in leasing matters includes authority to approve renewals/extensions within the parameters of the delegated Approving Authority.
- (t) 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.
- (u) Where proposed additional amounts in **A.13** 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 over all financial limit.
- (v) 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).
- (w) Staff positions referred to in this delegation include successors from time to time.
- (x) Documents are to be in a form satisfactory to the City Solicitor (including indemnity and insurance provisions).
- (y) Delegated signing authorities in **B** are conditional upon the documents having received the City Solicitor's prior "Approval as to Form".
- (z) This delegation does not affect sales, acquisitions and leases over which the Affordable Housing Committee has responsibility.
- (aa) Authority to use land acquired by the City for parking purposes by the Toronto Parking Authority is conditional upon Council enacting a by-law designating such use.
- (bb) All residential leasing documents shall adhere to the *Residential Tenancies Act* and any successor legislation.
- (cc) Despite GC
- (n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years.

**Terms and Conditions**

Property owner: Her Majesty the Queen in Right of Ontario as represented by the Minister of Infrastructure

Ownership Right: Fee simple

Consideration: Nil

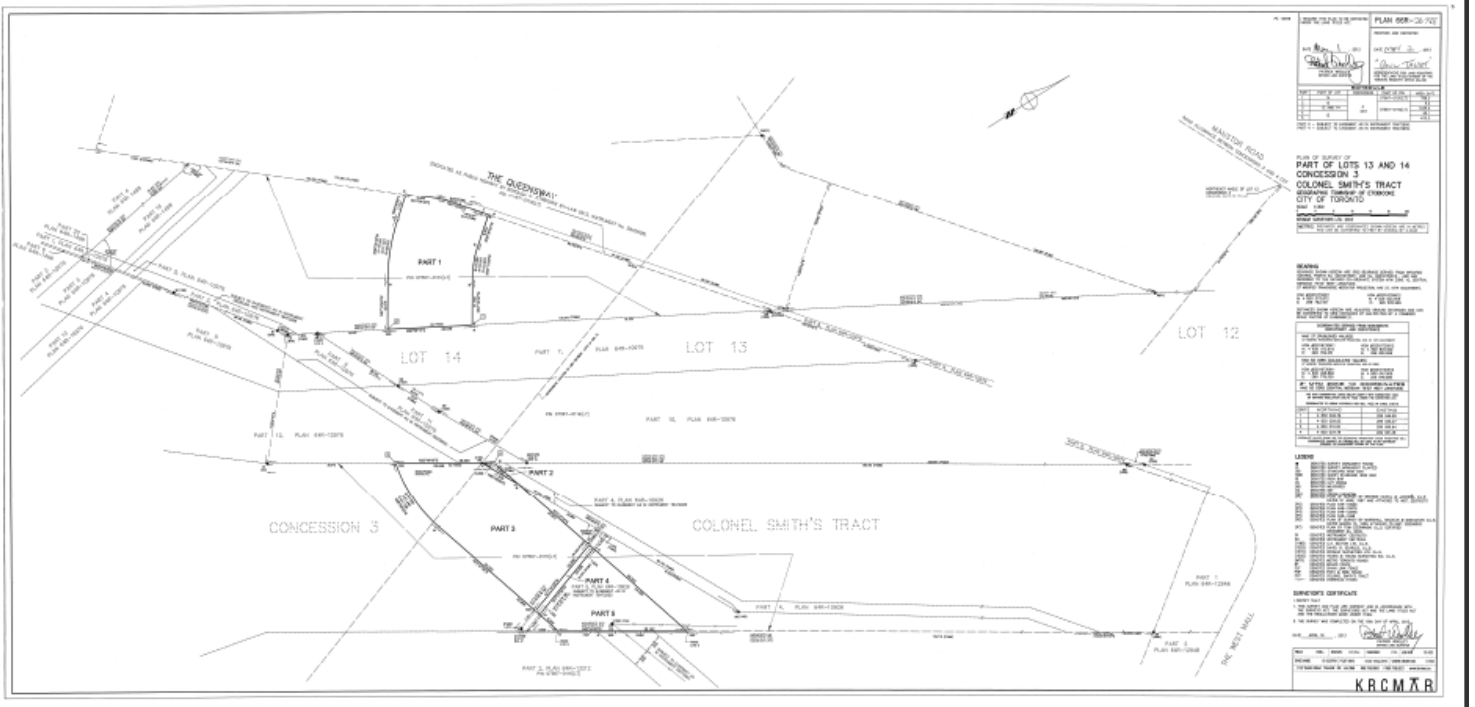
Other Costs: All associated costs for the acquisition; construction and maintenance of the Subject Lands are at the cost of Queen's Walk Development Limited as secured through a Section 37 Agreement registered as instrument AT3860358 on April 17, 2015 and remain in place until such time as the Subject Lands are dedicated by By-law as a public highway

Use: To construct a new future public roadway

Property Rights: Until the Subject Lands are dedicated by By-law as a public highway, Queen's Walk Development Limited will be granted a temporary easement by the City over, upon and in the Subject Lands for vehicular and pedestrian access, maintenance and road construction purposes

Maintenance: Until the Subject Lands are dedicated by By-law as a public highway, Queen's Walk Development Limited shall operate, maintain, inspect and repair the Subject Lands to City public roadway standards

Indemnity: Queen's Walk Development Limited will fully indemnify the City from any claims associated with the use of the Subject Lands until such time as the Subject Lands are dedicated by By-law as a public highway



**PROPOSED DEVELOPMENT PLAN** PLAN 608-20-102

**DATE:** 10/11/10  
**DRAWN BY:** J. J. [Signature]  
**CHECKED BY:** [Signature]

**PROJECT:** PART OF LOTS 13 AND 14  
**CONCESSION 3**  
**COLONEL SMITH'S TRACT**  
SADDLE BROOK, TOWNSHIP OF EMMONS  
CITY OF TORONTO  
LOT 12

**OWNER:** [Signature]  
**ADDRESS:** [Address]

**LEGAL DESCRIPTION:**  
[Detailed legal description of the property]

**PROPERTY IDENTIFICATION:**  
[Property identification details]

**GENERAL NOTES:**  
1. THE DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO AND THE TOWNSHIP OF EMMONS.  
2. THE DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO AND THE TOWNSHIP OF EMMONS.  
3. THE DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO AND THE TOWNSHIP OF EMMONS.  
4. THE DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO AND THE TOWNSHIP OF EMMONS.  
5. THE DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE CITY OF TORONTO AND THE TOWNSHIP OF EMMONS.

**DRAWN BY:** [Signature]  
**CHECKED BY:** [Signature]

**K.R.C.M.A.R.**

