

DELEGATED APPROVAL FORM CHIEF CORPORATE OFFICER DIRECTOR OF REAL ESTATE SERVICES

TRACKING NO.: 2016-184

<input checked="" type="checkbox"/> 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.													
<input type="checkbox"/> 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:	Daran Somas	Division:	Real Estate Services										
Date Prepared:	August 10, 2016	Phone No.:	416 397 7671										
Purpose	To obtain authority to enter into an amending agreement (the "Amending Letter Agreement") by adding five (5) new licensed areas as outlined in white on the attached Schedule "B-54" to "B-58" (the "Added Lands") to the Master Licence Agreement executed October 26, 2010 between the City of Toronto (the "City"), as Licensee, and Ontario Realty Corporation (now called Ontario Infrastructure and Lands Corporation), acting as agent on behalf of Her Majesty The Queen in Right of Ontario, as represented by The Minister of Infrastructure ("OILC"), as Licensor.												
Property	Hydro Corridors as shown more particularly in Schedules B54-B58 and referenced in schedule A in the location map. B54 Taylor Creek Park – Ward 31 B55 Linkwood Park Dog Off Leash Area – Ward 24 B56 Bristol Avenue Parkette – Ward 17 B57 Lower Don River Trail – Ward 28 B58 Willowdale Ave to Pineway Blvd Trail – Ward 24												
Actions	<ol style="list-style-type: none"> 1. Authority is granted to enter into the Amending Letter Agreement substantially on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Chief Corporate Officer and in a form acceptable to the City Solicitor; 2. The Chief Corporate Officer, or her designate, shall administer and manage the Amending Letter Agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters to City Council for determination and direction; and, 3. The appropriate City Officials are authorized to take the necessary action to give effect to the foregoing. 												
Financial Impact	<p>Pursuant to the Master Licence Agreement, the City must pay the taxes or payment in lieu of taxes portion of the licensed areas. The total for the areas Added Lands will be approximately \$12,968.98 for the term of the Added Lands. The total one-time estimated Payment in Lieu of Taxes (PILT) for all licensed areas in the existing Master Licence Agreement, expiring December 31, 2016, is \$458,676.64. Funding is available for the described payments in the 2016 Council Approved Operating Budget for Parks, Forestry & Recreation under cost center P06827 and will be included in future budget submissions in the year's after.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>												
Comments	By way of adoption of GM 33.6, City Council at its meeting on August 25, 26 and 27, 2010 authorized a Master Parks License Agreement (the "Master Licence Agreement") between the City of Toronto (as Licensee) and the predecessor to OILC for use of lands on hydro corridors for various parks uses. The proposed multi-use paths are considered 'Parks' use. Pursuant to Section 2 of the Master Licence Agreement, OILC agrees to the amendment by adding the Added Lands to the Lands as described in the Master Licence Agreement, subject to the terms and conditions of the Master Licence Agreement. Staff consider the terms and conditions of the Amending Letter Agreement to be fair and reasonable.												
Terms	The term of the Amending Letter Agreement as it applies to the Added Lands shall commence on the 1 st day of January, 2014. The term of the Added Lands shall terminate on the 31 st day of December 2015, as provided in the Master Licence Agreement. Except as expressly amended by the Amending Letter Agreement, the Master Licence Agreement remains unamended and in full force and effect.												
Property Details	<table border="1"> <tr> <td>Ward:</td> <td>See above</td> </tr> <tr> <td>Assessment Roll No.:</td> <td></td> </tr> <tr> <td>Approximate Size:</td> <td></td> </tr> <tr> <td>Approximate Area:</td> <td>Approx. B54:4.0 acres B55:0.66 acres B56: 1.148 acres B57: 0.45 acres</td> </tr> <tr> <td>Other Information:</td> <td></td> </tr> </table>			Ward:	See above	Assessment Roll No.:		Approximate Size:		Approximate Area:	Approx. B54:4.0 acres B55:0.66 acres B56: 1.148 acres B57: 0.45 acres	Other Information:	
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Other Information:													

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input 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:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to a more senior position.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	Delegated to a more senior position.	<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:	Delegated to a more senior position.	<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/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;	<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 three (3) months, including licences for environmental assessments and/or testing, etc.	<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"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.
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 checked="" 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:

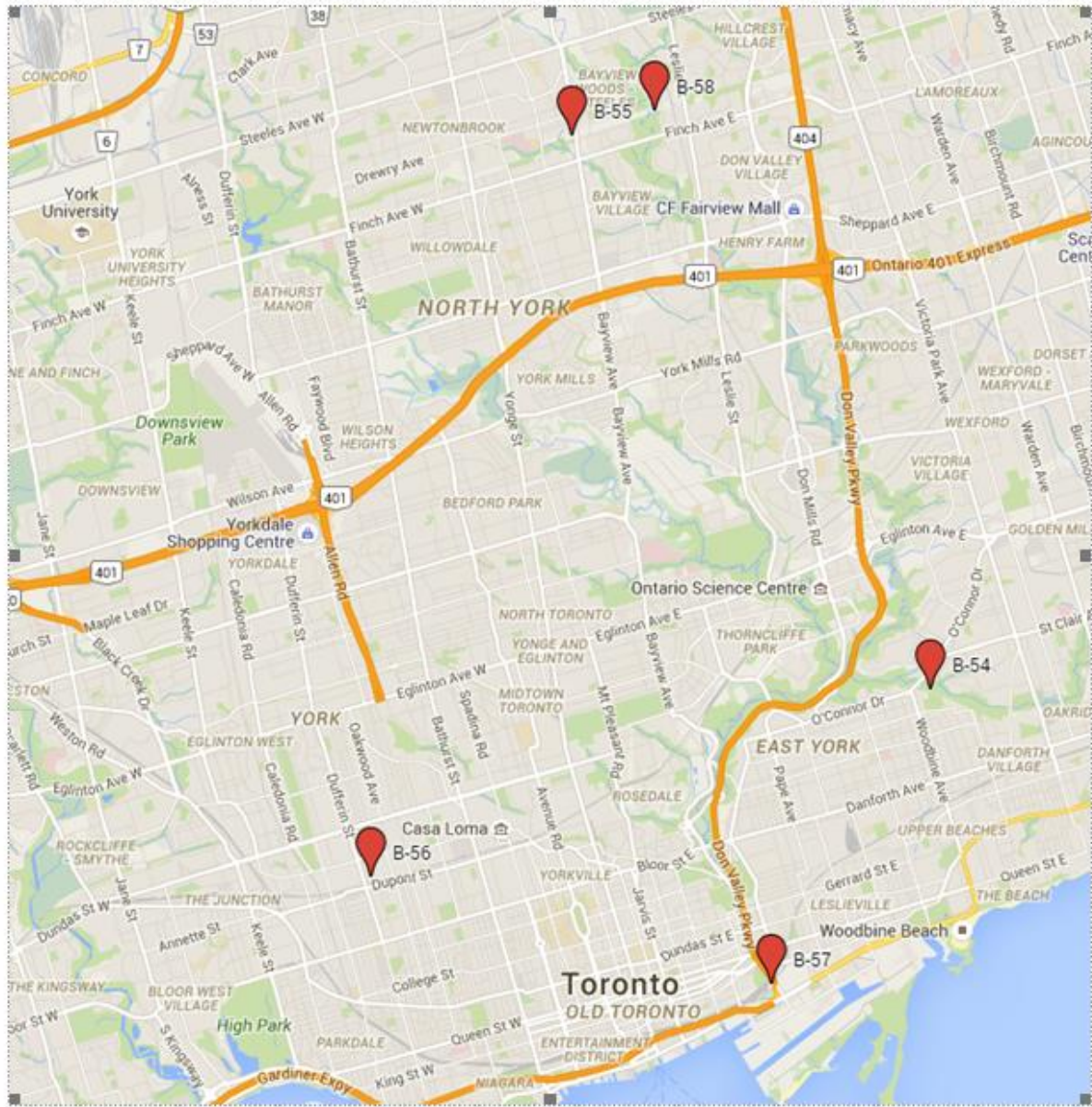
- ☐ Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)											
Councillor:	Councillor Janet Davis; Councillor David Shiner;				Councillor:	Councillor Cesar Palacio Councillor Pam McConnell					
Contact Name:	Councillor Davis: Jayson Thiessen Councillor Sinner: Will Pennell				Contact Name:	Councillor Palacio: Anthony Ferrari Councillor McConnell: Kelly Sather					
Contacted by:	Phone	E-Mail	Memo	X	Other	Contacted by:	Phone	E-mail	Memo	X	Other
Comments:	Consent				Comments:	Consent					
Consultation with ABCDs											
Division:	Parks, Forestry & Recreation				Division:	Financial Planning					
Contact Name:	Ryan Glenn				Contact Name:	Filisha Mohammed					
Comments:	Consent				Comments:	Consent					
Legal Division Contact											
Contact Name:	Rebecca Hartley										
DAF Tracking No.: 2016 - 184				Date		Signature					
Recommended by: Manager Wayne Duong				Aug/19/2016		Sgd.\ Wayne Duong					
<input type="checkbox"/>	Recommended by: Director of Real Estate Services			Aug/26/2016		Sgd.\ Joe Casali					
<input checked="" type="checkbox"/>	Approved by: Joe Casali										
<input type="checkbox"/>	Approved by: Chief Corporate Officer					X					
	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 overall 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.

Location Plan Schedule A
(See attached Location Plan for Schedule "B54" to "B57")



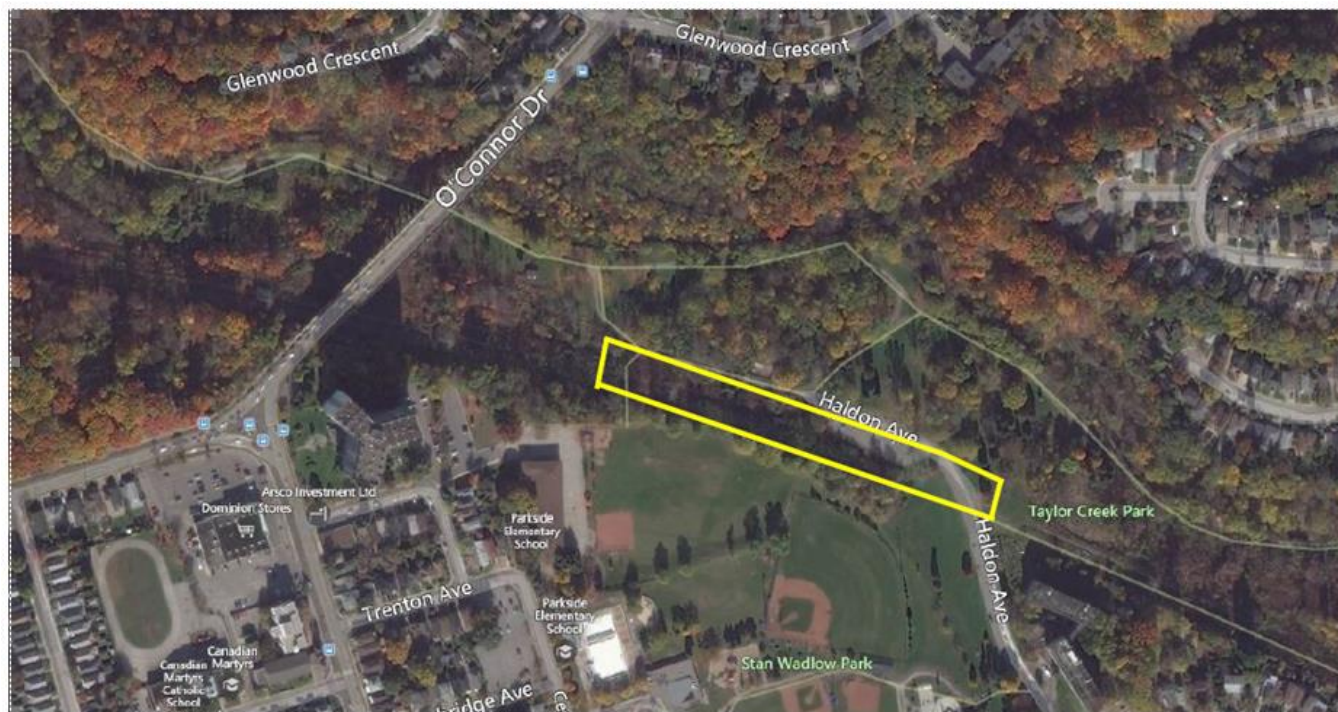
SCHEDULE "B-54"

Taylor Creek Park

Park of Lots 4 & 5, Concession 2 Front the Bay, former Borough of East York, current City of Toronto

Hydro One Description: East York: 632.1-508

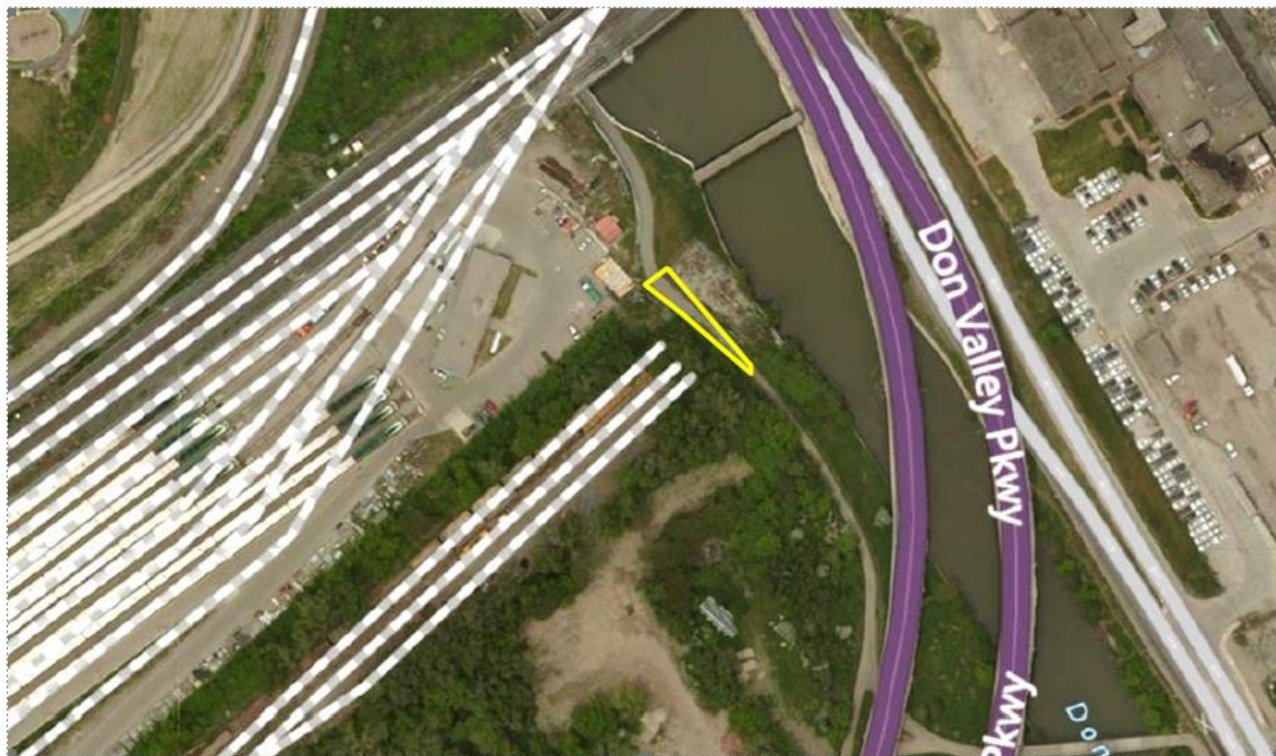
Licensed Area – Approximately 4.00 acres



SCHEDULE "B-56"
Bristol Avenue Parkette
Parts of Lots 54,55,56,57,95,96,97,96, Registered Plan M24
Hydro One Description: Toronto 632.1-549
Licenced Area – Approximately 1.148 Acres






SCHEDULE "B-57"
 Lower Don River Trail
 Part of Lot 15, Broken Front Concession, former Township of York
 Hydro One Description: Toronto C 632.1-571
 Licensed Area – Approximately 0.45 acres






SCHEDULE "B-58"
 Willowdale Avenue to Pineway Boulevard
 Parks of Lots 21 and 22, Concession 2 EYS
 Former City of North York, now City of Toronto
 Part 1 of 2



-  Lands Owned by Her Majesty the Queen in the Right of Ontario
-  Licensed Area (73.5 acres)
-  Trail (6.44 acres – taxable area)

SCHEDULE "B-58"
 Willowdale Avenue to Pineway Boulevard
 Parks of Lots 21 and 22, Concession 2 EYS
 Former City of North York, now City of Toronto
 Part 2 of 2



-  Lands Owned by Her Majesty the Queen in the Right of Ontario
-  Licensed Area (73.5 acres)
-  Trail (6.44 acres – taxable area)