

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

TRACKING NO.: 2015-215

<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.			
<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:	Melanie Hale-Carter	Division:	Real Estate Services
Date Prepared:	August 13, 2015	Phone No.:	392-1227
Purpose:	To amend Delegated Approval Form DAF 2015-091 signed May 11, 2015 to delete reference of a sale of Part 16 in Action Nos. 2 and 3 to effect the sale of only Part 17 to 2216198 Ontario Inc.		
Property:	Monarch Road, described as being formerly Mill Road on Plan 1136Y, and portion of Old Weston Road south of Junction Road, described as being Part of Lot 35, Concession 2 From the Bay, and designated as Parts 11 to 20 on Reference Plan 66R-24300 (collectively referred herein as the “Highway”), also shown on Appendices “A” & “B”.		
Actions:	<ol style="list-style-type: none"> 1. Delegated Approval Form signed May 11, 2015 (“DAF 2015-091”), be amended to delete Action Nos. 2 and 3 respectively and replace them with the following in substitution therefore: <ol style="list-style-type: none"> a. The City accept the Offer to Purchase from 2216198 Ontario Inc. to purchase a portion of the Highway, shown as Part 17 on Plan 66R-24300, in the amount of \$166,000.00, plus HST and costs incidental to completion of the transaction and substantially on the terms and conditions outlined on Appendix “E” and on such other terms and conditions as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.” b. The City grant a permanent easement in favour of Metrolinx over Part 16 on Plan 66R-24300 for vehicular and pedestrian access for a consideration of \$32,500.00 plus HST.” 2. Appendix “C” to DAF 2015-091 be deleted and replaced with amended Appendix “C” attached. 3. Appendix “E” to DAF 2015-091 be deleted and replaced with amended Appendix “E” attached <p>In consequence of the amendment to DAF 2015-091, the expected Revenue for the sale to 2216198 Ontario Inc., will not include Part 16 and so will be reduced by \$34,000.00, from \$200,000.00 to \$166,000.00.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF amendment and agrees with the financial impact information.</p>		
Comments:	<p>Staff have determined that it would be more appropriate for the City to retain Part 16 on Reference Plan 66R-24300 (the “Reference Plan”) rather than sell it to 2216198 Ontario Inc., and, as well, to retain that portion of Part 15 that ends at the southerly boundary of Monarch Road rather than sell that portion of public highway (to be closed) to Metrolinx. The land that comprises the northerly portion of Part 15 and the whole of Part 16 has been and continues to be utilized by Toronto Water for ingress and egress to their Toronto West Pumping Station which is just east of Old Weston Road. To sell that ingress and egress area may be problematic for the Toronto Water with respect to future maintenance (winter snowplowing and road repair). Toronto Water has requested that the area remain with the City and it will undertake to be responsible for its repair and maintenance. 2216198 Ontario Inc. does not require Part 16 for access to its adjoining lands.</p> <p>Due to commitments made, 2216198 Ontario Inc. is requesting that its purchase of Part 17 be expedited and therefore, this request for an amendment to Action Nos. 2 and 3 and Appendix “E” of DAF 2015-091 is being made at this time. A further amendment will be requested with respect to the sale to Metrolinx once a proper valuation of that portion of Part 15 to be retained by the City is obtained.</p>		
Property Details	Ward:	11 – York-South Weston	
	Assessment Roll No.:	N/A	
	Approximate Size:	N/A	
	Approximate Area:	N/A	

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

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:	Frances Nunziata					Councillor:			
Contact Name:	Debbie Camilo, EA					Contact Name:			
Contacted by:		Phone	x	E-Mail		Memo		Other	
Comments:	N/A					Comments:			
Consultation with ABCDs									
Division:						Division:	Financial Planning		
Contact Name:						Contact Name:	Filisha Mohammed		
Comments:						Comments:	Concurs August 24, 2015		
Legal Division Contact									
Contact Name:	Michele Desimone-Solicitor August 25, 2015								

DAF Tracking No.: 2015-215	Date	Signature
Recommended by: Manager	Aug. 13, 2015	Tasse Karakolis
<input checked="" type="checkbox"/> Recommended by: Director of Real Estate Services <input type="checkbox"/> Approved by: Joe Casali	Aug. 13, 2015	Joe Casali
<input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli		X

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 leasing matters (**A.9 and A.10**) 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.

Amended APPENDIX "C" - Comment

The Highway was originally declared surplus on February 22, 2012 (DAF 2012-056) with the intended manner of disposal to be by way of inviting an officer to purchase from Metrolinx.

Metrolinx later determined that it only required a portion of the Highway, namely Parts 11 to 15 inclusive and Parts 18 to 20 inclusive on Reference Plan 66R-24300. Metrolinx also requested an access easement over Part 16 on Plan 66R-24300. The abutting landowner, 2216198 Ontario Inc. has expressed interest in acquiring Part 17 on Plan 66R-24300.

The Declare Surplus DAF 2012-056 was amended through approval of DAF 2014-194 on July 21, 2014 so that the manner of sale would not only be by inviting an offer to purchase from Metrolinx but also from the abutting landowner such that Parts 11 to 15 inclusive and Parts 18 to 20 inclusive on Reference Plan 66R-24300 are to be acquired by Metrolinx and Part 17 on Reference Plan 66R-24300 is to be acquired by the abutting landowner. All portions of the Highway are to be sold on an "as is" basis and subject to easements to be served for protection of existing infrastructures in the lands and for access over Parts 15 and 16 on Plan 66R-24300.

Negotiations with Metrolinx and the abutting landowner 2216198 Ontario Inc. have culminated in offers to purchase the respective portions of the Highway on terms outlined in Appendix "D" and "E" respectively

The prices for the respective portions of the Highway are considered reflective of market value and are recommended for acceptance.

**Amended APPENDIX “E” – Offer to Purchase from 2216198 Ontario Inc.
Terms and Conditions**

Portions of Highway:	Part 17 on Reference Plan 66R-24300
Purchase Price:	\$166,000.00
Deposit:	\$16,600.00
Balance:	Cash or certified cheque on closing
Irrevocable Date:	The Offer is open for acceptance by the City for 30 days after the date referred to item “A” on the execution page of the Offer.
Closing Date:	30 th day following the date the Closing By-law is enacted.
Highway Closing Requirements & Sale Conditions:	The Purchase shall accept the Highway in an “as is” condition and subject to easements where required to protect existing City infrastructure and third party utilities. On closing, the Purchaser shall execute and deliver a release to the City, in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating the environmental condition of the Highway, and the passing of a By-law to close the Highway and it sell it to the Purchaser.