

DELEGATED APPROVAL FORM
CHIEF CORPORATE OFFICER
DIRECTOR OF REAL ESTATE SERVICES

TRACKING NO.: 2015-289

<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:	Yaz Rabadi	Division:	Real Estate Services
Date Prepared:	October 30, 2015	Phone No.:	(416) 392-8159
Purpose	To authorize the sale of City-owned vacant land abutting 20 Walsh Avenue to Pedro Jorge Debrito Domingues (the "Purchaser").		
Property	Vacant land abutting 20 Walsh Avenue, legally described as Lot 235 on Plan 3803 North York, save and except Parts 1 & 2 on Plan RS556; Toronto (North York), City of Toronto being all of PIN 10290-0283 (LT) shown as Part 2 on in Appendix "A" attached hereto (the "Property").		
Actions	<ol style="list-style-type: none"> The City accept the Offer to Purchase from the "Purchaser" to purchase the Property for the sum of \$34,000.00, plus HST if applicable, substantially on the terms and conditions outlined in Appendix "B" attached hereto and on such further and other terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor. A portion of the proceeds of closing be directed to fund the outstanding expenses related to the completion of the sale transaction. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as he/she considers reasonable. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 		
Financial Impact	Revenue in the amount \$34,000.00 (net of HST), less closing costs and the usual adjustments, will be contributed to the Land Acquisition Reserve Fund (XR1012). The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.		
Background	<p>The former Municipality of Metropolitan Toronto expropriated certain lands, which included the Property, on October 26, 1965, for intended widening of Wilson Avenue from Weston Road to Avenue Road and the construction of certain City projects. Part of these lands were utilized in constructing Mathews Gate, a road running between Walsh Avenue & Yorkdale Crescent. Upon completion of the construction of Mathews Gate, Council at its meeting on October 17, 1967, adopted motion 2.14 of the Transportation Committee, approving the disposal of four (4) residual parcels of land on the east & west side of Mathews Gate. Parcels on the west side of Mathews Gate, as well as one of the properties on the east side (Part 1 on Appendix "A"), have since been sold. The Property is the only remaining parcel of land on the east side of Mathews Gate.</p> <p>City Council, at its meeting on May 11 and 12, 2010, has authorized the disposition 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 [Report EX43.7 entitled "Delegation of Authority in Certain Real Estate matters"]</p>		
Comments	<p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus by DAF 2013-084, with the intended manner of disposal to be by way of an invitation of an Offer to Purchase from the adjoining owner at 20 Walsh Avenue. Negotiations have taken place between the City and the abutting property owner of 20 Walsh Avenue for the sale of the Property. The Offer to Purchase submitted by the Purchaser in the amount of \$34,000.00 (plus HST if applicable) is being recommended for acceptance. The terms for completing the transaction as set out herein are considered fair, reasonable and reflective of market value. All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with. The Property will form part of the property municipally known as 20 Walsh Avenue.</p>		
Terms	See Appendix "B"		
Property Details	Ward:	7 – York West	
	Assessment Roll No.:	1908-01-2-660-01100	
	Approximate Size:	4.6 m x 39.2 m ± (15.1 ft x 128.6 ft ±)	
	Approximate Area:	135.9 m ²	
	Other Information:	Vacant Land	

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:

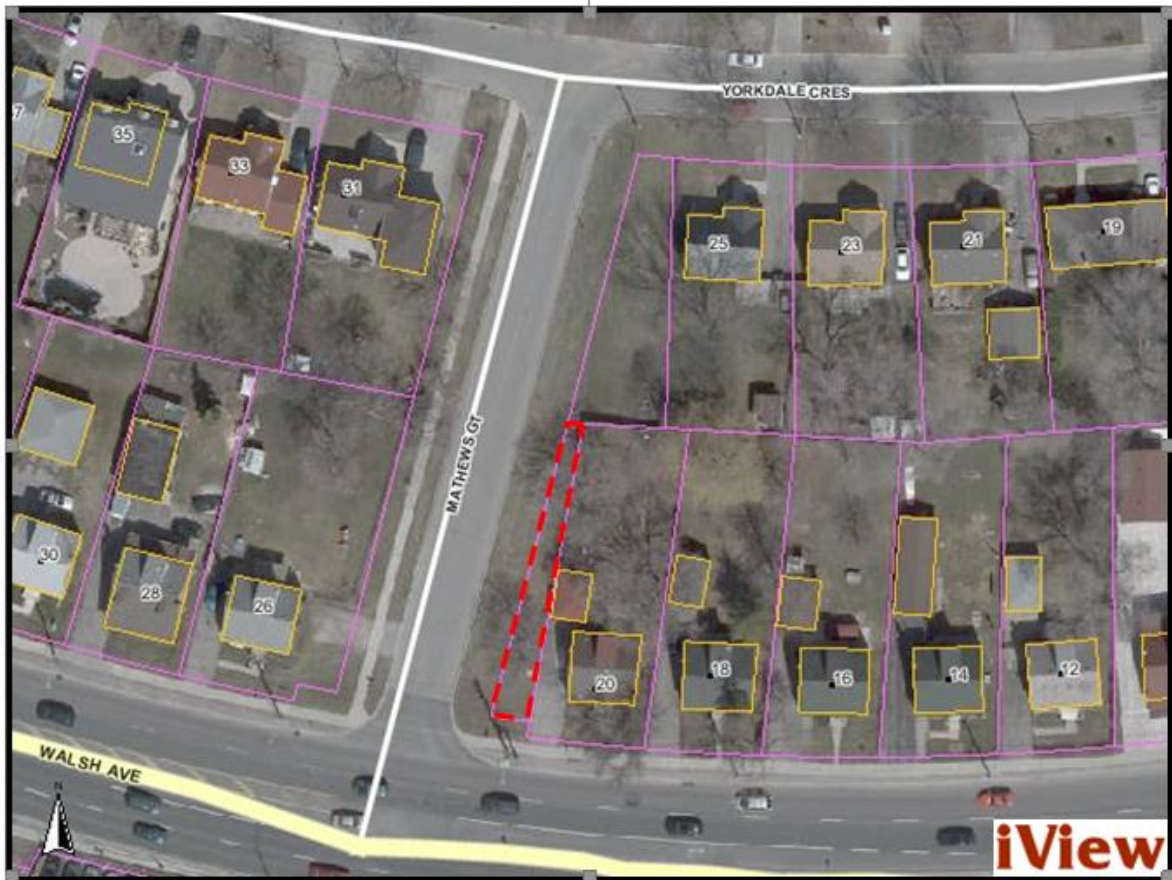
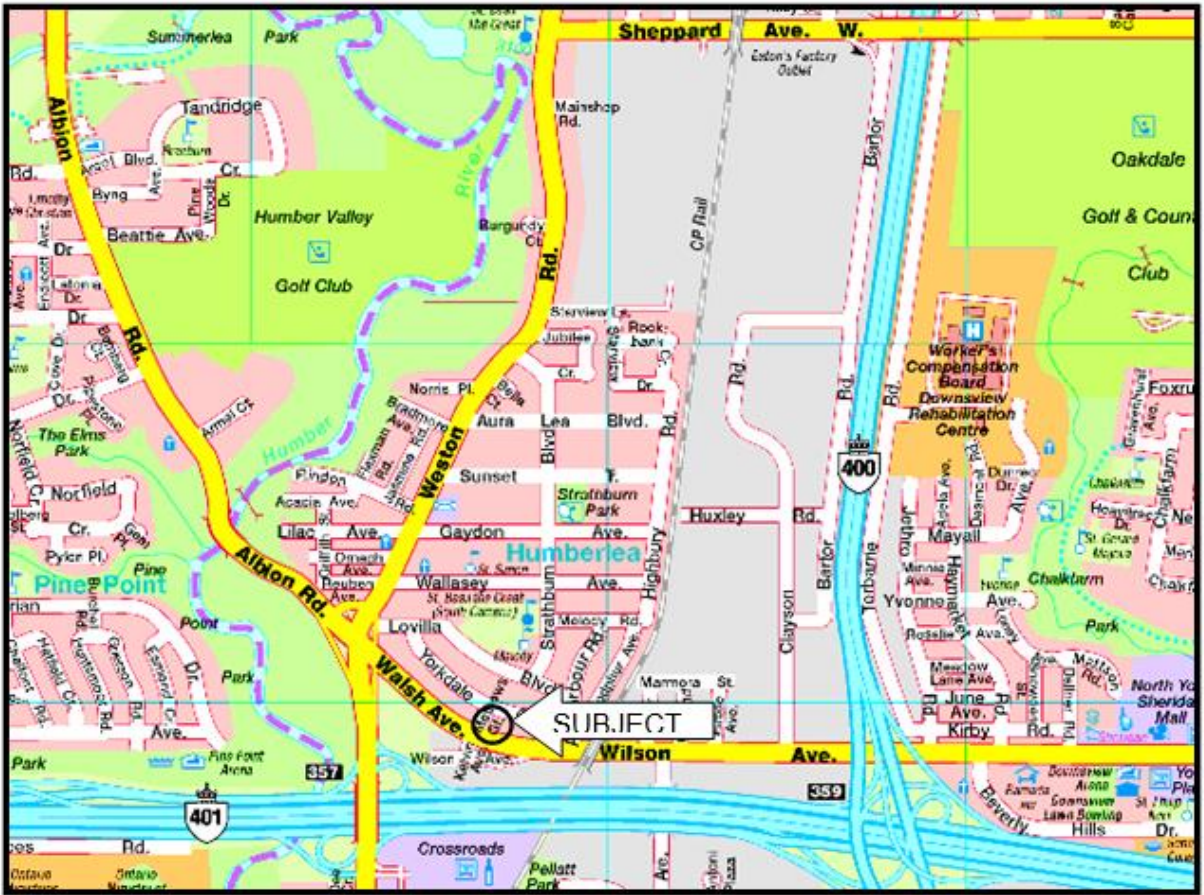
- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)					
Councillor:	Gorgio Mammoliti			Councillor:	
Contact Name:				Contact Name:	
Contacted by:	Phone	E-Mail	Memo	X	Other
Comments:	Melanie Hale-Carter spoke with Councillor in person. Councillor concurs with terms of sale – Oct 29, 2015			Comments:	
Consultation with ABCDs					
Division:				Division:	Financial Planning
Contact Name:				Contact Name:	Filisha Mohammed
Comments:				Comments:	Concurs with Financial Impact statement – Oct 19, 2015
Legal Division Contact					
Contact Name:	Luxmen Aloysius – October 19, 2015				
DAF Tracking No.: 2015- 289		Date	Signature		
Recommended by:	Manager: Tasse Karakolis	Nov. 2, 2015	Tasse Karakolis		
<input type="checkbox"/> Recommended by:	Director of Real Estate Services Joe Casali	Nov. 6, 2015	Joe Casali		
<input checked="" type="checkbox"/> Approved by:					
<input type="checkbox"/> Approved by:	Chief Corporate Officer Josie Scioli				

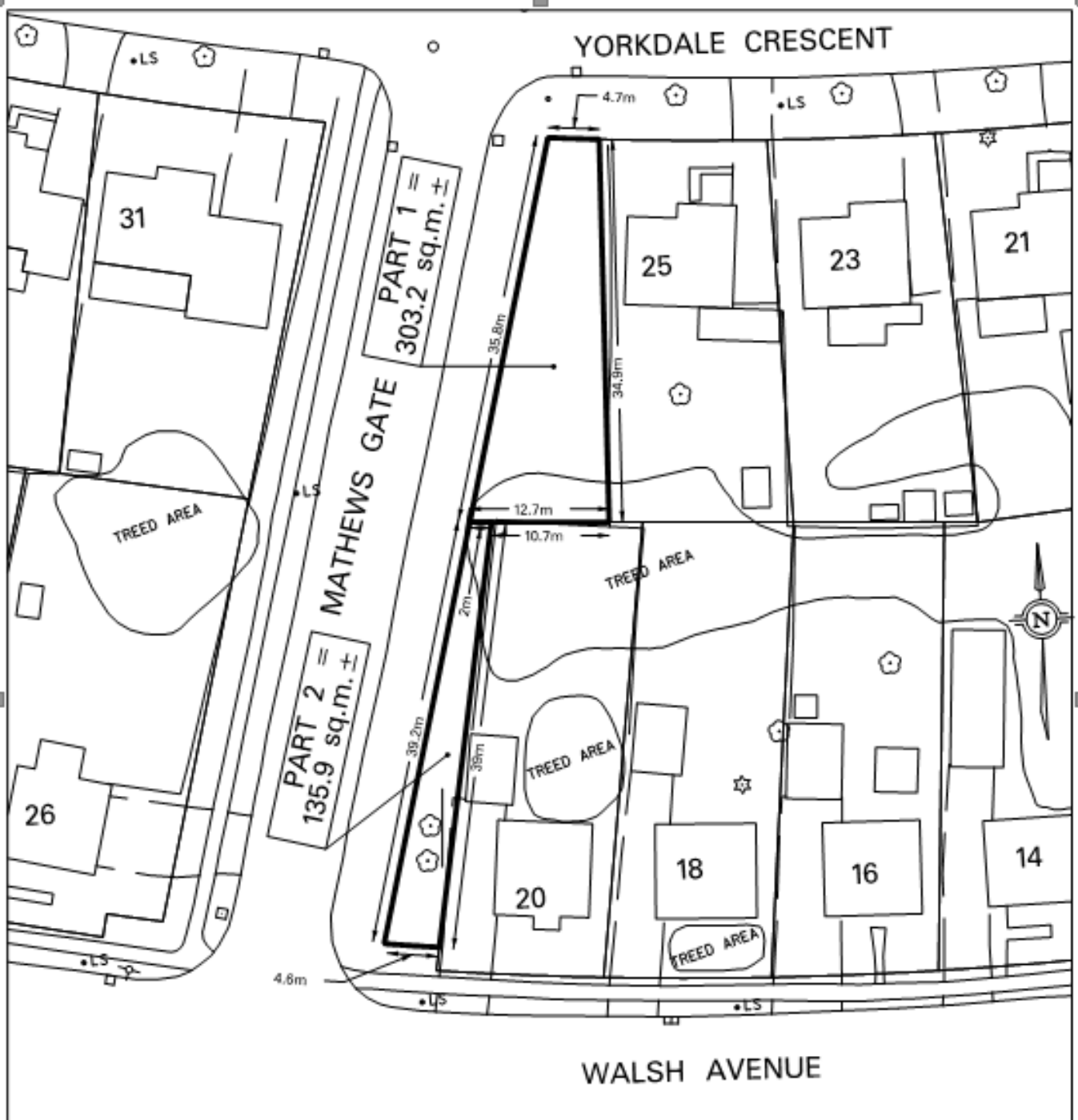
General Conditions (“GC”)

- (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 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.

APPENDIX "A": LOCATION MAP & SKETCH



APPENDIX "A": LOCATION MAP & SKETCH (CON'T)



Toronto
 TECHNICAL SERVICES DIVISION
 SURVEY & UTILITY MAPPING

NOTE:
 THIS SKETCH HAS BEEN
 COMPILED FROM OFFICE
 RECORDS. MEASUREMENTS
 ARE APPROXIMATE

CHECK BY JOHN HOUSE
 PREPARED BY: DWAYNE PITT

PROPERTY INFORMATION SHEET
 CITY OWNED LANDS
 ABUTTING NO. 25 YORKDALE CRESCENT (PART 1)
 AND NO. 20 WALSH AVENUE (PART 2)

WARD 7 - YORK WEST
 DATE: OCTOBER 03, 2012

SKETCH No. PS-2012-098

APPENDIX "B"

Terms	<p>Irrevocable Date: November 30, 2015</p> <p>Purchase Price: \$34,000.00</p> <p>Deposit: \$3,400.00</p> <p>Balance: Cash or certified cheque on closing.</p> <p>Due Diligence: 30 days after acceptance of the Offer by the City. The purchaser can satisfy or waive this condition any time after acceptance at its discretion.</p> <p>Closing Date: 30 days following expiry of the Due Diligence condition.</p> <p>Additional Terms: "As-Is": The Property is being sold in an "as-is" condition and the City does not make any representation or warranty with respect to the status and/or condition of the Property.</p>
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