

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

TRACKING NO.: 2017-035

- 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 (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 (Confirmatory By-Law No. 1234-2013, enacted on October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087; and further amended by EX44.22 entitled "Strategic Property Acquisitions" adopted by City Council on August 25, 26, 27 and 28, 2014 (Confirmatory By-law No.1074-2014, enacted on August 28, 2014), and further amended by GM16.16 entitled "Transit Shelter Property Acquisitions" adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).
- 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:	Kathie Capizzano	Division:	Real Estate Services
Date Prepared:	February 7, 2017	Phone No.:	416-392-4825

<b>Purpose</b>	To acquire a blanket easement for a multiple drainage system, storm and sanitary sewers, water transmission main, water distribution main and overland drainage, over Toronto Community Housing Corporation ("TCHC") lands in the Lawrence Heights/Allen Road area in conjunction with the Lawrence Allen Revitalization Project
<b>Property</b>	TCHC-owned lands in the Lawrence Heights / Allen Road area, bordered by Ranee Avenue to the North, Varna Drive to the East, Allen Road to the west and Flemington Road to the south, described as PINS 10222-0446(LT), 10223-0004(LT), 10223-0008(LT), 10223-0009(LT), 10223-0011(LT), 10222-0036(LT), 10222-0039(LT) and shown on the attached plans ("Temporary Easement Lands")
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. The City acquire a blanket sewer/water main/drainage easement from TCHC over the Temporary Easement Lands, for nominal consideration of \$2.00, substantially on the terms and conditions outlined on page 2 and on such other or amended terms and conditions as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.</li> <li>2. The City withdraw its objections to TCHC's applications to be registered as owner with an absolute title to the Temporary Easement Lands, after the blanket easement in favour of the City has been registered on title.</li> <li>3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	<p>There are no financial implications resulting from this approval as TCHC will be paying any costs associated with these agreements.</p> <p>The Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>TCHC is in the process of undertaking the Lawrence Allen Revitalization Project ("LARP"). The City has a multiple drainage system, storm and sanitary sewers, water transmission main, water distribution main and overland drainage (collectively, the "City Works") located on TCHC's lands, which are not currently protected by any easements. For this reason, the City objected to TCHC's applications to be registered as owner with an absolute title to these lands without provision being made for easements to be granted to the City for the City Works.</p> <p>TCHC has agreed to grant the City a blanket easement over the Temporary Easement Lands to protect the City's ability to use and maintain the City Works. The blanket easement is intended to be temporary and is to be replaced, in phases, with permanent easements that will be granted to the City in specific locations for the existing City Works and/or new replacement City Works as part of the development approval process for each phase of the redevelopment. As each phase of redevelopment proceeds and new specific easements are granted to the City, the blanket easement will be released from the lands in that phase.</p>
<b>Terms</b>	Continued on Page 4

<b>Property Details</b>	<b>Ward:</b>	15 – Eglinton-Lawrence
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	


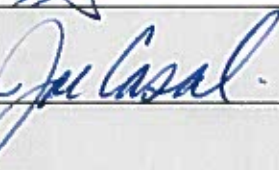
A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<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; N/A	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 checked="" 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"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
	<input type="checkbox"/> (b) Releases/Discharges;	<input type="checkbox"/> (b) Releases/Discharges;
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> (c) Surrenders/Abandonments;
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> (d) Enforcements/Terminations;
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> (f) Objections/Waivers/Cautions;
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> (g) Notices of Lease and Sublease;
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<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"/> (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"/> (j) Documentation relating to Land Titles applications;
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<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 or her.

**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:	Josh Colle				Councillor:					
Contact Name:					Contact Name:					
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	concur				Comments:					
Consultation with ABCDs										
Division:	Toronto Water				Division:	ECS				
Contact Name:	Les Arishenkoff				Contact Name:	Alex Wong				
Comments:					Comments:					
Legal Division Contact										
Contact Name:	Jacqueline Vettorel									
DAF Tracking No.: 2017-					Date	Signature				
Recommended by:	Manager				Feb 8/17					
<input type="checkbox"/> Recommended	Director of Real Estate Services				Feb 13/17	X				
<input checked="" type="checkbox"/> Approved by:	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 being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (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, except for property acquisitions of 50M<sup>2</sup> or less for transit shelter purposes.
- (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 (i.e. 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.

<p><b>Terms:</b></p>	<p><b>Transferor:</b> Toronto Community Housing Corporation</p> <p><b>Transferee:</b> City of Toronto ("City")</p> <p><b>Term:</b> Term will commence upon registration of the blanket easement on title to the Temporary Easement Lands and will expire, in phases, as follows: (a) in the case of any City Works that are relocated to new locations and any City Works that are to remain in their existing locations, upon the registration of a permanent easement in favour of the City against title to the specific locations containing the City Works, on terms and conditions satisfactory to the General Manager of Toronto Water as part of the development approval process; (b) in the case of any City Works that are relocated into a public highway, upon the relocation of the City Works into a public highway; and (c) in the case of any part or parts of the Temporary Easement Lands on which no City Works are currently or proposed to be located, upon the registration of the applicable new Reference Plan(s) required to release the blanket easement from such lands.</p> <p><b>Use:</b> To access, survey, lay, construct, install, erect, operate, use, maintain, inspect, alter, remove, replace, repair, renew, enlarge, expand and reconstruct the City Works existing now and at any time in the future, including water valves, valve chambers, manholes, appurtenances, attachments, apparatus, appliances, markers, fixtures, pipes, valves, equipment and other improvements in, on, under, over and/or through the Temporary Easement Lands.</p> <p><b>Indemnity:</b> City will indemnify and release TCHC, its directors, officers, employees, consultants, contractors, agents, successors and assigns, or any of them (collectively, the "Indemnified Persons"), from and against all loss, costs, damages, claims etc. arising out of (i) the rights and privileges granted to the City under the blanket easement; and/or (ii) any loss, damage or injury (including death resulting from injury) to any person or property which results directly or indirectly from the use of the Temporary Easement Lands by the City, its agents, contractors, employees, tenants, permitted occupants, invitees or persons for whom the City is responsible at law, save and except to the extent that any such loss, costs, damages, claims etc. is due to the negligence or wilful misconduct of TCHC or those for whom it is responsible in law.</p> <p><b>Relocation:</b> If, as part of the development approval process for LARP, it is determined that relocation of all or some of the City Works is required, TCHC will complete the relocation work and for any City Works that are relocated into non-public highway lands, TCHC will grant the City a permanent easement for the new locations, on terms and conditions satisfactory to the General Manager of Toronto Water, as part of the development process for LARP.</p> <p><b>Release of Easement:</b> Upon the expiry of the term of the blanket easement for each phase of LARP (as described under Blanket "Term" above), the City will release the blanket easement from the Temporary Easement Lands in that phase of LARP.</p>
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