

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

TRACKING NO.: 2017-142

- 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:	Irina Fofanova	Division:	Real Estate Services
Date Prepared:	May 23, 2017	Phone No.:	416-397-0806

**Purpose**  
To initiate the process to permanently close and to authorize the General Manager, Transportation Services to give notice to the public of a proposed by-law to permanently close the surplus public lane abutting Dupont Street north of 299 Campbell Avenue (the "Public Lane") and to obtain authority to enter into an Agreement with TAS 299CA Corp. and 6965083 Canada Inc. (the "Developer") to exchange for nominal value the Public Lane for a portion of lands owned by the Developer shown as Part 2 on Sketch PS-2014-108 (the "New Lane") together with acquisition by the Developer of the City lands containing a retaining wall (the "Retaining Wall Lands")

**Property**  
(1) The Public Lane abutting Dupont Street north of 299 Campbell Avenue, Toronto, legally described as the whole of PIN 21329-0144(LT) and shown as Part 1 on Sketch No. PS2014-108 on the attached Appendix "B"  
(2) The Retaining Wall Lands, legally described as Part of Lots 156, 157 and 158 on the south side of Dupont Street, Plan M-13 designated as Part 1 on Plan M-115, City of Toronto and shown as Part 3 on the "Detail" area of Sketch PS-2014-108.

- Actions**
1. The General Manager, Transportation Services be authorized to give notice to the public of a proposed by-law to permanently close the Public Lane in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Toronto and East York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.
  2. The General Manager, Transportation Services be authorized to advise the public of the proposed closure of the Public Lane prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the Toronto and East York Community Council meeting at which the proposed by-law to close the Public Lane will be considered.
  3. The City enter into an Agreement of Purchase and Sale ("APS") with the Developer for the sale of the Public Lane to the Developer, in exchange for the acquisition by the City of the New Lane, together with the acquisition of the Retaining Wall Lands. The APS shall be substantially on the terms outlined below and on such other terms as deemed appropriate by the Chief Corporate Officer, and in a form satisfactory to the City Solicitor.
  4. 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 the City Solicitor considers reasonable.
  5. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto

**Financial Impact**  
City staff have determined that the Public Lane and the New Lane are of equivalent value and therefore will be exchanged for nominal consideration. The Developer will pay all taxes which are payable in connection with the transfer of the Public lane to Developer and New Lane from Developer to the City. The value of the Retaining Wall Lands is provided for in a Section 37 Agreement registered on title to the Developer's Land which Section 37 Agreement provides for the value to be indexed in accordance with the Toronto Real Estate Board ("TREB") Market Watch Index.

The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

**Comments**  
See Page 4

**Terms**  
See Page 4

<b>Property Details</b>	<b>Ward:</b>	18 – Davenport
	<b>Assessment Roll No.:</b>	1904-01-3-590-01400
	<b>Approximate Size:</b>	60.9 m x 6.10 m ± (199.8 ft x 20.01 ft ±)
	<b>Approximate Area:</b>	391.7 m2 ± (4216.2 ft2 ±)
	<b>Other Information:</b>	Public Lane

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/REOIs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input checked="" 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 checked="" 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	<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/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.	<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"/> (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:		Ana Bailão				Councillor:				
Contact Name:		Marlene Araujo – May 23, 2017				Contact Name:				
Contacted by:		Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:		No objections				Comments:				
Consultation with ABCDs										
Division:		Transportation Services				Division:		Financial Planning		
Contact Name:		Laurie Robertson – May 18, 2017				Contact Name:		Filisha Jenkins – May 18, 2017		
Comments:						Comments:				
Legal Division Contact										
Contact Name:		Michelle Desimone – May 18, 2017								
DAF Tracking No.: 2017- 142					Date		Signature			
Recommended by:		Manager			May 24, 2017		Nick Simos			
<input type="checkbox"/>	Recommended by:	Director of Real Estate Services Joe Casali			May 24, 2017		Joe Casali			
<input checked="" type="checkbox"/>	Approved by:									
<input checked="" type="checkbox"/>	Approved by:	Chief Corporate Officer Josie Scioli			May 24, 2017		Josie Scioli			

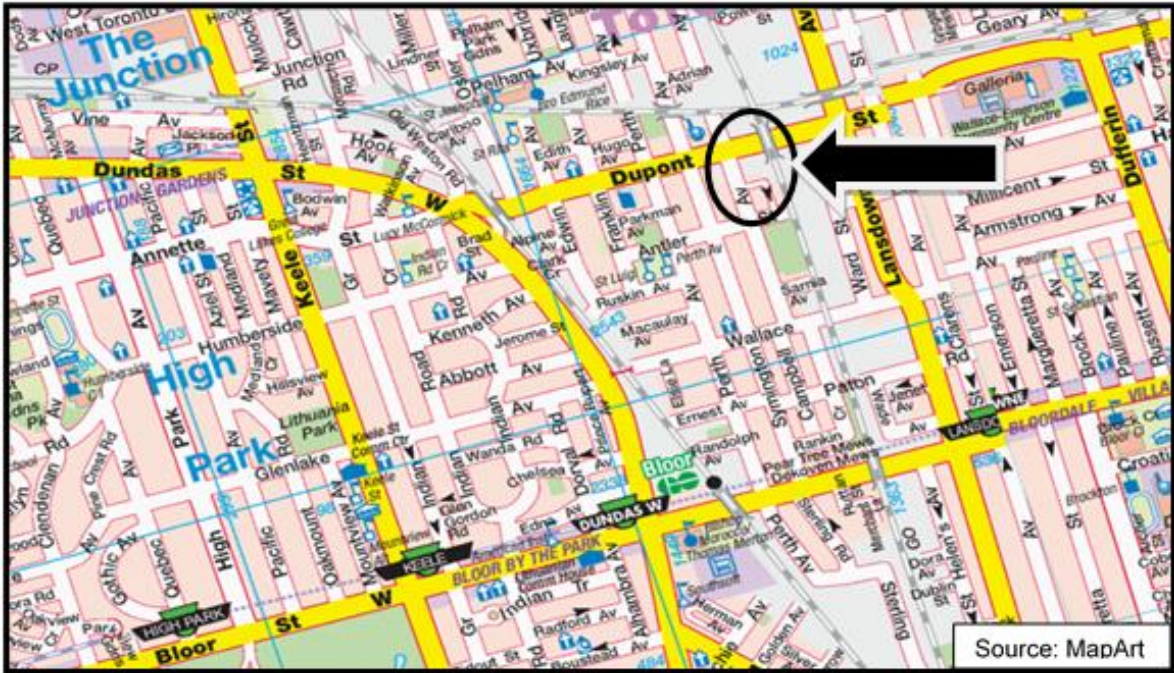
**General Conditions (“GC”)**

- (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 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 (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.

<p><b>Comments</b></p>	<p>The Public Lane is to be incorporated in a proposed redevelopment of the adjoining site, which is planned to include a new public library space (the "Development"). The Developer made an application to Transportation Services requesting the closure and conveyance of the Public Lane in exchange for the construction and conveyance to the City of the New Lane, which will provide access to the neighbouring building and replace the Public Lane.</p> <p>It had initially been agreed that the transfer by the City to the Developer of the Public Lane and the Retaining Wall Lands would occur at the same time as the transfer of the New Lane Lands by the Developer to the City. However, it has been determined that to describe the Retaining Wall Lands accurately an additional Reference Plan is required.</p> <p>In order to expedite the ability of Developer to commence construction on its own property (in order to create a replacement new lane for the City), Staff have determined that there will be a Closing Date scheduled for an exchange of the City's Public Lane Lands for Developer's New Lane Lands. A Closing Date for the purchase of the Retaining Wall Lands will be set by the City and the Developer through their respective solicitors once an additional Reference Plan for that purpose has been prepared, approved by the City and registered, which may also require Staff to obtain further authority to declare a portion of Dupont Street surplus and request closure. In this respect the APS contains a provision requiring irrevocable and unconditional security in the amount of \$200,000.00 to secure the future closing of the Retaining Wall Lands.</p> <p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Public Lane and Retaining Wall Lands were declared surplus on January 11, 2017 (DAF No. 2017-006) with the intended manner of disposal to be by way of inviting an offer to purchase the Public Lane and the Retaining Wall Lands from the Developer.</p> <p>Negotiations with Developer have resulted in the APS that is being recommended for acceptance. The terms for completing the transaction as set out herein are considered to be fair, reasonable and reflective of market value.</p>
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<p><b>Terms</b></p>	<p>Consideration: To be determined in accordance with a Section 37 Agreement registered on title to the Developer's Property</p> <p>Closing Date: (1) For the Public Lane, 45 days following the later of the enactment of the Closing By-law and satisfaction Pre-Closing conditions (which relate to the creation of the New Lane) (2) for the Retaining Wall Lands, within twelve months' following the registration of the additional Reference Plan required which provides sufficient time to obtain a further declare surplus and road closing of that portion of Dupont Street which currently appears to contain a portion of the retaining wall.</p> <p>Deposit: \$8,300.00 ( cash or certified cheque)</p> <p>Security Deposit \$200,000.00 (irrevocable and unconditional letter of credit)</p> <p>Sale Conditions (Public Lane and Retaining Wall Lands, collectively the "City Lands"):</p> <p>Developer agrees to relocate Municipal Services from the Public Lane to the New Lane at its sole cost in accordance with plans and specifications firstly approved by the Executive Director.</p> <p>Developer agrees within thirty (30) days of the execution of the APS by the City to pay the estimated costs, as determined by Enbridge Gas of relocating the infrastructure and services located within the Public Lane.</p> <p>The Developer shall accept the City Lands in "as is" condition and on closing shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the Public Lane.</p> <p>The Developer shall also indemnify the City in respect of all claims, including any claims for injurious affection, demands, loss, costs, damages and/or expenses the City may sustain resulting or arising from the City's efforts to permanently close the Public Lane and from the completion of such closure.</p>
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Appendix "A"  
LOCATION MAP & AERIAL PICTURE





**Appendix "B"**  
**SKETCH OF THE PROPERTY**

