

**DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER & CHIEF FINANCIAL OFFICER**

TRACKING NO.: 2015-156

WITH CONFIDENTIAL ATTACHMENT

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, as amended by DAF 2013-307 and DAF 2014-087. City Council confirmatory By-Law No. 1234-2013.

Prepared By:	Carla Inglis	Division:	Real Estate Services
Date Prepared:	July 12, 2015	Phone No.:	

Purpose	To authorize the execution of the Minutes of Settlement (the "Settlement") between the City MP Developments Ltd., the owner of 3955 Keele Street (the "Owner"), in full and final settlement of any and all claims as a result of the expropriation of the property to facilitate the construction of the Toronto-York Spadina Subway Extension Project (the "Project").
Property	3955 Keele Street as shown on the attached Expropriation Plans AT2365219, Appendices "B".
Actions	<ol style="list-style-type: none"> 1. Authorize the execution of the Settlement between the City and the Owner, substantially in accordance with the terms and conditions outlined in Appendix "A" and the Confidential Attachment. 2. The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project. 3. Authorize the City Solicitor to complete the transactions on behalf of the City, including paying any necessary expenses and applicable HST, if any.
Financial Impact	<p>Funding for this Settlement, as set out in the Confidential Attachment, is available in the Council Approved TTC 2015 Capital Budget and TTC 2016-2024 Capital Plan within the Toronto-York Spadina Subway Extension Capital Project. Total property acquisition costs for the Project are shared by the Move Ontario Trust, the City and the Regional Municipality of York.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The property is located on the east side of Keele Street, north of Finch Avenue West. On March 31, 2010, City Council, in adopting GM29.18, authorized the expropriation of the property for the construction of the Finch West Subway Station, the bus terminal and driveway, utility relocation, traffic diversions and other construction requirements. Expropriation Plan AT2365219 was registered on April 29, 2010.</p> <p>On March 4, 2011, DAF 2011-068, authorized the payment of the Offer of Compensation, pursuant to Section 25 of the <i>Expropriations Act</i>.</p> <p>On April 1, 2011, DAF 2011-109 authorized the agreement between the City and Habib Bank of Canada, one of the owners of 3955 Keele Street, to a full and final settlement and release of all claims pursuant to the <i>Expropriations Act</i>. The rights conferred by the <i>Expropriations Act</i> in the determination of compensation payable to MP Developments Ltd. remained intact.</p> <p>Negotiations with the Owners have resulted in the Settlement as set out in Appendix "A" and the Confidential Attachment.</p> <p>TTC staff have reviewed the terms and conditions of the Settlement and concur with proceeding.</p> <p>City staff consider the terms and conditions of the Settlement to be fair and reasonable and are recommending approval of the Settlement.</p>
Terms	As set out in Appendix "A" and the Confidential Attachment

Property Details	Ward:	8 – York West
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	4206m ² (1.137 acres)
	Other Information:	

A.	Deputy City Manager & Chief Financial Officer has approval authority for:	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2. Expropriations:	<input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
3. Issuance of RFPs/REOIs:	Delegated to a less senior position.	Delegated to a less senior position.
4. Permanent Highway Closures:	Delegated to a less senior position.	Delegated to a less senior position.
5. Transfer of Operational Management to ABCDs:	Delegated to a less senior position.	Delegated to a less senior position.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	Delegated to a less senior position.	Delegated to a less senior position.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million;	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million;
	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.	Delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 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 \$3 Million).	<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 \$5 Million).
14. Miscellaneous:	Delegated to a less senior position.	Delegated to a less senior position.
(a) Approvals, Consents, Notices and Assignments under all Leases/Licences;		
(b) Releases/Discharges;		
I Surrenders/Abandonments;		
(d) Enforcements/Terminations;		
(e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;		
(f) Objections/Waivers/Cautions;		
(g) Notices of Lease and Sublease;		
(h) Consent to regulatory applications by City, as owner;		
(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;		
(j) Documentation relating to Land Titles applications;		
(k) Correcting/Quit Claim Transfer/Deeds.		

B. City Manager and Deputy Manager & Chief Financial Officer each has signing authority on behalf of the City for:

- Documents required to implement the delegated approval exercised by him.

Consultation with Councillor(s)										
Councillor:	Councillor Perruzza				Councillor:					
Contact Name:	Jessica Luke-Smith				Contact Name:					
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:					Comments:					
Consultation with ABCDs										
Division:	TTC				Division:	Financial Planning/Finance				
Contact Name:	Kevin Rachman				Contact Name:	Karyn Spiegelman/Sydney Smith				
Comments:					Comments:					
Legal Division Contact										
Contact Name:	Constance Lanteigne									

DAF Tracking No.: 2015-156	Date	Signature
Recommended by: Manager	July 20, 2015	Signed by Brian Varner
Recommended by: Director of Real Estate Services	July 22, 2015	Signed by Joe Casali
Recommended by: Chief Corporate Officer	July 23, 2015	Signed by Josie Scioli
Approved by: Deputy City Manager & Chief Financial Officer Roberto Rossini	July 27, 2015	Signed by Roberto Rossini
Approved by: City Manager Peter Wallace		

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 licenses (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, save and except for residential leasing matters and .
- (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.

APPENDIX A

DAF 2015-156

Minutes of Settlement

Owner:	MP Executive Suites Ltd.
Property:	3955 Keele Street Part of PIN 10179-0253 Part of Block 1, Plan 66M-2221, Parts 1 and 3 on Plan 66R-15733, City of Toronto, formerly City of North York, and designated as Part 1 on Plan of Expropriation AT2364560
Site Area:	4206m ² (1.039 acres)



