

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

TRACKING NO.: 2017-134

- 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:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	May 11, 2017	Phone No.:	(416) 392-8160

Purpose
To seek authority for appropriate City Officials to grant Metrolinx its contractors, consultants and anyone authorized by it (the "Authorized Users") a Permission to Enter ("PTE") over City-owned property located at 480 Lake Shore Boulevard East, as required for a tree inventory study and aerial drone survey (the "Works").

Property
Parts of City-owned properties located at 520, 526, 572 & 586R Lake Shore Boulevard East, legally described as being Firstly: PT WATER LT IN FRONT OF LT 15 CON BROKEN FRONT TORONTO; PT MARSH LANDS GRANTED TO CITY OF TORONTO BY ONTARIO GOVT ON MAY 18, 1880 & DOMINION GOVT ON OCT 10, 1903 TWP OF YORK; PT OLD DON CHANNEL TWP OF YORK; PT LT E PL 159E TORONTO PT 2 63R1762; Secondly: PT WATER LT IN FRONT OF LT 15 CON BROKEN FRONT TORONTO PT 8, 9, 10, 80 63R4957 Thirdly: PT WATER LT IN FRONT OF LT 15 CON BROKEN FRONT TORONTO; PT OLD DON CHANNEL TWP OF YORK AS IN ES54184 EXCEPT ES59824; highlighted in red as shown in Appendix "A" (the "Property").

Actions
Authority be granted to enter into a Permission to Enter Agreement with Metrolinx and/or the Authorized Users in, over, under, upon and through the Property for nominal consideration in connection with the Works, and on terms and conditions as deemed appropriate by the Chief Corporate Officer or designate, and in a form satisfactory to the City Solicitor.

Financial Impact
There is no financial impact resulting from this DAF. Authority granted to enter into a Permission to Enter Agreement with Metrolinx for the Property is for nominal consideration.

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

Comments
The Property is required on a temporary basis for the purpose of a tree inventory study and aerial drone survey. The Property is currently part of an active City works yard. It is the intention of Metrolinx to request some type of permanent interest in the Property from the City once the Works have been carried out.

Terms
Major Provisions:

- (i) Term: Ten (10) days commencing on the date that the PTE is signed by Metrolinx with at least twenty-four (24) hours' prior written notice;
- (ii) Metrolinx and/or the Authorized User to enter the Property for the sole purpose of undertaking the Works;
- (iii) Metrolinx and its Authorized Users shall use all reasonable efforts to minimize material interference with the City's use of the Property, or use by other tenants or licensees of the Property;
- (iv) All Works completed pursuant to the Permission to Enter shall be at the expense of Metrolinx and/or the Authorized User and at no cost to the City;
- (v) Metrolinx and/or the Authorized User shall indemnify and hold harmless the City and any other occupants of the Property from and against any damages, liability, actions, claims, costs and expenses in connection with the loss of life, personal injury and/or damage to property to the extent caused by or resulting from Metrolinx and/or the Authorized User, their access to the Property or the Works area but only to the extent of the proceeds of insurance actually received by Metrolinx under the insurance that Metrolinx is required to maintain pursuant to PTE; and
- (vi) General liability insurance or wrap up liability insurance not less than \$10,000,000.00 per occurrence, an aggregate limit of not less than \$10,000,000.00 within any policy year with respect to the completed Works.

Property Details	Ward:	28 – Toronto Centre-Rosedale
	Assessment Roll No.:	Part of 1904-07-1-130-00400
	Approximate Size:	
	Approximate Area:	
	Other Information:	

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 2017-305
 CHIEF CORPORATE OFFICER

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:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOIs.
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:	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):	N/A <input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million; <input checked="" 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"/> (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 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"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million. Delegated to a less senior position.
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"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <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:

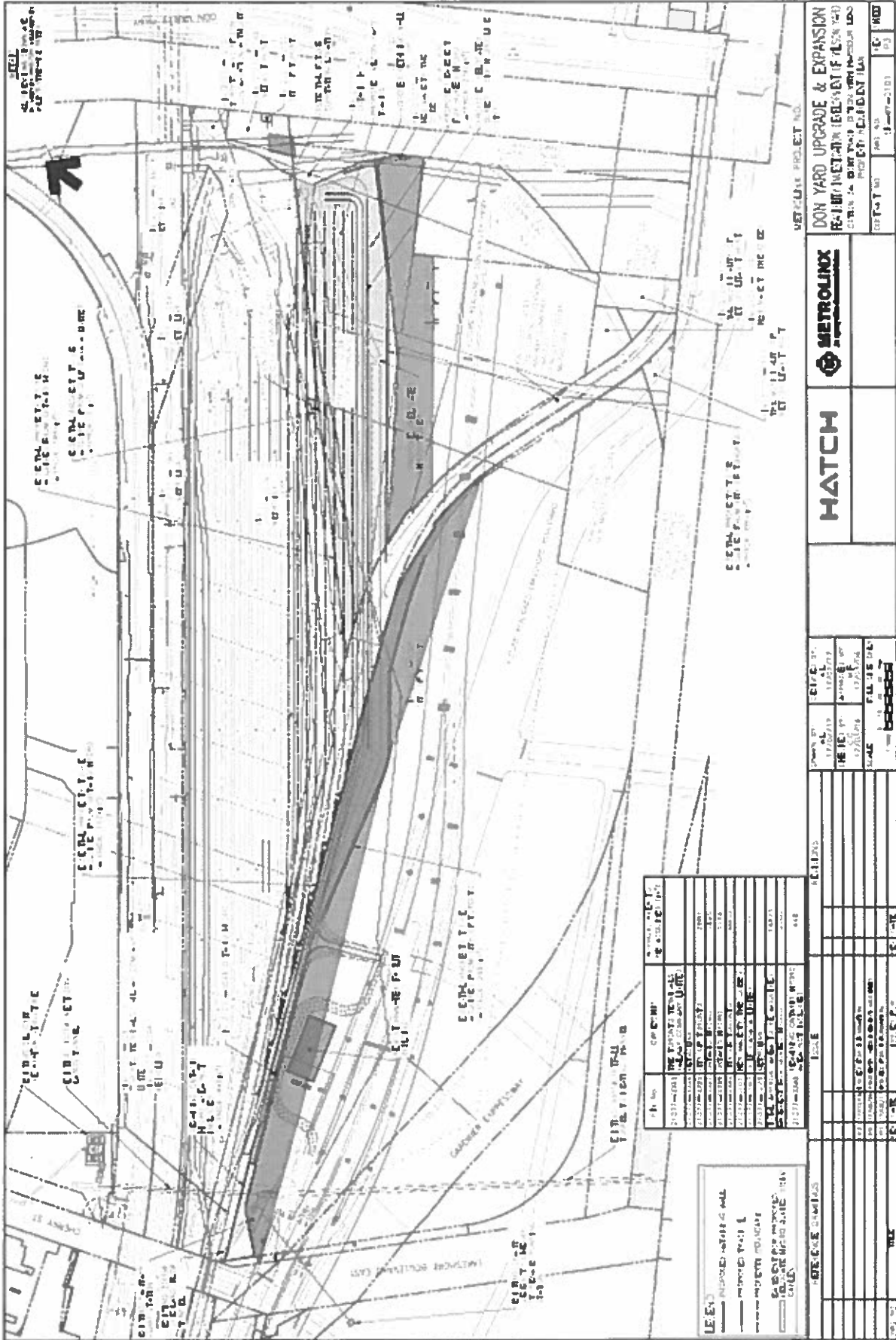
- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)									
Councillor:	Pam McConnell				Councillor:				
Contact Name:	Pam McConnell				Contact Name:				
Contacted by:	Phone	X	E-Mail		Memo		Other		
Comments:	Notified May 11, 2017				Comments:				
Consultation with ABCDs									
Division:	Major Capital Infrastructure Coordination Office				Division:	Financial Planning			
Contact Name:	Jeffrey Climans				Contact Name:	Filisha Jenkins			
Comments:	Incorporated into DAF (May 11, 2017)				Comments:	Incorporated into DAF (May 11, 2017)			
Legal Division Contact									
Contact Name:	Lisa Davies (2-7270) (May 11, 2017)								
DAF Tracking No.: 2017-134					Date		Signature		
Recommended by:	to Manager <i>M. H. Clarke</i>				May 11/17				
<input checked="" type="checkbox"/> Recommended by:	Director of Real Estate Services								
<input type="checkbox"/> Approved by:	<i>Joe Casali</i>				May 11/17		<i>[Signature]</i>		
<input checked="" type="checkbox"/> Approved by:	Chief Corporate Officer								
	Josie Scioli				May 22/17		<i>[Signature]</i>		

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 50M² 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.

Appendix "A"



NO.	DATE	BY	DESCRIPTION
1	12/12/05	J.M.	PREPARED FOR THE CITY OF CHICAGO
2	08/05/06	J.M.	REVISIONS TO THE PLAN
3	08/05/06	J.M.	REVISIONS TO THE PLAN
4	08/05/06	J.M.	REVISIONS TO THE PLAN
5	08/05/06	J.M.	REVISIONS TO THE PLAN
6	08/05/06	J.M.	REVISIONS TO THE PLAN
7	08/05/06	J.M.	REVISIONS TO THE PLAN
8	08/05/06	J.M.	REVISIONS TO THE PLAN
9	08/05/06	J.M.	REVISIONS TO THE PLAN
10	08/05/06	J.M.	REVISIONS TO THE PLAN

DON YARD UPGRADE & EXPANSION
 REVISION PLAN SHEET (PLAN NO. 15)
 CITY OF CHICAGO, DEPARTMENT OF PLANNING AND DEVELOPMENT
 PREPARED BY: J.M. (DATE: 12/12/05)

HATCH
 METROLINX

NO.	DATE	BY	DESCRIPTION
1	12/12/05	J.M.	PREPARED FOR THE CITY OF CHICAGO
2	08/05/06	J.M.	REVISIONS TO THE PLAN
3	08/05/06	J.M.	REVISIONS TO THE PLAN
4	08/05/06	J.M.	REVISIONS TO THE PLAN
5	08/05/06	J.M.	REVISIONS TO THE PLAN
6	08/05/06	J.M.	REVISIONS TO THE PLAN
7	08/05/06	J.M.	REVISIONS TO THE PLAN
8	08/05/06	J.M.	REVISIONS TO THE PLAN
9	08/05/06	J.M.	REVISIONS TO THE PLAN
10	08/05/06	J.M.	REVISIONS TO THE PLAN

PROJECT NO. 15
 SHEET NO. 1 OF 1
 DATE: 12/12/05
 DRAWN BY: J.M.
 CHECKED BY: J.M.
 APPROVED BY: J.M.

