

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

TRACKING NO.: 2015-237

☒ 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.

☐ 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:	Adam Pressick	Division:	Real Estate Services
Date Prepared:	September 14, 2015	Phone No.:	(416) 392-1166
<b>Purpose</b>	To obtain authority for the City of Toronto (the " <b>City</b> ") to enter into two separate licence agreements with the registered owners of properties municipally known as 12 and 14 Brian Cliff Drive (collectively the " <b>Owners</b> ") for a permission to enter portions of their respective properties (the " <b>Licensed Areas</b> ") to facilitate repair of an exposed segment of the Wilket Creek Sanitary Sewer located at the rear of the properties.		
<b>Property</b>	The Licensed Areas comprise approximately 1,477 square metres (12 Brian Cliff Drive) and 1,908 square metres (14 Brian Cliff Drive). The location of the Licensed Areas is shown in Schedule " <b>A</b> " and a site plan of the Licensed Areas is depicted in Schedule " <b>B</b> " (12 Brian Cliff Drive) and Schedule " <b>C</b> " (14 Brian Cliff Drive).		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. The City enter into licence agreements with the Owners to permit entry onto the Licensed Areas for a period of seven (7) days for the purpose of accessing the Wilket Creek Sanitary Sewer located at the rear of the Owners' properties to conduct repairs and restoration; and,</li> <li>2. The Chief Corporate Officer or designate shall administer and manage the Agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter to City Council for its determination and direction;</li> <li>3. The appropriate City Officials be authorized and directed to take whatever action is necessary to give effect thereto.</li> </ol>		
<b>Financial Impact</b>	<p>The Owner of 14 Brian Cliff Drive has agreed to accept nominal consideration in order to facilitate the repair. The Owner of 12 Brian Cliff Drive has agreed to accept compensation of \$1,000, inclusive of HST, in order that she may restore a landscaped area which will be impacted by the access. Upon payment of the restoration fee the City is not responsible for any further cost. All amounts associated with the Licence Agreement will be charged to Toronto Water account CWW466-03.</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>	The Owners are the registered owners of 12 and 14 Brian Cliff Drive. The former Municipality of Metropolitan Toronto was granted easements in 1963 and 1964 across the rear of the properties and those adjacent for the purpose of constructing, maintaining, and reconstructing the Wilket Creek Sanitary Sewer. Toronto Water has determined that the infrastructure at this location requires immediate and urgent repair.		
<b>Terms</b>	<ul style="list-style-type: none"> <li>• Owner of 12 Brian Cliff Drive: Anne Elizabeth Cheung;</li> <li>• Owner of 14 Brian Cliff Drive: Ye Li;</li> <li>• The City will in person provide forty eight (48) hours' prior notice when accessing the Licensed Areas;</li> <li>• The term of the Licence is seven (7) business days commencing upon notification from the City;</li> <li>• All work associated with the licenses will be performed between the hours of 7 a.m. and 8 p.m. Monday to Fridays, both inclusive;</li> <li>• The City agrees to indemnify the Owners in respect of direct damages sustained as a result of the City's entry. The agreement does not require the City to evidence insurance however Toronto Water, as a matter of standard practice, will receive confirmation of such coverages from the selected contractor;</li> <li>• The Owners of 12 and 14 Brian Cliff Drive agree to remove all plantings in the Licensed Areas prior to the commencement of the licence;</li> <li>• The City has agreed to pay the Owner of 12 Brian Cliff Drive \$1,000 inclusive of HST to replace all such plantings and any restoration cost of the Licensed Area on her property and the City will not be responsible for any further cost</li> </ul>		
<b>Property Details</b>	<b>Ward:</b>	25 – Don Valley West	
	<b>Assessment Roll No.:</b>		
	<b>Approximate Size:</b>		
	<b>Approximate Area:</b>	12 Brian Cliff Drive ±1,477m <sup>2</sup> ; 14 Brian Cliff Drive ±1,908m <sup>2</sup>	
	<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:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input 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 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:	<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 checked="" 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.

**Chief Corporate Officer also has approval authority for:**

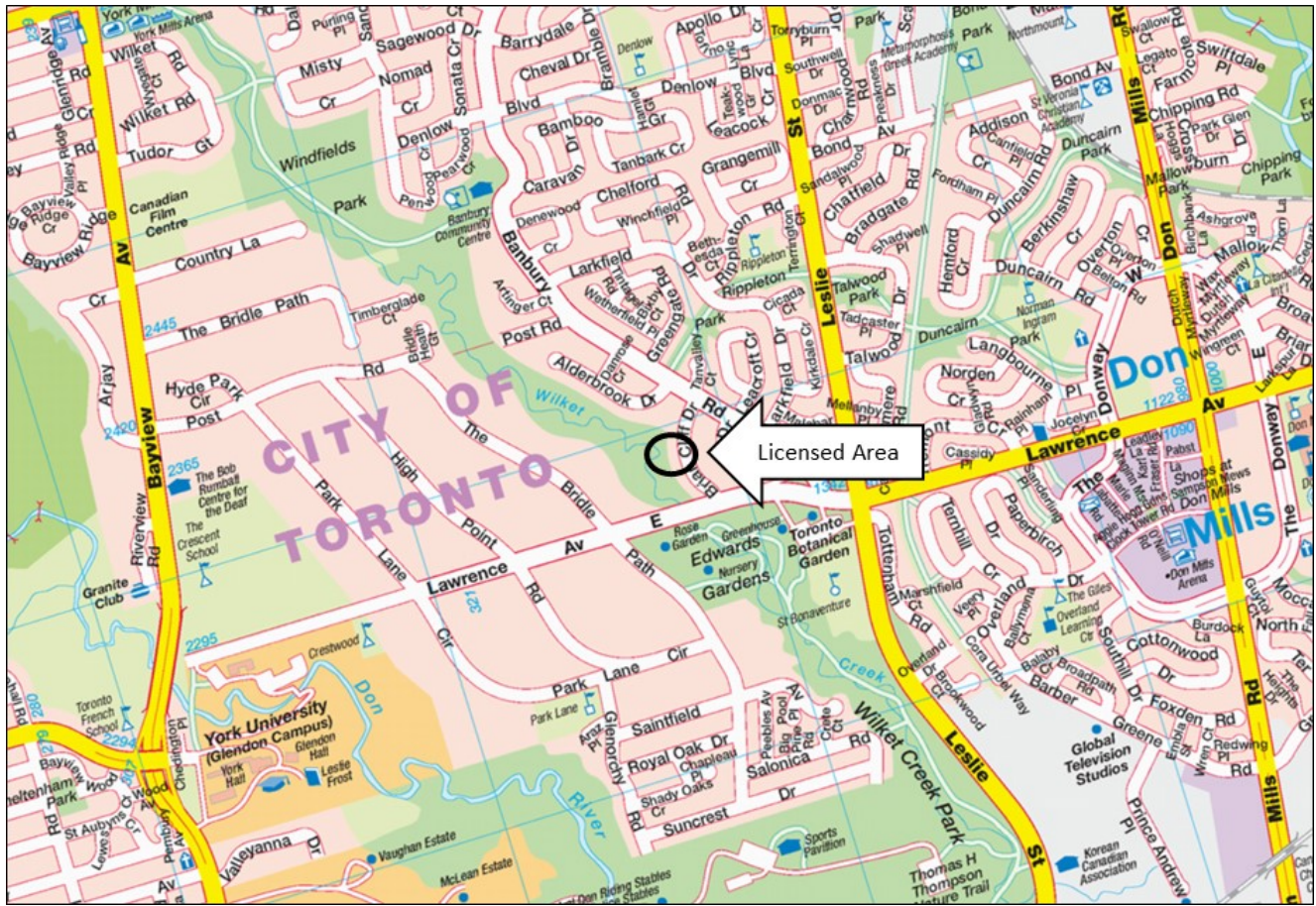
- ☐ Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

<b>Consultation with Councillor(s)</b>									
Councillor:	Jaye Robinson					Councillor:			
Contact Name:	Mike Varey					Contact Name:			
Contacted by:		Phone	x	E-Mail		Memo		Other	
Comments:	No issues					Comments:			
<b>Consultation with ABCDs</b>									
Division:	Toronto Water					Division:	Financial Planning		
Contact Name:	William Snodgrass					Contact Name:	Filisha Mohammed		
Comments:	Proceed					Comments:	No issues		
<b>Legal Division Contact</b>									
Contact Name:	Jennifer Davidson								
<b>DAF Tracking No.: 2015-237</b>					<b>Date</b>		<b>Signature</b>		
Recommended by: Wayne Duong, Manager of L&SM					Sept 25, 2015		Sgd./ Wayne Duong		
<input type="checkbox"/>	<b>Recommended by: Director of Real Estate Services</b>				Sept 28, 2015		Sgd./ Joe Casali		
<input checked="" type="checkbox"/>	<b>Approved by: Joe Casali</b>								
<input type="checkbox"/>	<b>Approved by: Chief Corporate Officer</b>						X		
	<b>Josie Scioli</b>								

**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.

# Schedule "A" – Location of Licensed Area







## Schedule "C" – Sketch of Licensed Area (shaded) of 14 Brian Cliff Drive



Sketch of the approximate location of where City staff and contractors would transverse 14 Brian Cliff (including locating a hose) between the Street and the City's easement for the Sanitary Trunk Sewer (S T S at the rear of 14 Brian Cliff) to conduct operations within the City's easement to fill in the scour hole which is undercutting the sewer.

Other information on the sketch, shows the creek location, the City's S T S easement, the flood plain limits (dotted line), and the City's North York easement.

The dimensions of the licensed area start at the property line (which is the right side of the Sketch / south side of the property)