

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

TRACKING NO.: 2015-325

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:	Joseph Sergnese	Division:	Real Estate Services
Date Prepared:	December 8, 2015	Phone No.:	416-392-1857

Purpose	To obtain authority for the City to enter into a Decommissioning and Surrender Agreement, (the "Agreement"), with Rogers Communications Inc. ("Rogers") with respect to: (a) Roger's decommissioning obligations of various sites owned by the City and used by Rogers for telecommunication purposes (the "Licensed Sites") under those Licence Agreements identified in Appendix "B" attached hereto (the "Licence Agreements"), and (b) the surrender and release of Roger's rights under the Licence Agreements.
Property	See Appendix "A-1" to "A-4" with respect to the following properties: Southeast corner of Bayview and Steeles Avenue East Road allowance at the East side of the Don Valley Parkway at the North Side of Spanbridge Rd Road allowance at the West Side of the Don Valley Parkway, South of Pottery Road Road allowance at the West side of the Don Valley Parkway at Beechwood Drive
Actions	It is recommended that: 1. authority be granted to enter into a Decommissioning and Surrender Agreement, (the "Agreement"), with Rogers Communications Inc. ("Rogers") on the major terms and conditions outlined in Appendix "C" attached hereto, and such other terms and conditions deemed appropriate by the Chief Corporate Officer, and in a form acceptable to the City Solicitor; 2. the Chief Corporate Officer, or her designate, administer and manage the Agreement including the provision of any amendments, consents, approvals, waivers, notices and notices of termination provided that Chief Corporate Officer, may, at any time, refer consideration of such matters to City Council for its determination and direction; and, 3. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	Rogers has overpaid licence fees under the Licence Agreements in the amount of \$6,153.22 plus HST and is entitled to a refund of this amount. Funding is available in the 2015 Operating Budget for Facilities, Real Estate, Environment & Energy (FREEE) in cost centre FA1770. The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
Comments	The City and Rogers entered into the Licence Agreements with respect to the Licensed Sites. The Licence Agreements have expired and Rogers has been in overholding with respect to the same. Rogers no longer requires the use of the Licensed Sites for telecommunication purposes. Rogers has agreed to decommission the Licensed Sites and release its rights under the Licence Agreements, subject to and in accordance with the major terms and conditions outlined in Appendix "C" attached hereto. City Staff consider the terms and conditions of the Agreement fair and reasonable.
Terms	See Appendix "C"

Property Details	Ward:	24 - Willowdale, 26 - Don Valley West, 29 – Toronto-Danforth
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><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).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input checked="" type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><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).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p>

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.

Consultation with Councillor(s)						
Councillor:	David Shiner			Councillor:	Jon Burnside	
Contact Name:				Contact Name:		
Contacted by:	Phone	X	E-Mail	Memo	Other	
Comments:	No concerns with agreement			Comments:	No concerns with agreement	
Councillor:	Mary Fragedakis			Councillor:		
Contact Name:				Contact Name:		
Contacted by:	Phone	X	E-Mail	Memo	Other	
Comments:	No concerns with agreement			Comments:		
Consultation with ABCDs						
Division:	Filisha Mohammed			Division:		
Contact Name:	Finance			Contact Name:		
Comments:				Comments:		
Legal Division Contact						
Contact Name:	Luxmen Aloysius					
DAF Tracking No.: 2015- 325		Date		Signature		
Recommended by:	Manager		Dec 11, 2015	Brian Varner		
<input type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali		Dec 22, 2015	Joe Casali		
<input checked="" type="checkbox"/>	Approved by:					
<input type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli					

General Conditions ("GC")

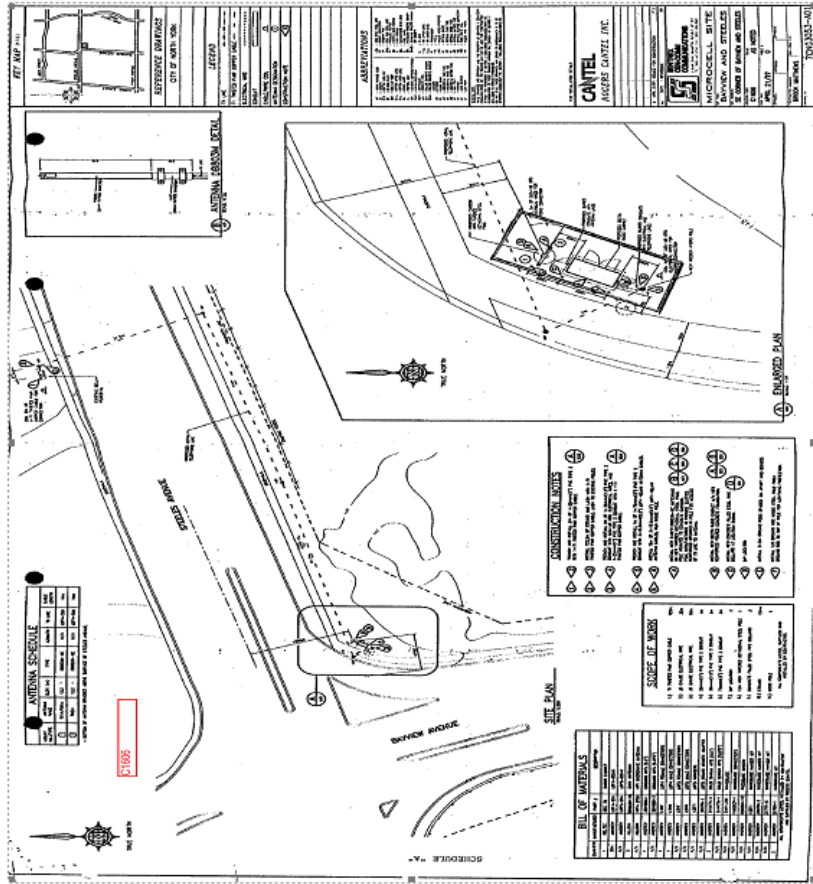
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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 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.

APPENDIX "A"**LICENSED SITES**

1. **South East Corner of Bayview Avenue & Steeles Avenue East – See Appendix "A-1"**
2. **Road Allowance at East Side of Don Valley Parkway and Spanbridge Road – See Appendix "A-2"**
3. **Road Allowance at West Side of Don Valley Parkway South of Pottery Road – See Appendix "A-3"**
4. **Road Allowance at West Side of Don Valley Parkway and Beechwood Drive Road – See Appendix "A-4"**

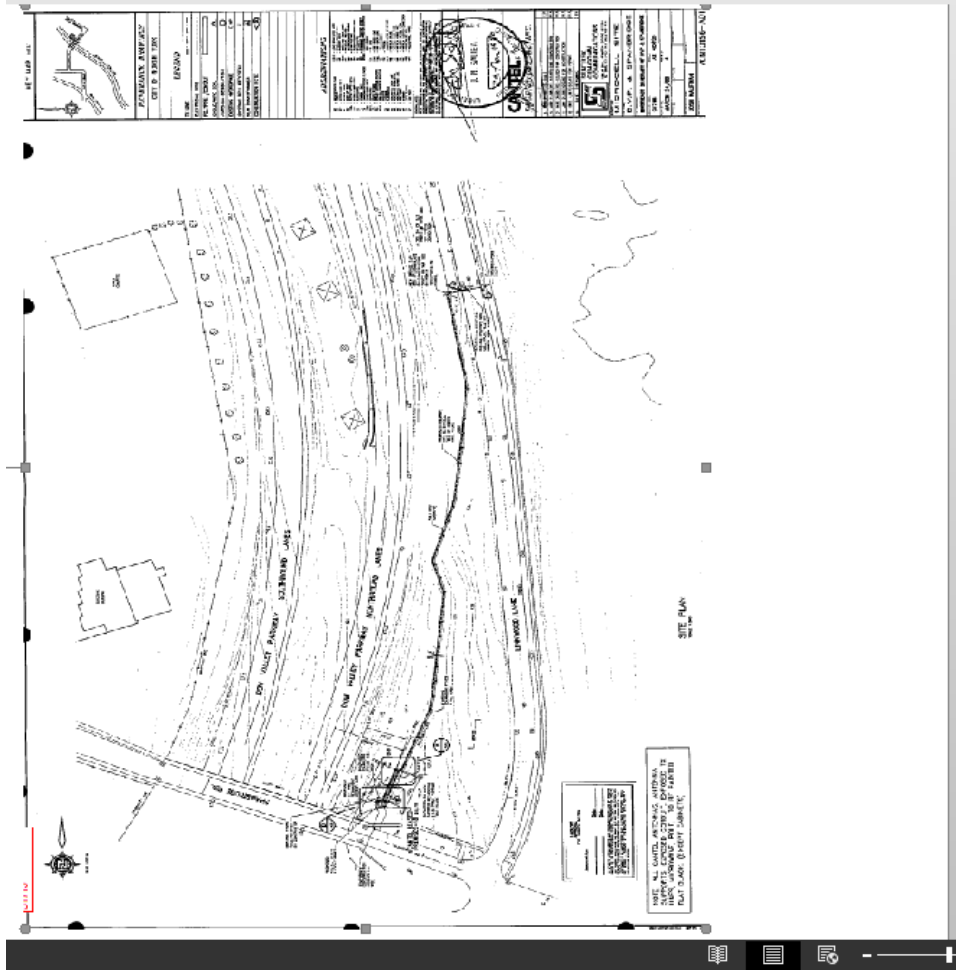
APPENDIX "A-1"

LICENSED SITES:
South East Corner of Bayview Avenue & Steeles Avenue East



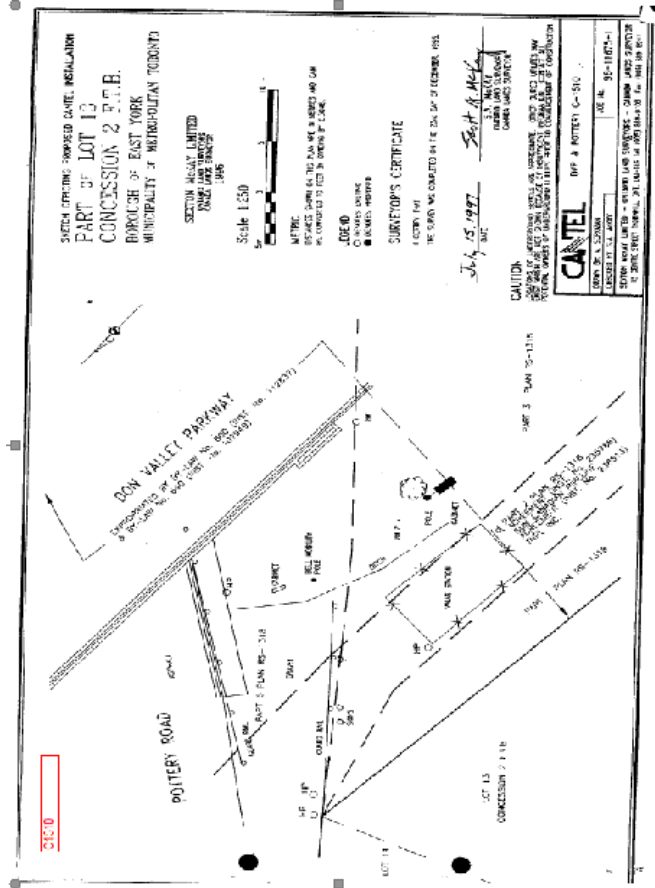
APPENDIX "A-2"

LICENSED SITES:
East Side of Don Valley Parkway and Spanbridge Road



APPENDIX "A-3"

LICENSED SITES:
West Side of Don Valley Parkway South of Pottery Road



SURVEYING APPROVED CANTEL REGULATION
PART OF LOT 13
CONCESSION 2 P.L.B.
MUNICIPALITY OF METROPOLITAN TORONTO

SECTION 34(1) LIMITED
PLANNING ACT
1995

Scale 1:50

METRIC
DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND CM
AND CONFORM TO THE METRIC SYSTEM OF UNITS

LEGEND
CLAYED DRIVE
PAVED DRIVE
PAVED SIDEWALK

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY
THAT THE SURVEY WAS COMPLETED BY ME OR BY MY DEPUTY ON

JULY 15 1997

CAUTION
THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR

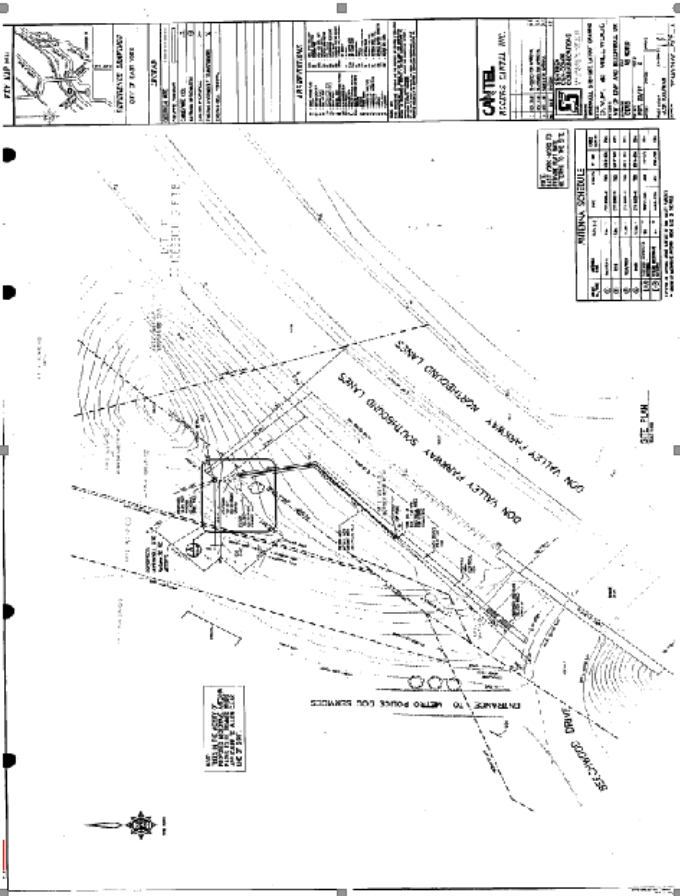
CANTEL REF # POTTERY 6-510

DATE OF APPROVAL: JULY 15 1997
DATE OF EXPIRY: JULY 15 2007
DATE OF REVISION: JULY 15 1997

DATE OF APPROVAL: JULY 15 1997
DATE OF EXPIRY: JULY 15 2007
DATE OF REVISION: JULY 15 1997

APPENDIX "A-4"

LICENSED SITES:
West Side of Don Valley Parkway and Beechwood Drive



APPENDIX "B"**LICENCE AGREEMENTS**

1. **South East Corner of Bayview Avenue & Steeles Avenue East:**
Licence Agreement dated October 2, 1997 as renewed by a Licence Renewal Agreement dated January 11, 2005.
2. **East Side of Don Valley Parkway and Spanbridge Road:**
Licence Agreement dated September 1, 1998 as renewed by a Licence Renewal Agreement dated May 1, 2005.
3. **West Side of Don Valley Parkway South of Pottery Road:**
Licence Agreement dated October 2, 1997 as renewed by a Licence Renewal Agreement dated February 8, 2002.
4. **West Side of Don Valley Parkway and Beechwood Drive Road:**
Licence Agreement dated September 1, 1998 as renewed by a Licence Renewal Agreement dated May 18, 2004.

APPENDIX "C"

DECOMMISSION AND SURRENDER AGREEMENT – MAJOR TERMS AND CONDITIONS

TERM	SUMMARY
Rogers Indemnity	Rogers covenants that the City has performed its obligations under the Licence Agreements and agrees to indemnify and release the City from any and all claims relating to the Licence Agreements and/or the Licensed Sites.
Decommissioning Works	Rogers agrees to decommission the site, by removing its equipment from the Licensed Sites, repairing and damaged caused thereby and restore the Licensed Sites to the condition that existed prior to the commencement of the Licence Agreements. Rogers indemnifies and releases the City from any and all claims relating to the same.
Surrender	Effective as of January 1, 2015. Rogers releases its rights under the Licence Agreements with respect to the Licensed Sites.