

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

TRACKING NO.: 2016-069

- 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:	Bruno Iozzo	Division:	Real Estate Services
Date Prepared:	March 23, 2016	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority to (i) acquire a new permanent sewer easement (the "Replacement Easement") and a new permanent access easement (the "Access Easement") in favour of the City of Toronto ("City") on land owned by the Toronto District School Board ("TDSB"); and (ii) remove the two existing permanent easements between both parties on the same land.
<b>Property</b>	Portions of the property municipally known as 1 Hanson Street, Toronto, Ontario being Parts 1-6 inclusive on Reference Plan 66R-26794 as shown on the attached Appendix "B" (the "Property").
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to acquire the Replacement Easement over part of the Property, namely Parts 1-4 inclusive on Reference Plan 66R-26794, on the terms and conditions set out below and in a form satisfactory to the City Solicitor.</li> <li>Authority be granted to acquire the Access Easement over part of the Property, namely Parts 5-6 on Reference Plan 66R-26794, on the terms and conditions set out below and in a form satisfactory to the City Solicitor.</li> <li>Authority be granted to release the City's interest in and delete from title the two existing permanent easements (Instrument Nos. ET106388 and ET80450) currently registered over the TDSB-owned property at 1 Hanson Street, Toronto.</li> <li>The Chief Corporate Officer or designate shall administer and manage the Replacement Easement and the Access Easement including the provision of any consents, approvals and waiver notices 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>The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, and amending and waiving terms and conditions, on such terms as she considers reasonable.</li> <li>The appropriate City officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	There is no financial impact arising from this DAF approval. The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
<b>Comments</b>	<p>In 1957, the City acquired a permanent easement interest (Instrument No. ET80450) over a portion of the Property for the purpose of constructing and maintaining the Coxwell Sanitary Trunk Sewer line. The easement permitted the construction of a building above the easement lands, provided that the building did not exceed three storeys in height. A school facility that meets this restriction is currently located on the surface of these easement lands.</p> <p>In 1965, the City acquired an additional permanent easement interest (Instrument No. ET106388) over a portion of the Property. The additional easement was necessary as the City planned to permanently close and sell a portion of Rhodes Avenue located south of Hanson Street (adjacent to the original easement interest). This stretch of land contained a segment of the Coxwell Sanitary Trunk Sewer line below grade. This easement did not permit the construction of a structure on the surface of the land without the prior written consent of the City.</p> <p>The TDSB has requested the City's consent to construct a seasonal air-supported sports dome and club house (the "New Infrastructure") above a portion of the Property (where structures are not currently permitted). The City's Engineering &amp; Construction Services and Toronto Water Divisions have agreed to permit the construction of the New Infrastructure subject to (i) the TDSB signing a Site Plan Agreement (which was made as of November 5, 2012 and was registered as Instrument No. AT3200478) and (ii) the TDSB entering into the Replacement Easement and the Access Easement as set out herein. The Site Plan Agreement contains many terms and conditions that the TDSB must adhere to, including insurance and liability clauses and the requirement to provide the City with the additional Access Easement interest over a portion of the Property. The Access Easement will provide the City with a direct access to the Property as well as provide a construction storage and a lay-down area should work on the Coxwell Sanitary Trunk Sewer be required</p>
<b>Terms</b>	Please view Page 4.

<b>Property Details</b>	<b>Ward:</b>	30 – Toronto-Danforth
	<b>Assessment Roll No.:</b>	1904085190001000000
	<b>Approximate Size:</b>	N/A
	<b>Approximate Area:</b>	4,122.2 m <sup>2</sup>
	<b>Other Information:</b>	N/A


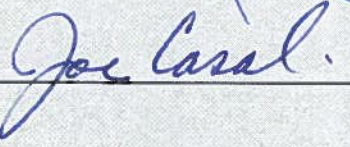
A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<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:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
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):	<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.	Delegated to a less senior position.
12. Easements (City as Grantee):	<input checked="" 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 checked="" 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.

Consultation with Councillor(s)															
Councillor:	Paula Fletcher					Councillor:									
Contact Name:	Susan Serran (E.A.)					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	Approved					Comments:									
Consultation with ABCDs															
Division:	Toronto Water / Engineering & Construction Services					Division:	Financial Planning								
Contact Name:	Patrick Cheung / Lucia Stanciu					Contact Name:	Filisha Mohammed								
Comments:	Approved					Comments:	Approved								
Legal Division Contact															
Contact Name:	Rebecca Hartley														
DAF Tracking No.: 2016-069			Date			Signature									
Recommended by: Manager			23 <sup>rd</sup> MARCH 2016												
<input type="checkbox"/>	Recommended by: Director of Real Estate Services		Mar. 24/16.			X 									
<input checked="" type="checkbox"/>	Approved by: Joe Casali														
<input type="checkbox"/>	Approved by: Chief Corporate Officer														
<input type="checkbox"/>	Approved by: 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.

**Terms**

**Transferee:** City of Toronto

**Transferor:** Toronto District School Board

**Permitted Structures:**

- (i) **Replacement Easement:** Removable air-supported dome and concrete foundation (over Part 1 on Reference Plan 66R-26794 only) and a school building (over Parts 2 and 3 on Reference Plan 66R-26794 only)
- (ii) **Access Easement:** None

**Access Rights:**

- (i) **Replacement Easement:** access for the City's storm and sanitary sewers
- (ii) **Access Easement:** access for construction storage lay-down area, pedestrian and vehicular ingress and egress, and parking of vehicles and machinery associated with the City's construction activities relating to the Coxwell Sanitary Trunk Sewer

**Special Clauses:**

- (i) **Replacement Easement:** Emergency Response Plan - Transferor shall implement an approved Emergency Response Plan (at its own expense) immediately upon receipt of written notice from the Transferee for purposes related to the Works (Coxwell Sanitary Trunk Sewer)
- (ii) **Access Easement:** Maintenance & Repairs - Transferor shall be responsible for the maintenance & repair of the Easement Lands with the exception of any damage arising out of the use by the Transferee

# Appendix "A" – Site Plan

## 1 Hanson Street

