

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

TRACKING NO.: 2016-010

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.

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:	Daran Somas	Division:	Real Estate Services
Date Prepared:	December 5, 2016	Phone No.:	416 397 7671

Purpose	Approval to enter into a licence agreement between Her Majesty The Queen in Right of Ontario as represented by The Minister of Economic Development, Employment and Infrastructure, as licensor and the City, as licensee with respect to lands owned by the Province for use as a vehicular parking facility for Long-Term Care Homes & Services Division ("LTCHS Division").
Property	1.619 acres of vacant hydro corridor lands described as Part of Lots 4,5&6, Registered Plan 94Y and Part of Park Block H, Registered Plan M-630, and designated as Parts 1,2,3,4,5,6,7 on Reference Plan 66R-27574 (the "Lands"), adjacent to the True Davidson Acres property at 200 Dawes Road – see diagram on Page 5
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a licence agreement with Her Majesty the Queen in Right of Ontario for the use of the Lands as an access and vehicular parking facility for True Davidson Acres for a five (5) year term commencing July 1 2013, substantially on the terms outlined below and any other terms as deemed appropriate by the Chief Corporate Officer, and in a form acceptable to the City Solicitor; 2. The Chief Corporate Officer or designate shall administer and manage the licence agreement including the provision of any consents, approvals, waivers, notices and notices of termination provided that Chief Corporate Officer may, at any time, refer consideration of such matter 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	<p>Total cost to the City will be \$143,390.00 in net license fees and the proportionate share of assessed property taxes (estimated increase of \$2,578.00 per annum from the previous term annual rate), or \$145,913.66 (net of HST recoveries) plus other applicable taxes for the entire term. Funding is available through the LTCHS Division Budget.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Corporate Administration Committee Report No. 25, item #18 was adopted by the Council of the former Municipality of Metropolitan Toronto at its meeting held on December 10 and 18, 1997. By adopting that Report, authority was granted to enter into a licence agreement with ORC (successor to Ontario Hydro) for use of the Lands by Homes for the Aged Division (now LTCHS Division) as a parking facility for True Davidson Acres. The term of that licence began on July 1, 1997 and expired on June 30, 2002. In 2010 Real Estate Services negotiated with ORC for a new licence having a term of three (3) years commencing July 1, 2010 and expiring on June 30, 2013 at a licence fee of \$26,100.00 per annum.</p> <p>LTCHS have agreed to a renewal licence having a term of five (5) years commencing July 1 2013 and expiring on June 30 2018 at a licence fee of \$28,678.00 per annum, plus HST and 75% of annual realty taxes allocated/assessed against the lands, estimated to be \$3,897.23 plus HST per annum.</p>
Terms	The terms and conditions of the subject licence agreement are outlined on page 4. Real Estate Services staff consider the terms and conditions to be fair, and reasonable and at market rates.

Property Details	Ward:	31-Beaches East York
	Assessment Roll No.:	04-5-390-02700
	Approximate Size:	
	Approximate Area:	1.619 acres
	Other Information:	

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"/> (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 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"/> (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.

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:	Janet Davis					Councillor:			
Contact Name:	Jayson Thiessen					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	Consent					Comments:			
Consultation with ABCDs									
Division:	Long Term Care					Division:	Financial Planning/ Business I& I Finance		
Contact Name:	Dana Tulk					Contact Name:	Filisha Mohammed		
Comments:	Consent					Comments:	Consent		
Legal Division Contact									
Contact Name:	Michele Desimone								
DAF Tracking No.: 2016 - 010				Date		Signature			
Recommended by: Manager, Wayne Duong				Dec/13/2016		Sgd.\ Wayne Duong			
<input type="checkbox"/> Recommended by: Director of Real Estate Services Joe Casali				Dec/19/2016		Sgd.\ Joe Casali			
<input checked="" type="checkbox"/> Approved by:									
<input type="checkbox"/> Approved by: Chief Corporate Officer Josie Scioli						X			

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.

Terms of Licence Agreement

Licensor:

Her Majesty The Queen in Right of Ontario as represented by The Minister of Economic Development, Employment and Infrastructure

Licensee:

City of Toronto

Premises:

1.619 acres of vacant hydro corridor lands described as Part of Lots 4, 5 & 6, Registered Plan 94Y and Part of Park Block H, Registered Plan M-630, and designated as Parts 1,2,3,4,5,6, and 7 on Reference Plan 66R-27574

Term:

Five (5) years, commencing July 1, 2013 and expiring on June 30, 2018.

Financial Implications:

The annual cost of the licence agreement will be \$28,678.00 plus HST plus 75% of real property taxes (which equaled approximately \$2,578.00 in 2013).

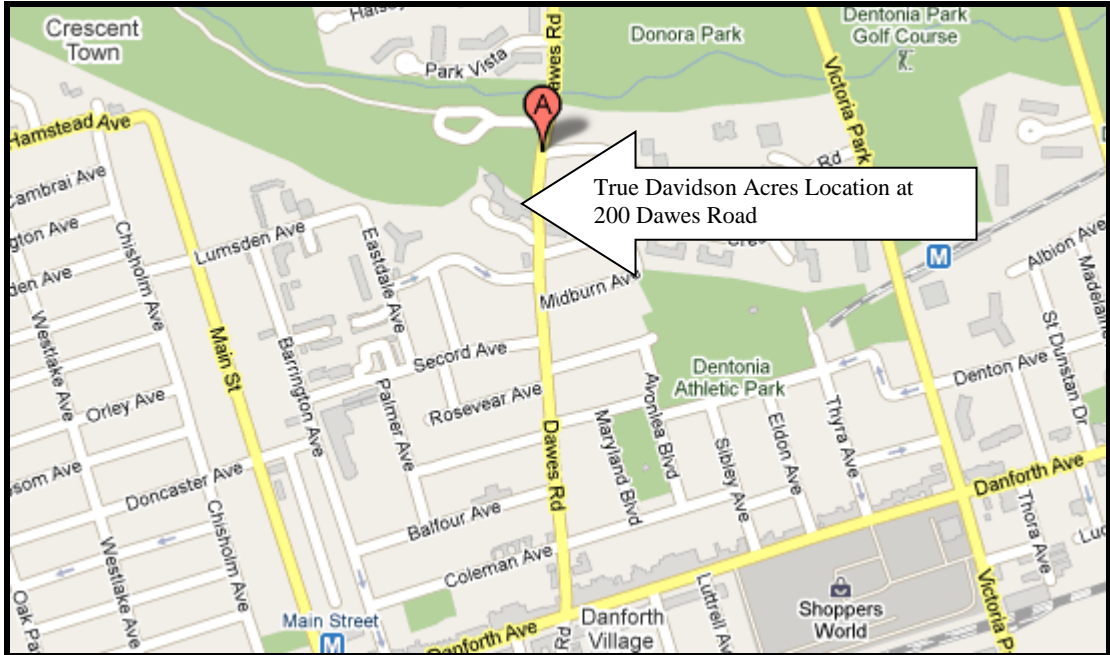
Insurance:

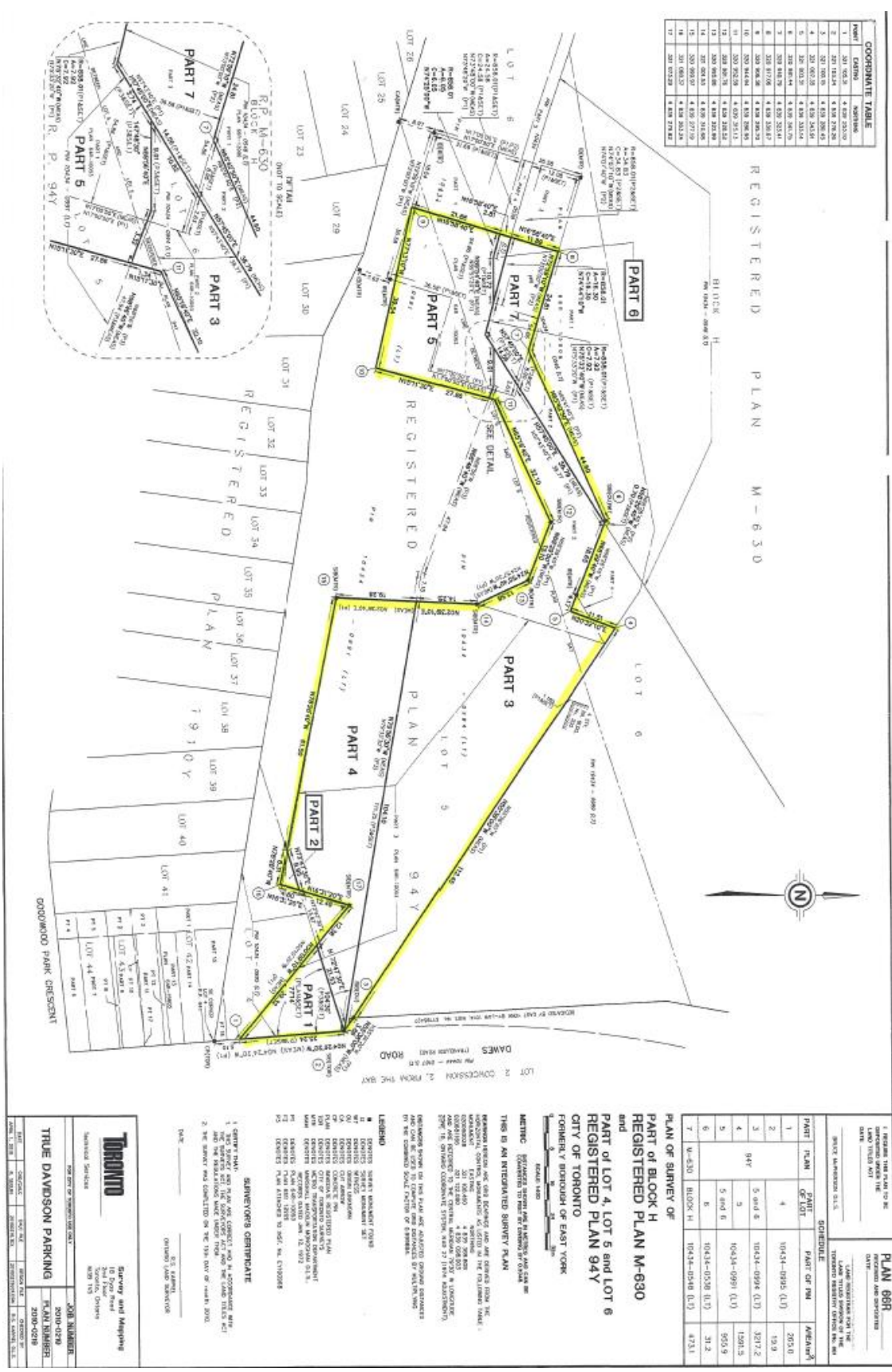
City to maintain a liability insurance policy satisfactory to the province in the amount of five million (\$5,000,000.00) dollars.

Maintenance

City is responsible for all maintenance and capital items related to the premises. In 2015, the City spent \$140,000.00 in work related to replacement of concrete bollards near the main entrance, new visitor signage, asphaltting work and repainting entire parking lot lanes and concrete steps. No estimates were provided regarding future annual maintenance costs.

200 Dawes Road Location Maps





REGISTERED PLAN M-630



PART	PLAN	SCHEDULE	PART OF NW	AREA/ACRES
1	4	10434-0925 (L1)	13.9	205.0
2	5 and 6	10434-0994 (L1)	3217.2	1261.5
3	94Y	10434-0991 (L1)	923.9	31.2
4	5 and 6	10434-0508 (L1)	473.1	17.3
5	5 and 6	10434-0548 (L1)	473.1	17.3
6	5 and 6	10434-0548 (L1)	473.1	17.3

PLAN OF SURVEY OF
 PART OF BLOCK H
 REGISTERED PLAN M-630
 and
 PART OF LOT 4, LOT 5 and LOT 6
 REGISTERED PLAN 94Y
 CITY OF TORONTO
 FORMERLY DISTRICT OF EAST YORK

TRUE DAVIDSON PARKING
 JOB NUMBER: 2000-0760
 2850 SHEPPARD AVENUE EAST
 TORONTO, ONTARIO
 M2X 1X5

TORONTO
 City of Toronto
 Planning Department
 240 Queen Street West
 Toronto, ON M5H 2N2
 416-392-3241

Survey and Mapping
 2nd Floor
 2850 Sheppard Ave E
 Toronto, ON M2X 1X5
 416-221-6282

DATE: 2000-07-20
SCALE: 1:500