

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

**TRACKING NO.: 2015-231**

- 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:	Melanie Hale Carter	Division:	Real Estate Services
Date Prepared:	August 31, 2015	Phone No.:	416-392-1227

<b>Purpose:</b>	To obtain approval to enter into an Agreement to exchange surplus portions of Valley Crescent owned by the City for lands owned by AFF Holding Ltd. and monetary consideration to be paid to the City, conditional upon City Council approving the permanent closure of the surplus portions of Valley Crescent.		
<b>Property:</b>	(A) Portions of Valley Crescent, being Part of PIN 10499-0282 (LT) on Plan 2008, Township of York, lying between Rotherham Avenue and Hyde Avenue, shown as Parts 1, 2 and 3 on Sketch No. PS-2015-019, subject to the reservation by the City of an easement over the lands for watermain purposes (the "Road Allowance Lands"). (B) Lands described as being whole of PIN 10499-0294 (LT), being part of Lots 640 and 641, Plan 2008, Township of York, designated as Part 2 on Plan 64R-12856, City of Toronto and shown as Part 1 on Sketch No. PS-2014-078 (the "85R Lands").		
<b>Actions:</b>	<ol style="list-style-type: none"> <li>The City enter into a Land Exchange Agreement with AFF Holding Ltd. and FGA Holding Ltd. (collectively, the "Purchaser") for the sale of the Road Allowance Lands, in exchange for the 85R Lands and monetary consideration in the amount of \$105,000.00 (the "Cash Payment") from the Purchaser. The Land Exchange Agreement shall be substantially on the terms outlined in Appendix "A" and on such other terms as deemed appropriate by the Chief Corporate Officer, and in a form satisfactory to the City Solicitor.</li> <li>Following the closure of the Road Allowance Lands as a public highway, the City grant an easement over a portion of the Road Allowance Lands to the owner of 53 Valley Crescent, as may be necessary for truck turning purposes, on terms satisfactory to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.</li> <li>The City Solicitor be authorized to complete the transactions on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable.</li> <li>The General Manager of Transportation Services be authorized to give notice to the public of a proposed by-law to close the Road Allowance Lands in accordance with the requirements of City of Toronto Municipal Code, Chapter 162, with the Etobicoke Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.</li> <li>The General Manager of Transportation Services be authorized to advise the public of the proposed closure of the Road Allowance Lands prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule A* activities, by posting notice of the proposed closure on the notices page of the City's Web site for at least five working days prior to the Etobicoke Community Council meeting at which the proposed by-law to close the Road Allowance Lands will be considered.</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>	Revenue in the amount of \$105,000.00 (plus HST), less closing costs and usual adjustments, will be contributed to the Land Acquisition Reserve Fund (XR1012).The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.		
<b>Comments:</b>	See Appendix "A"		
<b>Terms</b>	See Appendix "A"		

<b>Property Details</b>	<b>Ward:</b>	12 – York South-Weston	
		Road Allowance Lands	85R Lands
	<b>Approximate Size:</b>	Frontage: 20.1 m (65.9 ft.) Depth: 29.9 m (98.1 ft.)	Irregular
	<b>Approximate Area:</b>	603.5 m <sup>2</sup> (6496 ft <sup>2</sup> )	923 m <sup>2</sup> (9935 ft <sup>2</sup> )

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 &amp; Parks &amp; 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><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><b>Delegated to a more senior position.</b></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 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 checked="" type="checkbox"/> Initiate process &amp; 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><b>Delegated to a less senior position.</b></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:	Frank Di Giorgio					Councillor:											
Contact Name:						Contact Name:											
Contacted by:	X	Phone		E-Mail		Memo		Other	Contacted by:		Phone		E-mail		Memo		Other
Comments:	Concurs					Comments:											
Consultation with ABCDs																	
Division:	Finance					Division:	Toronto Water										
Contact Name:	Filisha Mohammed					Contact Name:	Paul Albanese										
Comments:	Reviewed & approved FIS August 31, 2015					Comments:	Reviewed & approved August 31, 2015										
Legal Division Contact																	
Contact Name:	Jacqueline Vettorel-comments incorporated August 28, 2015																
DAF Tracking No.: 2015-231				Date				Signature									
Recommended by: Manager, Acquisitions & Expropriations Tim Park				Aug. 31, 2015				Tim Park									
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services			Sept. 2, 2015				Joe Casali									
<input checked="" type="checkbox"/>	Approved by: Joe Casali																
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli			Sept. 8, 2015				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"

Terms:

Purchase Price: \$105,000.00 (plus HST, if applicable) by certified cheque or bank draft, subject to the usual adjustments

Deposit: \$10,500.00

Closing Date: 45<sup>th</sup> day next following the date the Closing By-law is enacted by City Council, or as mutually agreed

As-Is Condition: The Road Allowance Lands and the 85R Lands are each being sold "as is".

Valley Crescent Restoration: Prior to enactment of Closing By-law, Purchaser to restore grade of entire unopened portion of Valley Crescent and remove all garbage and debris

Watermain Easement: City to reserve watermain easement over entire Road Allowance Lands on closing

Truck Turning Easement: Purchaser to accept Road Allowance Lands subject to truck turning easement to be granted by the City to the owner of 53 Valley Crescent

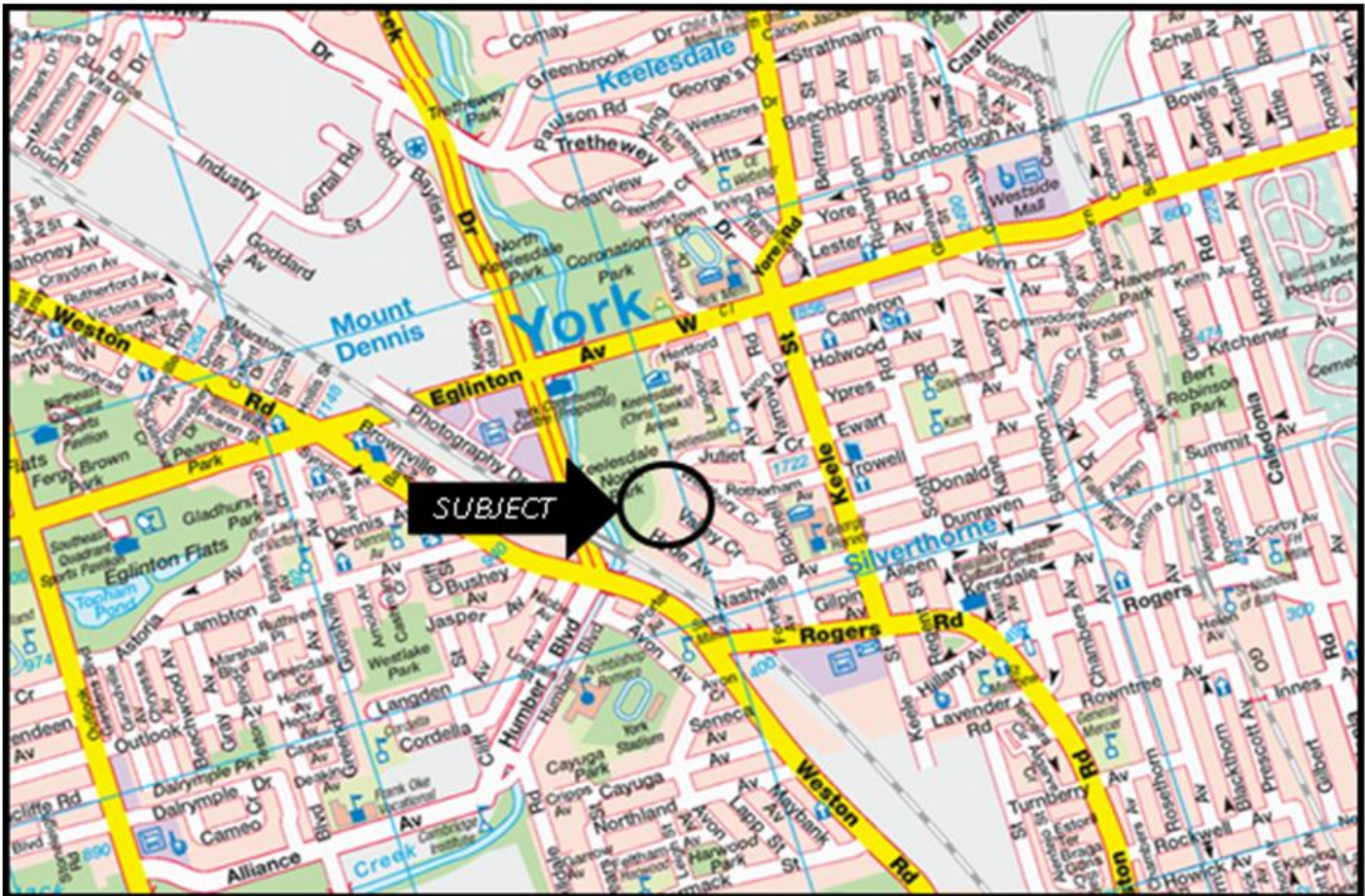
New Fence/Guardrail: Within 1 year of closing, Purchaser to construct new guard rail and 8 foot high fence along full width of north-west boundary of Road Allowance Lands and provide a warranty for 2 years thereafter; on closing, Purchaser to provide certified funds in the amount of \$6,000 as security for these obligations.

Comments:

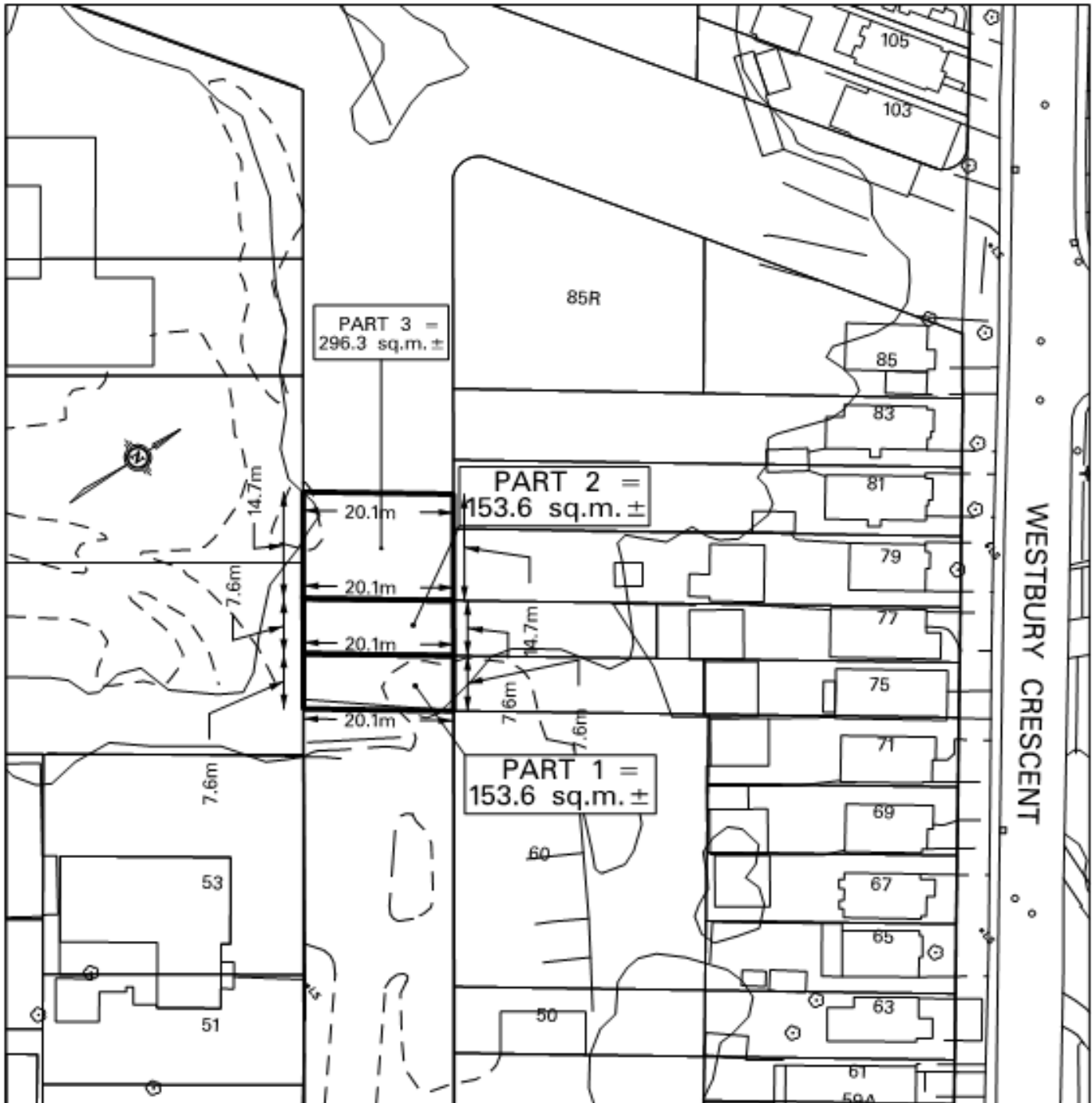
By adoption of Item GM32.16, at its meeting held on August 25, 26, 27 and 28, 2014, City Council declared surplus a portion of Valley Crescent, now shown as Parts 1 and 2 on Sketch No. PS-2015-019, and authorized the Chief Corporate Officer to invite an offer to purchase the lands from the Purchaser as part of a land exchange involving the 85R Lands. City Council also authorized the City to acquire the 85R Lands in "as-is" condition, including without limitation, their existing contaminated environmental condition, if a land exchange transaction could be successfully negotiated. During the negotiations, the Purchaser requested additional lands be included in the transaction and so, in accordance with the City's Real Estate Disposal By-law, No. 814-2007, Part 3 on Sketch No. PS-2015-019 was declared surplus by way of Delegated Approval Form (DAF 2015-105) on May 21, 2015.

Negotiations with the Purchaser have resulted in the Land Exchange Agreement that is being recommended for approval. The terms for completing the transaction as set out herein are considered to be fair, reasonable and reflective of market value.

Location Map



Appendix "B"  
 Sketch Nos. PS-2015-019 and PS-2014-078



NOTE:  
 THIS SKETCH HAS BEEN  
 COMPILED FROM OFFICE  
 RECORDS. MEASUREMENTS  
 ARE APPROXIMATE

CHECK BY JOHN HOUSE  
 PREPARED BY: DWAYNE PITT

WARD 12 - YORK SOUTH-WESTON  
 DATE: MARCH 09, 2015

PROPERTY INFORMATION SHEET

PORTIONS OF VALLEY CRESCENT AT THE REAR OF  
 NO. 75 WESTBURY CRESCENT (PART 1),  
 NO. 77 WESTBURY CRESCENT (PART 2) AND  
 NO. 79 AND 81 WESTBURY CRESCENT (PART 3)

SKETCH No. PS-2015-019



PROPERTY INFORMATION SHEET  
 NO. 85R WESTBURY CRESCENT

**Toronto**

ENGINEERING & CONSTRUCTION SERVICES  
 ENGINEERING SERVICES  
 LAND AND PROPERTY SURVEYS

NOTE:

THIS SKETCH HAS BEEN  
 COMPILED FROM OFFICE  
 RECORDS. MEASUREMENTS  
 ARE APPROXIMATE

CHECK BY JOHN HOUSE  
 PREPARED BY: DWAYNE PITT

WARD 12 - YORK SOUTH-WESTON  
 DATE: JULY 02, 2014

SKETCH No. PS-2014-078