

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

TRACKING NO.: 2015-208

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:	Susan Lin	Division:	Real Estate Services
Date Prepared:	August 21, 2015	Phone No.:	392-4135

<b>Purpose</b>	To obtain authority to enter into and complete a land exchange agreement (the "Agreement") with The Centennial College of Applied Arts and Technology ("Centennial") with respect to the Centennial Exchange Lands and the City Exchange Lands, described below.
<b>Property</b>	<p>All lands involved in the Agreement are on or adjoining to the Centennial campus at 941 Progress Avenue.</p> <p>The City-owned lands to be acquired by Centennial (the "City Exchange Lands") comprise Parts 1, 2 and 3 on Plan 64R-14828, shown in Appendix "B". On conveying the City Exchange Lands, the City will reserve an easement for right-of-way, enabling City representatives to access Toronto Water interests in the Toronto Region Conservation Authority ("TRCA") lands adjoining to the east of the Centennial campus.</p> <p>The Centennial-owned lands to be acquired by the City (the "Centennial Exchange Lands") comprise fee simple and easement interests. In particular, the City will be acquiring: (a) a fee simple interest in the lands shown as Part 1 on the Plan 66R-28157 in Appendix "C"; and (b) an easement enabling City representatives to cross from the west limit of the Centennial campus at Progress Avenue to Toronto Water interests in TRCA lands lying to the east of the campus.</p>
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to enter into and complete the Agreement, substantially on the terms in Appendix "A" and on such other terms as the Chief Corporate Officer may deem necessary and in a form satisfactory to the City Solicitor.</li> <li>The City Solicitor be authorized to complete the transaction 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>Authority be granted to extend the term of the licence granted to Centennial for the City Exchange Lands for a period not exceeding 3 months and on terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.</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>	<p>No funds will be exchanged for the actual land exchange of the properties. Costs of approximately \$250.00 for the registrations and \$7,850.00 for Land Transfer Tax will be funded from Transportation Services' Capital Account CTP314-06-176 – Major Road Rehabilitation.</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>	See Appendix "A"
<b>Terms</b>	See Appendix "A"

<b>Property Details</b>	<b>Ward:</b>	38 – Scarborough Centre
	<b>Assessment Roll No.:</b>	Part of 1901-08-2-470-01800
	<b>Approximate Size:</b>	20.66 m x 285.02 m ± (67.78 ft x 935.10 ft ±)
	<b>Approximate Area:</b>	5,682 m <sup>2</sup> ± (1.4 acres ±)

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 checked="" 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 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:	Glenn De Baeremaeker					Councillor:				
Contact Name:	Glenn De Baeremaeker					Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	July 31, 2015					Comments:				
Consultation with ABCDs										
Division:	Transportation Services					Division:	Financial Planning			
Contact Name:	Bob Taylor					Contact Name:	Kenneth Quan			
Comments:	August 20, 2015					Comments:	August 20, 2015			
Legal Division Contact										
Contact Name:	Frank Walsh (7-5611)									
DAF Tracking No.: 2015-208			Date			Signature				
Recommended by:	Manager		August 24, 2015			Tasse Karakolis				
<input type="checkbox"/>	Recommended by: Director of Real Estate Services		August 31, 2015			Joe Casali				
<input checked="" type="checkbox"/>	Approved by: Joe Casali									
<input type="checkbox"/>	Approved by: Chief Corporate Officer					X				
	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"****DAF No. 2015-208****Comments (continued):**

By clause 13(48), adopted by the former Corporation of the City of Scarborough on June 27, 1995 (the "1995 Report"), authority was given for the City to enter into a land exchange agreement with Centennial to vest Scarborough with ownership of a configuration of lands approximating the fee simple portion of the Centennial Exchange Lands. These lands were to be developed by the City as a northerly extension of Progress Avenue and a partial traffic interchange to access Highway 401 (the "Progress Extension").

The 1995 Report declared the City Exchange Lands surplus and authorized Scarborough to use its best efforts to close and convey them to Centennial. By the end of 1998, the Progress Extension was constructed on Centennial's lands. For reasons unknown, none of the land exchange conveyances contemplated in the 1995 Report was ever completed. This has resulted in a land ownership discrepancy whereby: (a) the City is operating the Progress Extension as a highway, on land owned by Centennial; and (b) Centennial does not own the City Exchange Lands.

Centennial recently received development approvals to expand its campus facilities at 941 Progress Avenue to include a new culinary arts centre, a new student residence and new parking lots. In the course of planning these expansion facilities, Centennial discovered that it never acquired ownership of the City Exchange Lands – lands upon which Centennial's approved new parking facilities are to be developed.

Pending resolution of the land ownership discrepancy described above, the City and Centennial agreed that Centennial will be permitted short-term use of a portion of the City Exchange Lands for parking purposes. Further thereto, the parties entered into a parking licence agreement, authorized under DAF No. 2014-236. Due to the agreed closing date, authority is being sought to extend the term of the licence until the completion of the land exchange.

On completion of the Agreement which is the subject of this report, the parties will be in the land ownership positions that were intended by Council in the 1995 Report. Appendix "A" sets out terms of the Agreement.

**Terms (continued):****Properties:**

- |   |  |
|---|--|
| 1. Lands to be conveyed by the City to Centennial (the "City Exchange Lands")       | Lands legally described as part of closed Road Allowance between Lots 16 & 17, Concession 2 (formerly Scarborough), designated as Parts 1, 2 & 3 on Plan 64R-14828, as shown in Appendix "B" |
| 2. Lands to be conveyed by Centennial to the City (the "Centennial Exchange Lands") | Lands legally described as being part of Lot 18, Concession 2, and designated as Part 1 on Plan 66R-28157 shown in Appendix "C".   |

**Parties:**

The Centennial College of Applied Arts and Technology and City of Toronto

**Consideration:**

Each party will convey lands to the other for nominal consideration.

**Requisition Date:**

Up to closing date.

**Closing Date:**

August 31, 2015, subject to agreement between the parties to advance or postpone the closing date.

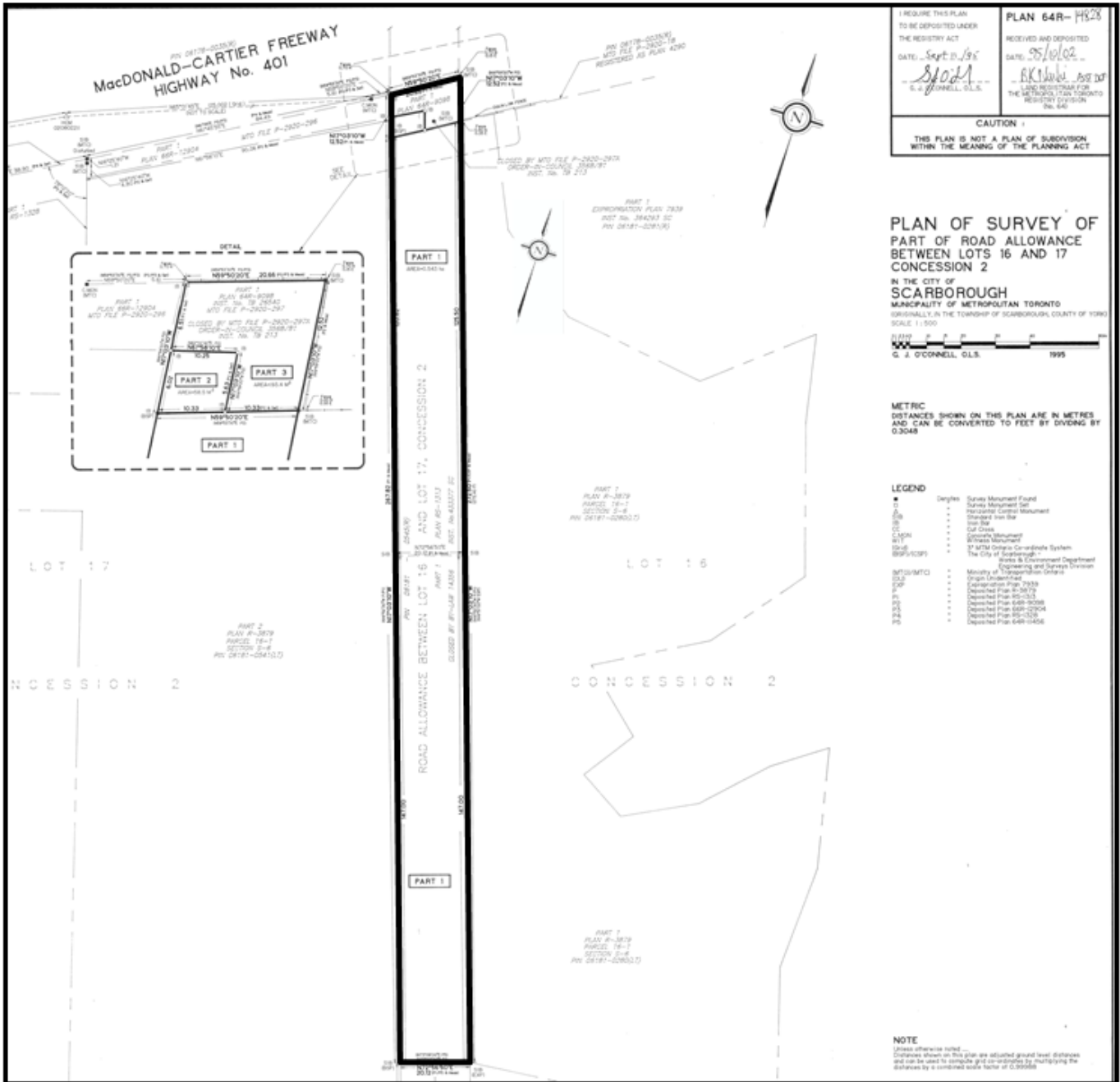
**Other Terms & Conditions:**

- a) All lands being exchanged on an "as is" basis
- b) Each party is responsible for its own costs
- c) Centennial will acquire title to the City Exchange Lands subject to a reserved easement for right-of-way to enable City representatives to cross the City Exchange Lands and thereby access Toronto Water interests in TRCA lands lying to the east of the Centennial campus
- d) The City will acquire title to the Centennial Exchange Lands together with an easement for right-of-way, to enable City representatives to cross from the west limit of the Centennial campus at Progress Avenue to Toronto Water interests in TRCA lands lying to the east of the campus.

Appendix "B"

DAF No. 2015-208

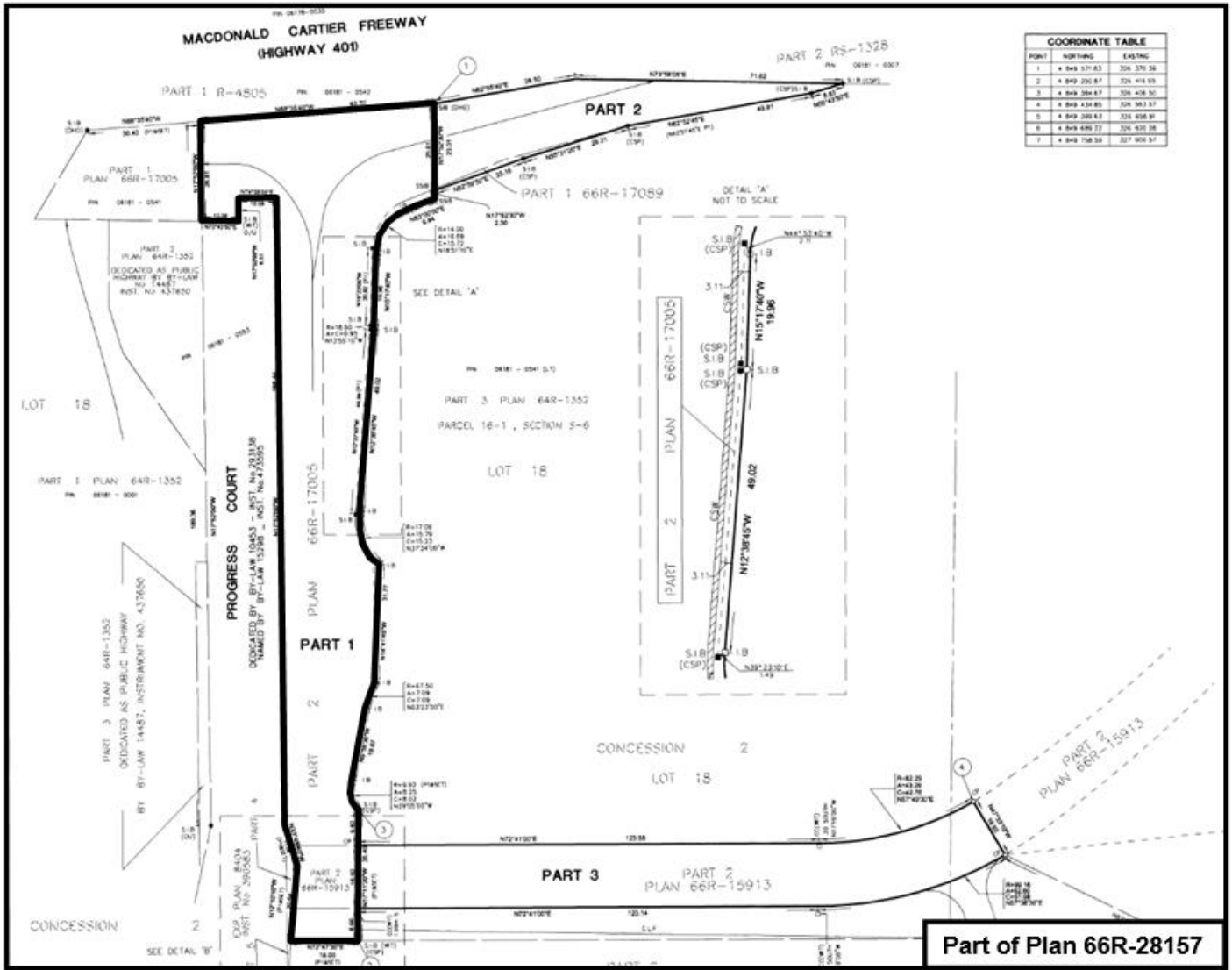
Lands to be transferred to Centennial College:



Appendix "C"

DAF No. 2015-208

Lands to be transferred to the City of Toronto:





**Appendix "D" – Map & Aerial**

DAF No. 2015-208

