

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

TRACKING NO.: 2015-220

- 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:	Kathie Capizzano	Division:	Real Estate Services
Date Prepared:	September 3, 2015	Phone No.:	2-4825

Purpose	To obtain approval for the sale of the City-owned vacant land shown as Parts 5 and 8 on Plan 66R-28209 and Part 1 on Plan 66R-25396 to Her Majesty the Queen of Right of Ontario as represented by the Minister of Economic Development, Employment and Infrastructure as represented by Ontario Infrastructure and Lands Corporation ("I.O.")
Property	The City-owned land south of the Eastern Avenue overpass, being part of Block 6 on Plan 66M-2473, designated as Parts 5 and 8 on Plan 66R-28209 attached as Appendix "A" (on the east side of St. Lawrence Street) and part of Block 5 on Plan 66M-2473, designated as Part 1 on Plan 66R-25396 attached as Appendix "A" (on the west side of St. Lawrence Street) (collectively, the "Property").
Actions	<ol style="list-style-type: none"> 1. The City enter into an agreement of purchase and sale for the sale of the Property to I.O., in the amount of \$1,300,000.00, substantially on the terms outlined below, and such other or amended terms as may be satisfactory to the Chief Corporate Officer, in consultation with the Director, Waterfront Secretariat, and in a form satisfactory to the City Solicitor. 2. 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. 3. The City execute a Transfer in favour of I.O. of certain lands that are owned by I.O. and described as part of Block 6 on Plan 66M-2473, designated as Parts 7, 9, 10, 11 and 12 on Plan 66R-28209, in order to correct the Land Registry Office's records that incorrectly show the City and I.O as the co-owner of these lands. 4. The appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.
Financial Impact	<p>In accordance with procedure for waterfront land revenues outlined in Policy and Finance Committee Report 9, Clause 1, entitled "Governance Structure for Toronto Waterfront Revitalization", as adopted by Council at its meeting of November 30, December 1 and 2, 2004, the revenues derived from the sale or lease of City-owned lands in the waterfront are to be reinvested in waterfront revitalization through Waterfront Toronto ("WT").</p> <p>I.O. has paid \$1,300,000 directly to WT in payment of the purchase price for the Property. The City is being credited for contributing \$1,300,000.00 to waterfront revitalization.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>

Comments

All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.

At its meeting of January 31, February 1 and 2, 2006, City Council adopted without amendment, Motion J(27), thereby authorizing, among other things, the closing and leasing to Ontario Realty Corporation (now I.O.), as agent for the Province, for nominal consideration, of three public highways and portions of four public highways and five parcels of City-owned property within the West Don Lands Precinct, to facilitate the construction of the West Don Lands Flood Protection Land Form and the redevelopment of the West Don Lands Precinct. City Council also declared the highways to be surplus to the City's requirements and authorized the Chief Corporate Officer to negotiate with Toronto Waterfront Revitalization Corporation ("WT"), I.O., the Province, and/or Toronto and Region Conservation Authority ("TRCA") for the ultimate disposal of parts of the highways, on the understanding that title to some parts of the highways may be conveyed directly to one or more private developers, to be selected in the future. The highways were closed by City of Toronto By-law No. 382-2006 enacted on May 25, 2006 and the closed highways and the parcels of City-owned property were leased to ORC for nominal rent for a five year term by a lease agreement dated June 30, 2006. The portion of the Property designated as Part 8 on Plan 66R-28209 is part of one of the closed highways. The remaining portion of the Property (Part 5 on Plan 66R-28209 and Part 1 on Plan 66R-25396) is not part of a closed highway and was declared surplus by approval of DAF 2009-050 on October 19, 2009. At its meeting on July 12, 13 & 14, 2011, City Council authorized the conveyance of certain of the closed highways to I.O., for nominal consideration, and authorized the City to enter into a lease amending and extension agreement to extend the term of the above-noted lease for the remainder of the lands for an additional 5 year term.

The West Don Lands Precinct is 32 ha in size and generally located east of Parliament Street, south of King Street East, west of the Don River and north of the CN/GO Rail Corridor. The Precinct Plan proposes the area to be developed as a mixed use community with a maximum 6,000 residential units. The Province is the majority land owner.

The Property forms part of a development block, the rest of which is owned by I.O. I.O. has entered into an agreement with Urban Capital for the sale of the development block, which is scheduled to close on September 15th. I.O. has requested to purchase the Property from the City so that it can fulfill its obligations to sell the entire development block to Urban Capital.

The terms of the proposed agreement of purchase and sale with I.O., including the purchase price in the amount of \$1,300,000, are considered fair, reasonable and reflective of market value.

When Plan 66M-2473 was registered, the Land Registry Office recorded both the City and I.O. as the co-owners of all of the lands on the Plan because a separate Reference Plan had not been prepared to show the boundaries of the separate parcels owned by each of the City and I.O. Accordingly, the City is currently shown as the co-owner of Parts 7, 9, 10, 11 and 12 on Plan 66R-28209, which are in fact only owned by I.O. In order to correct the Land Registry Office's records and remove the City's name from title to I.O.'s lands, it is necessary for the City to execute a Transfer of these lands in favour of I.O.

Terms

Purchase Price: \$1,300,000 (WT has confirmed receipt from I.O. of the \$1.3 million purchase price (which is being credited to the City) as part of a \$5 million contribution from the Province.)

Closing Date: September 15, 2015

Area: Part 5, Plan 66R-28209 – 161 square metres (1,733 square feet)
 Part 8, Plan 66R-28209 – 113 square metres (1,216 square feet)
 Part 1, Plan 66R-25396 – 18 square metres (194 square feet)

As-Is Condition: The Property is being sold in "as-is" condition

Easement Reservation: On closing, City to reserve bridge maintenance easement over Part 1 on Plan 66R-25396

Ward:	28 – Toronto Centre Rosedale
Assessment Roll No.:	
Approximate Size:	Irregular
Approximate Area:	Total: Approx. 292 Square Metres (3,143 square feet)
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 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 checked="" 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 checked="" 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:

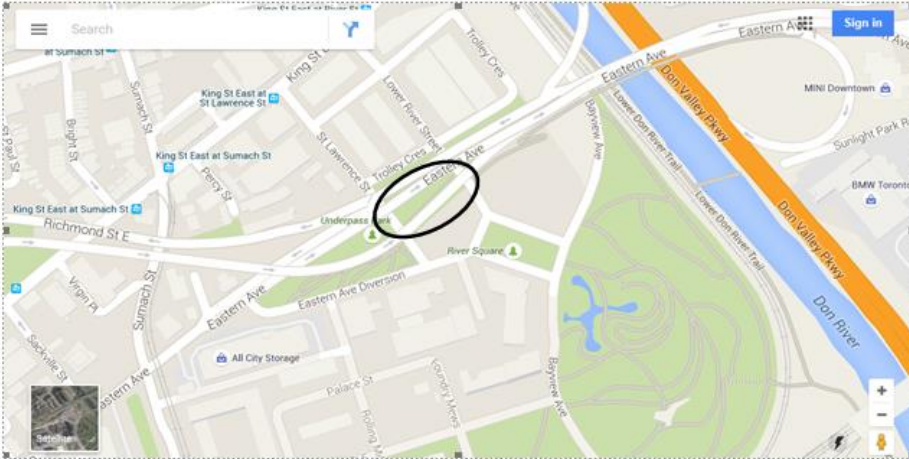
- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)										
Councillor:	Pam McConnell					Councillor:				
Contact Name:	Tom Davidson					Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	concurs					Comments:				
Consultation with ABCDs										
Division:	Secretariat					Division:				
Contact Name:	Steve McKenna					Contact Name:				
Comments:	concurs					Comments:				
Legal Division Contact										
Contact Name:	Jacqueline Vettorel									
DAF Tracking No.: 2015- 220					Date		Signature			
Recommended by: Manager										
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali				Sep 3, 2015		Joe Casali			
<input type="checkbox"/>	Approved by:									
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli				Sep 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"



PLAN 66R-28209



PLAN 66R-25396

