

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

WITH CONFIDENTIAL ATTACHMENT
TRACKING NO.: 2017-042

- 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 (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 (Confirmatory By-Law No. 1234-2013, enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087; and further amended by EX44.22 entitled "Strategic Property Acquisitions" adopted by City Council on August 25, 26, 27 and 28, 2014 (Confirmatory By-law No.1074-2014, enacted on August 28, 2014), and further amended by GM16.16 "Transit Shelter Property Acquisitions" adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).
- 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:	Loretta Ramadhin	Division:	Real Estate Services
Date Prepared:	February 17, 2017	Phone No.:	416-392-7169

Purpose	To authorize the settlement of compensation with RML 250 Queens Quay Limited ("the Owner") for the expropriation of part of the vacant lands at the rear of the property known municipally as 250-270 Queens Quay West, Toronto, for the reconstruction and realignment of the Gardiner Expressway's York/Bay/Yonge off ramp ("the Project").		
Property	Part of the vacant lands at the rear of the properties known municipally as 250-270 Queens Quay West, Toronto, which lands are legally described as (1) part of PIN 21419-0077 (LT), being part of Block 2, Plan 616E Toronto, City of Toronto, designated as Part 1 on the draft Expropriation Plan attached as Appendix "B" (the "10 Metre Strip Lands"); and (2) part of PIN 21419-0040 (LT), being part of Block 2, Plan 616E Toronto, City of Toronto, designated as Part 2 on the draft Expropriation Plan attached as Appendix "B" (the "Patio Lands"). The 10 Metre Strip Lands and the Patio Lands are collectively referred to herein as the "Property". A Location map is attached as Appendix "C".		
Actions	<ol style="list-style-type: none"> 1. Authority be granted to settle the compensation payable to the Owner for the Property by entering into an agreement with the Owner pursuant to Section 24 of the <i>Expropriations Act</i> (the "Section 24 Agreement"), substantially on the terms set out in Appendix "A" and such other or amended terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor. 2. The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project. 3. The City Solicitor be authorized to complete the transaction on behalf of the City, including making any necessary payments and amending any dates or terms, on such terms as the City Solicitor considers reasonable. 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. 		
Financial Impact	<p>Funding for this Section 24 Settlement of the <i>Expropriations Act</i>, as set out in the Confidential Attachment, is included in the 2017-2026 Recommended Capital Budget and Plan for Transportation Services under capital account CTP814-56-02.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this Delegated Approval Form and agrees with the financial impact information.</p>		
Comments	<p>The Property is required for the reconstruction and realignment of the Gardiner Expressway's York/Bay/Yonge off ramp. Expropriation proceedings were commenced in May 2016. On January 31, 2017, City Council adopted Item GM17.11 and enacted By-law No. 90-2017, approving the expropriation of the Property and the registration of the expropriation plan. The expropriation plan is expected to be registered within the next couple of weeks.</p> <p>Staff has reached a settlement with the Owner on the compensation to be paid to the Owner for the Property. The Owner has agreed that no compensation is payable for the 10 Metre Strip Lands, as these lands are subject to an agreement dated March 1, 1986 (the "10 Metre Agreement") that was entered into pursuant to Subsection 50(6) of the <i>Planning Act, 1983</i> as a condition of draft plan approval for the condominiums that were constructed at 250, 260 and 270 Queens Quay West. The 10 Metre Agreement obligates the Owner to convey the rear 10 metres of its property to the City, for nominal consideration, if those lands are required by the City for roads purposes. The Patio Lands are not subject to the 10 Metre Agreement, so staff has negotiated a settlement with the Owner on the compensation to be paid by the City for the Patio Lands, as set out in Appendix "A". The 10 Metre Strip Lands are subject to a number of easements that were granted in 1986 and 1987 for the benefit of the condominiums at 250, 260 and 270 Queens Quay West, respectively (Metropolitan Toronto Condominium Corporation No. 719, Metropolitan Toronto Condominium Corporation No. 725 and Metropolitan Toronto Condominium Corporation No. 739). At the time the easements were granted, each of the condominium corporations executed a Reciprocal Agreement in which it acknowledged and consented to the 10 Metre Agreement. Compensation remains to be settled with the condominium owners for the expropriation of their easements. However, given the terms of the 10 Metre Agreement, no compensation is expected to be payable by the City. The terms of the settlement with the Owner, as detailed in Appendix "A", are considered fair, reasonable and reflective of market value for the Patio Lands.</p>		
Terms Property Details	See Terms and Conditions outlined in Appendix "A" and the Confidential Attachment		
	Ward:	20 – Trinity Spadina	
	Assessment Roll No.:	Multiple	
	Approximate Size:	n/a	
	Approximate Area:	231.78 m ² (2,494.86 sq ft)	
	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 checked="" 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 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 or her.

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:	Joe Cressy					Councillor:									
Contact Name:	Brent Gilliard					Contact Name:									
Contacted by:	Phone	x	E-Mail		Memo	X	Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	No Comments					Comments:									
Consultation with ABCDs															
Division:	Engineering and Construction Services					Division:	Financial Planning								
Contact Name:	Jim Schaffner					Contact Name:	Filisha Mohammed								
Comments:	Comments incorporated					Comments:	Comments incorporated								
Legal Division Contact															
Contact Name:	Jacqueline Vettorel														
DAF Tracking No.: 2017-042					Date		Signature								
Recommended by: Manager – Tim Park					Feb 22 nd 2017		Signed By: Tim Park								
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali				Feb 27 th 2017		Signed By: 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 being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (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-bonus 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, except for property acquisitions of 50M² or less for transit shelter purposes.
- (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 of Settlement in Section 24 Agreement

Owner:	RML 250 Queens Quay Limited
Property:	Part of the vacant lands at the rear of the properties known municipally as 250-270 Queens Quay West, Toronto, which lands are legally described as (1) part of PIN 21419-0077 (LT), being part of Block 2, Plan 616E Toronto, City of Toronto, designated as Part 1 on the draft Expropriation Plan attached as Appendix "B" (the "10 Metre Strip Lands"); and (2) part of PIN 21419-0040 (LT), being part of Block 2, Plan 616E Toronto, City of Toronto, designated as Part 2 on the draft Expropriation Plan attached as Appendix "B" (the "Patio Lands").
Compensation:	Refer to Confidential Attachment
Legal Fees:	Refer to Confidential Attachment
Releases:	<p>Upon payment of above compensation by City:</p> <ol style="list-style-type: none"> (1) Owner will release City from any and all claims arising out of the <i>Expropriations Act</i> and/or the Section 24 Agreement and/or the expropriation of the Property by the City; and (2) Owner will deliver releases to City executed by all other persons who hold an interest in the Property, or any portion thereof, save and except Metropolitan Toronto Condominium Corporation No. 719, Metropolitan Toronto Condominium Corporation No. 725 and/or Metropolitan Toronto Condominium Corporation No. 739.
Waiver:	Owner will waive and release City from complying with any further procedural and substantive requirements of the <i>Expropriations Act</i> , including service of any Notices and an Offer of Compensation.
Termination:	If City does not proceed with registration of a plan of expropriation in respect of the Property on or before April 30, 2017, notwithstanding any intermediate acts or negotiations, the Section 24 Agreement shall be at an end and the Owner shall have no right to any compensation from City.
Possession Date:	City shall take possession of the Property on the same date that the compensation is paid to Owner.

Appendix "C"

Location Map

