

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

TRACKING NO.: 2015-311

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:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	November 16, 2015	Phone No.:	2-1167

<b>Purpose</b>	To authorize the execution of three (3) Section 24 Agreements, pursuant to the <i>Expropriations Act</i> R.S.O. 1990, c.E.26 (the "Agreements"), with Jonathan Kearns, Spike Capital Corp. and Corrine Spiegel ("the Owners") for the acquisition of the properties municipally known as 303,309 and 311 George Street. These properties are required for the George Street Revitalization Project (the "Project") which includes the redevelopment and revitalization of Seaton House as part of the City's mandate of ameliorating the housing and shelter needs of the homeless in Toronto.
<b>Property</b>	The properties are situated in Ward 27 Toronto Centre - Rosedale south, East of Jarvis Street and north of Dundas Street East. The properties are currently vacant with a two and a half story residential type building on each of them. The subject properties to be acquired by the City are legally described on Pages 4-6 and are referred to as the "Properties" herein. (Location shown on Appendix "A" attached hereto).
<b>Actions</b>	It is recommended that: <ol style="list-style-type: none"> <li>1. authority be granted to authorize the execution of the Agreements with the Owners, substantially in accordance with the terms and conditions set out in Pages 4-6.</li> <li>2. the City Solicitor be authorized to negotiate, settle and amend the Agreements on behalf of the City, as required, including amending any dates under the Agreements and amending and waiving terms and conditions as she considers reasonable; and necessary to the transaction</li> <li>3. the appropriate City Officials be authorized and directed to take the necessary action and execute any necessary documentation to give effect thereto</li> </ol>
<b>Financial Impact</b>	Total consideration and legal fees in the amount \$2,931,000.00 is payable to the Owners or their solicitor "in trust" in respect of all the Properties. There would be with no further financial impact for the City with respect to obligations to the Owners and a full and final release will be received on closing. All other fees including Land Transfer Tax and registration costs have been included in the Terms summary found on pages 4-6 of this Delegated Approval Form Report. Funding is available in the 2015 Approved Capital budget for Shelter, Support and Housing Administration in Capital Project account CHS031-05.  The Deputy City Manager & Chief Financial Officer has reviewed this Delegated Approval Form Report and agrees with the financial impact information.
<b>Comments</b>	George Street is located in the Garden District neighborhood, which is bounded by Yonge Street, Sherbourne Street, Carlton Street and Queen Street East. On April 8, 2014, the City acquired the properties located at 295, 297, 299, 301A and 305 George Street for incorporation into the Project. City Council at its meeting on March 31, April 1 and 2, 2015 approved the initiation of the expropriation of the remaining parcels of land as City staff had been unsuccessful in negotiating the purchase of these remaining Properties. The acquisition of the Properties will complete the City's ownership of the entire block and will fully optimize the proposed Project  <a href="http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM2.11">http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM2.11</a>  As of November 10 <sup>th</sup> 2015, The Owners and the City of Toronto have come to an agreement of settlement for the three residential buildings that currently stand vacant. Staff are recommending the settlement for approval and believe the terms and conditions of the Agreement to be fair and reasonable.
<b>Terms</b>	See pages 4-6

<b>Property Details</b>	<b>Ward:</b>	27 – Toronto Centre Rosedale
	<b>Assessment Roll No.:</b>	Pages 4-6
	<b>Approximate Size:</b>	Pages 4-6
	<b>Approximate Area:</b>	Pages 4-6
	<b>Other Information:</b>	

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 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 checked="" 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:	K. Wong Tam					Councillor:				
Contact Name:	K Wong Tam					Contact Name:				
Contacted by:	Phone	E-Mail	Memo	X	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Concurs					Comments:				
Consultation with ABCDs										
Division:	Shelter Support and Housing					Division:	Financial Planning			
Contact Name:	Rudy Mumm					Contact Name:	Filisha Mohammed			
Comments:	Concurs					Comments:	Concurs			
Legal Division Contact										
Contact Name:	Jennifer Davidson and Nicole See-Too									
DAF Tracking No.: 2015-311				Date		Signature				
Recommended by: Manager				Nov. 19, 2015		Signed by Tim Park				
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali			FOR		Nov. 20, 2015		Signed by Brian Varner		
<input type="checkbox"/>	Approved by:									
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli					Nov. 20, 2015		Signed by 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.

Terms**Terms and Conditions of the s.24 Agreement 303 George Street**

Property	303 George Street, Toronto Ontario	
Owner	Jonathan Kearns	
Legal description	Being all of PIN 21100-077 (LT), described as being Part of Lot 10, Plan 150, Toronto as in EP135623, City Of Toronto	
Roll #	1904066360016000000	
Size	143 m <sup>2</sup> ± (1539 ft <sup>2</sup> ±)	
Property Requirement:	Fee Simple interest in lands described	
Irrevocable Date	November 20 <sup>th</sup> 2015	
Closing Date:	January 8 <sup>th</sup> 2016 (anticipated)	
Payment Terms:	Purchase Price	\$ 766,666.00
	Legal	\$ 10,333.34
	Land Transfer Tax	\$ 11,808.32
	Registration	\$ 200.00
	<b>Total</b>	<b>\$ 789,007.66</b>

**Full and final release of all claims payable under the Expropriation Act to be received on closing**

**309 George Street – DAF Tracking Number.: 2015-311**

**Terms**

**Terms and Conditions of the s.24 Agreement 309 George Street**

Property	309 George Street, Toronto Ontario	
Owner	Spike Capital Corp	
Legal description	Being all of PIN 21100-0078 (LT), described as being Part of Lot 10, Plan 150, Toronto as in CA215346, City Of Toronto	
Roll #	1904066360019000000	
Size	263 m <sup>2</sup> ± (2,831 ft <sup>2</sup> ±)	
Property Requirement:	Fee Simple interest in lands described	
Irrevocable Date	November 20 <sup>th</sup> 2015	
Closing Date:	January 8 <sup>th</sup> 2016 (anticipated)	
Payment Terms:	Purchase Price	\$ 1,066,667.00
	Legal	\$ 10,333.33
	Land Transfer Tax	\$ 17,808.34
	Registration	\$ 200.00
	<b>Total</b>	<b>\$ 1,095,008.67</b>

**Full and final release of all claims payable under the Expropriation Act to be received on closing**

**311 George Street – DAF Tracking Number.: 2015-311**

**Terms**

**Terms and Conditions of the s.24 Agreement 311 George Street**

Property	311 George Street, Toronto Ontario	
Owner	Corrine Spiegel	
Legal description	Being all of PIN 21100-0079 (LT), described as being Part of Lot 11, Plan 150, Toronto as in EP136717, City Of Toronto	
Roll #	1904066360020000000	
Size	230 m <sup>2</sup> ± (2476 ft <sup>2</sup> ±)	
Property Requirement:	Fee Simple interest in lands described	
Irrevocable Date	November 20 <sup>th</sup> 2015	
Closing Date:	January 8 <sup>th</sup> 2016 (anticipated)	
Payment Terms:	Purchase Price	\$ 1,066,667.00
	Legal	\$ 10,333.33
	Land Transfer Tax	\$ 17,808.34
	Registration	\$ 200.00
	<b>Total</b>	<b>\$ 1,095,008.67</b>

**Full and final release of all claims payable under the Expropriation Act to be received on closing**

### APPENDIX "A"

### LOCATION MAP – 303, 309 and 311 GEORGE STREET

