

DELEGATED APPROVAL FORM CHIEF CORPORATE OFFICER DIRECTOR OF REAL ESTATE SERVICES

TRACKING NO.: 2016-104 WITH CONFIDENTIAL ATTACHMENT

X 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.

Prepared By:	Carla Inglis	Division:	Acquisitions & Expropriations						
Date Prepared:	May 23, 2016	Phone No.:	2-7214						
Purpose	To authorize the execution of a Full and Final Settlement and Release Agreement (the "Agreement") between the City and Policy Investments Limited, Jerome Becker, Samuel Brown and Victor Direnfeld (the "Owners") at 44-46 Romfield Drive, in full and final settlement of any and all claims as a result of the expropriation of a portion of the property to facilitate the construction of the Toronto-York Spadina Subway Extension Project (the "Project").								
Property	Portion of 44-46 Romfield Drive as shown on the attached Expropriation Plan AT2630873, Appendix "B".								
Actions		he Agreement between the C tlined in Appendix "A" in the (Sity and the Owners, substantially in accordance with Confidential Attachment.						
		nt should remain confidential compensation related to the I	until there has been a final determination of all property Project.						
	3. Authorize the City Solicitor expenses and applicable H	on behalf of the City, including paying any necessary							
Financial Impact			achment, is available in the Council Approved TTC 2016 oronto-York Spadina Subway Extension Capital Project.						
	The Deputy City Manager & Ch information.	ief Financial Officer has revie	wed this DAF and agrees with the financial impact						
Comments	The property abuts the west side of Keele Street, south of Finch Avenue West. On July 8, 2010, City Council, in adopting CC2.3, authorized the expropriation of a 4 year temporary easement over a portion of the property for the purposes of construction staging and the Keele Street detour to facilitate the construction of the Project. Expropriation Plan AT2630873 was registered on February 28, 2011.								
	On April 1, 2011, DAF 2011-113, authorized the service and payment of the Offers of Compensation, pursuant to Section 25 of the <i>Expropriations Act</i> and the execution of an agreement in settlement for compensation of any all claims arising from the expropriation, save and except business damages. Unfortunately the Owners never executed the agreement.								
	On December 18, 2014, DAF 2014-314 authorized the extension of the temporary easement for a period of one year along with two options to renew the easement for an additional six months each. One option has been exercised and the expiry date is September 27, 2016. Should the City exercise its second option, the expiry date of the easement would be February 27, 2017.								
	The Owners have now executed the Agreement to settle all claims for compensation pursuant to the <i>Expropriations Act</i> , including market value, injurious affection, disturbance damages, interest and costs, save and except for busines damages.								
	TTC staff have reviewed the terms and conditions of the Agreement and concur with proceeding.								
	City staff consider the terms and conditions of the Agreement to be fair and reasonable and are recommending its approval.								
Terms	As set out in Appendix "A" and	the Confidential Attachment							
Property Details	Ward:	8 – York West							
	Assessment Roll No.:								
		Irrogular	Irregular						
	Approximate Size:	Inegulai							
	Approximate Size: Approximate Area:	279.7 m ² (3,011ft ²)							

Α.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	Where total compensation does not exceed \$1 Million.	Where total compensation does not exceed \$3 Million.
2. Expropriations:	X Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.	Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.
3. Issuance of RFPs/REOIs:	Delegated to a more senior position.	Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	Delegated to a more senior position.	Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
 Transfer of Operational Management to ABCDs: 	Delegated to a more senior position.	Transfer of Operational Management to ABCDs.
6. Limiting Distance Agreements:	Where total compensation does not exceed \$1 Million.	Where total compensation does not exceed \$3 Million.
 Disposals (including Leases of 21 years or more): 	Where total compensation does not exceed \$1 Million.	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.	Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	(a) Where total compensation (including options/ renewals) does not exceed \$1 Million;	(a) Where total compensation (including options/ renewals) does not exceed \$3 Million;
	(b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc.	(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):	Where total compensation (including options/ renewals) does not exceed \$1 Million.	Where total compensation (including options/ renewals) does not exceed \$3 Million.
11. Easements (City as Grantor):	(a) Where total compensation does not exceed \$1 Million.	Where total compensation does not exceed \$3 Million.
	(b) When closing road, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.
12. Easements (City as Grantee):	Where total compensation does not exceed \$1 Million.	Where total compensation does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	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).	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:	 (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; (b) Releases/Discharges; 	 (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; (b) Releases/Discharges;
	(c) Surrenders/Abandonments;	(c) Surrenders/Abandonments;
	(d) Enforcements/Terminations;	(d) Enforcements/Terminations;
	(e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppels/Certificates;	(e) Consents/Non-Disturbance Agreements/ Acknowledgements/Estoppels/Certificates;
	(f) Objections/Waivers/Cautions;	(f) Objections/Waivers/Cautions;
	(g) Notices of Lease and Sublease;	(g) Notices of Lease and Sublease;
	(h) Consent to regulatory applications by City, as owner;	(h) Consent to regulatory applications by City, as owner;
	(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;	(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;
	(j) Documentation relating to Land Titles applications;	(j) Documentation relating to Land Titles applications;
	(k) Correcting/Quit Claim Transfer/Deeds.	(k) Correcting/Quit Claim Transfer/Deeds.
B. Chief Corporate Officer a	nd Director of Real Estate Services each has s	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.
Χ	3. Documents required to implement the delegated approval exercised by him.
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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	Co	uncillor(s)													
Councillor:	Councilor Perruzza				Councillor:										
Contact Name:	: Jessica Luke-Smith				Contact Name:										
Contacted by:	Γ	Phone X E-Mail Memo Other					Contacted by:		Phone	E-mail	Τ	Me	emo	Other	
Comments: Concurs				Comments:		· _					 				
Consultation with ABCDs															
Division:		TTC						Division:	Fi	nancial Planr	ning/ Finan	ce			
Contact Name:		Kevin Rachr	nan					Contact Name:	K	aryn Spiegelr	nan/Warre	n D	aniel		
Comments:		Concurs			_			Comments:	С	oncurs					
Legal Division Cont	Legal Division Contact														
Contact Name: Constance Lanteigne															
Contact Name.		Constance	Lanteigne												
DAF Tracking No.	: 2		Lanteigne					Date			Siç	gna	iture		
		016-104	er Tim P					Date May 26 2016	Si	gned By:			iture		
DAF Tracking No.	ded	016-104 Manag	er Tim P or of Rea	ark	ate Se	rvic	es			gned By: gned By:	Tim Pai	rk			

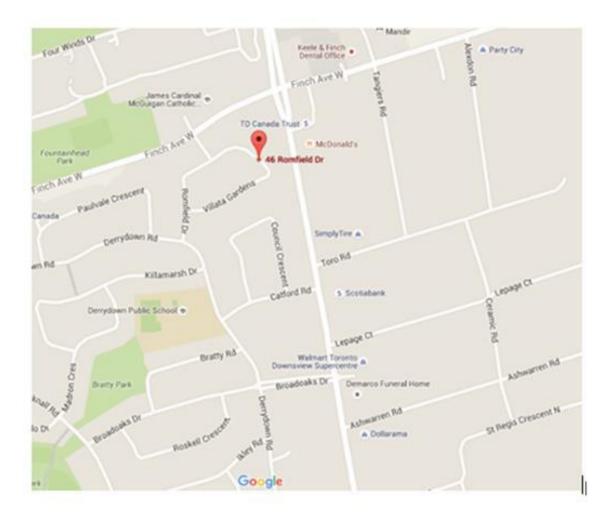
General Conditions ("GC")

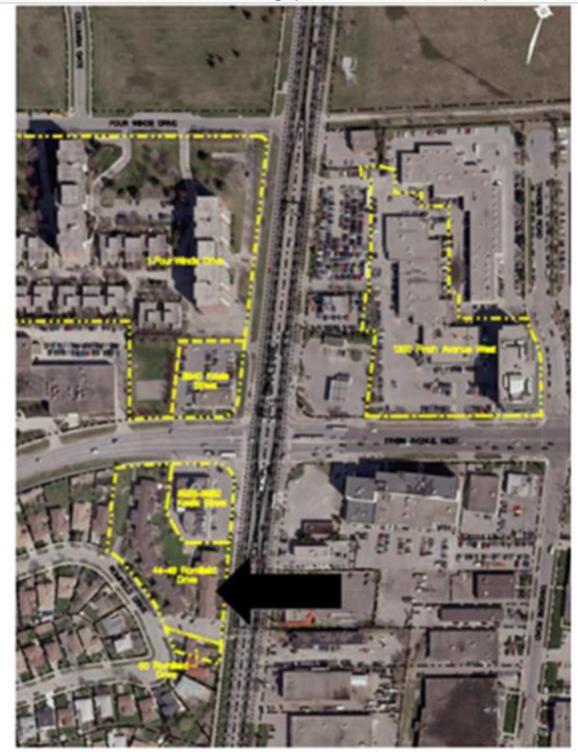
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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.
- (I) 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.
- (a) 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 Tracking No. 2016-104

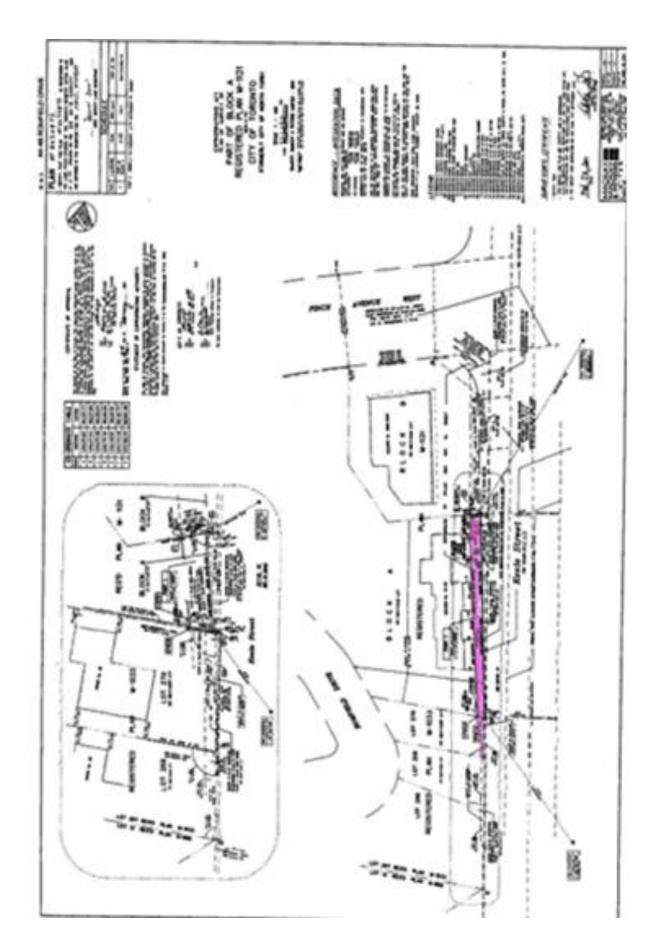
Owners:	Policy Investments Limited, Jerome Becker, Samuel Brown and Victor Direnfeld
Property	Portion of 44-46 Romfield Drive
Legal Description	Part of PIN 10247-0425 (LT) Part of Parcel A-1, Section M1131, Block A, Plan 66M-1131, Township of York/North York, City of Toronto
Temporary Easement	Part 1 on Expropriation Plan AT2630873 registered on February 28, 2011





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