

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

TRACKING NO.: 2015-008

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, as amended by DAF 2013-307 and DAF 2014-087. City Council confirmatory By-Law No. 1234-2013.

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:	Carla Inglis	Division:	Acquisitions and Expropriations
Date Prepared:	March 12, 2015	Phone No.:	2-7214

Purpose	To obtain authority to enter into a pipeline crossing agreement (the "Agreement") with Imperial Oil Limited (the "Owner"), in, over and upon a portion of the Finch Hydro Corridor for the purposes of constructing the TTC Finch West Station Commuter Parking Lot and such works ancillary and complementary to the Toronto-York Spadina Subway Extension Project.
Property	Portion of the Finch Hydro Corridor shown on Appendix "B"
Actions	<ol style="list-style-type: none"> Authority be granted to execute the Agreement with the Owner, for the purposes of constructing the TTC Finch West Station Commuter Parking Lot on the property as shown on Appendix "B" and substantially on the terms set out in Appendix "A"; and The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The costs associated with this DAF do not exceed \$110,500. Funding is available in the Council Approved TTC 2015 Capital Budget and TTC 2016-2024 Capital Plan within the Toronto-York Spadina Subway Extension Capital Project.</p> <p>The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>In September 2006, City Council approved the allocation of capital costs for the Toronto-York Spadina Subway Extension Project between the City of Toronto and the Region of York. In general, allocation was based on recognition of municipal boundaries and responsibilities and of shared system infrastructure to benefit both parties. In 2011, the Toronto Transit Commission ("TTC") commenced construction of the subway line consisting of seven subway stations and extending from Downsview Subway Station in the City of Toronto to Vaughan Corporate Centre at Highway 7 in York Region.</p> <p>In connection with the Finch West Subway Station, a commuter parking lot is to be constructed on a portion of the Finch Hydro Corridor between Tangiers Road and Keele Street. In order to proceed with construction of the commuter parking lot, DAF 2014-164, dated August 18, 2014, authorized the execution of a three (3) year construction licence with Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Infrastructure. However, the Owner's underground pipelines are located in this portion of the corridor, as shown on Appendix "B", and an Agreement with the Owner is required.</p> <p>Negotiations with the Owner have reached concurrence as to terms and conditions in the crossing agreement, substantially set out in Appendix "A". They are considered to be fair and reasonable and are being recommended for approval.</p>
Terms	See Appendix "A"

Property Details	Ward:	8 – York West
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	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 checked="" 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 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 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:	Anthony Perruzza					Councillor:									
Contact Name:	Jessica Luke-Smith					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	Concurs					Comments:									
Consultation with ABCDs															
Division:	TTC					Division:	Financial Planning/Finance								
Contact Name:	Joanna Kervin					Contact Name:	Karyn Speigelman/Sydney Smith								
Comments:	Comments incorporated					Comments:	Comments incorporated								
Legal Division Contact															
Contact Name:	Ray Mickevicius														
DAF Tracking No.: 2015-008				Date		Signature									
Recommended by: Manager, Tim Park				March 17, 2015		Signed by Tim Park									
<input type="checkbox"/>	Recommended by: Director of Real Estate Services			March 30, 2015		Signed by Joe Casali									
<input checked="" type="checkbox"/>	Approved by: Joe Casali														
<input type="checkbox"/>	Approved by: Chief Corporate Officer														
	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 licenses (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, save and except for residential leasing matters and .
- (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.

Appendix A

Pipeline Crossing Agreement Terms

DAF 2015-008

Owner:	Imperial Oil Limited ("Imperial Oil")
Property:	Certain lands in Parts of Lot 21, Concession 3, West of Yong Street, (formerly City of North York) City of Toronto and shown on Appendix "B"
Commencement Date:	September 5, 2014, or such earlier or later effective date as may be agreed upon by the parties, provided that such date falls within a twelve month period of September 5, 2014
Term:	Two years from the date hereof if construction has not commenced or upon proper abandonment or removal of all the City's facilities from the crossing area and the completion of any reclamation work required
Purpose:	To permit grading and excavation work and the placement of approved material for the construction of a commuter parking lot and bioswale, a shallow depression created to accept and convey storm water runoff from the proposed commuter parking lot.
Key Terms:	<p>The City shall:</p> <ul style="list-style-type: none"> • prior to commencing work: <ul style="list-style-type: none"> ➤ erect temporary fencing as approved by the Imperial Oil inspector, to control activity in the vicinity of the pipeline; ➤ have the Imperial Oil inspector confirm that the pipelines are located exactly and that all crossing approval conditions and planned safeguards are met; and ➤ have the Imperial Oil inspector attend the site during all construction activities; • be responsible for Imperial Oil inspector fees; • indemnify, be liable for and shall pay all taxes, rates and assessments that may be imposed by any lawful authority by reason of the presence of the City's facility in the pipeline area; • indemnify and save Imperial Oil harmless against all actions, proceedings, claims, demands and costs which may be brought or suffered the Owner by reason of any matter or thing arising out of or attributable to any act or omission of the City, its servants, agents, contractors or employees in response of the City's use of the pipeline area; • notify the Imperial Oil inspector so as to be present on site during any excavating, grading or operation of equipment on the pipeline or within sixteen feet of the pipeline; and • erect a highly visible temporary fence, securely affixed to restrict access to the pipeline and easement whenever there is an open excavation or exposure of the pipeline, equipment is working in the vicinity of the pipeline and to protect the public and pipeline. <p>The Imperial Oil shall:</p> <ul style="list-style-type: none"> • except in the case of an emergency, give notice of necessary work in the pipeline area prior to undertaking any excavations in the travelled surface area.

Site Map

Existing Pipe Lines and Proposed Commuter Parking Lot Locations

