

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

TRACKING NO.: 2016-136

|   |   |                              |                      |
|---|---|------------------------------|----------------------|
| <input checked="" type="checkbox"/> 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). |   |                              |                      |
| <input type="checkbox"/> 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:  | Bruno Iozzo   | Division:                    | Real Estate Services |
| Date Prepared:  | June 15, 2016   | Phone No.:                   | (416) 392-8151       |
| <b>Purpose</b>  | To obtain authority to acquire two small parcels of land that form part of 214 Macpherson Avenue, for continued use as part of the public sidewalk on Marlborough Place.  |                              |                      |
| <b>Property</b>   | Small portions of the property municipally known as 214 Macpherson Avenue, legally described as part of Lot 3, Plan 721, City East, City of Toronto, shown as Parts 1 and 2 on Sketch No. PS-2016-012, attached as Appendix "A" (the "Property").   |                              |                      |
| <b>Actions</b>  | <ol style="list-style-type: none"> <li>The Offer to Sell from Youngja Lee (the "Vendor") to sell the Property for \$12,000.00 be accepted substantially on the terms outlined herein.</li> <li>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 the City Solicitor considers reasonable.</li> <li>The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>  |                              |                      |
| <b>Financial Impact</b>   | <p>The following costs will be incurred by the City in connection with the acquisition of the Property:</p> <ol style="list-style-type: none"> <li>Purchase Price = \$12,000.00, plus HST, as applicable</li> <li>Land Transfer Tax (Provincial) = \$60.00</li> <li>Reimbursement of Vendor's Legal Fees = To a maximum of \$1,130.00 (inclusive of HST)</li> <li>Reimbursement of Vendor's Fence Relocation Costs = To a maximum of \$1,356.00 (inclusive of HST)</li> <li>Registration Costs = \$200.00 (approximately)</li> </ol> <p>It is expected that no HST will be payable, as the Property appears to be used for residential purposes. If the transaction is determined to be a taxable supply, the non-refundable portion of HST (1.76%) payable by the City will be \$211.20. Funding for these costs (totaling approximately \$14,957) is available in the 2016 Council Approved Capital Budget of the Transportation Services Division under capital account CTP415-01. The Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>   |                              |                      |
| <b>Comments</b>   | <p>Two small portions of the existing sidewalk along the east side of Marlborough Place are located on privately owned lands. The owner recently redeveloped the site to create 2 new semi-detached dwellings. As part of the redevelopment, a new fence was constructed along the western boundary of the property, which reduced the width of the existing sidewalk on Marlborough Place in two places.</p> <p>The sidewalk along this public highway is narrow by the City's current standards. Further narrowing it with the construction of the fence could jeopardize the safety of pedestrians within the community. Constructing a new sidewalk within the boundaries of the public highway is not a viable solution given its narrow width and the excessive costs associated with such a project. The optimal solution is to acquire the Property from the Vendor to protect the City's interest in the existing sidewalk.</p> <p>Staff have successfully negotiated the acquisition of the Property at a fair and reasonable price. As part of the arrangement, the Vendor will relocate the fence onto the revised property boundary prior to closing, with the costs to be reimbursed by the City, which will restore the width of the existing sidewalk at this location.</p> |                              |                      |
| <b>Terms</b>  | <p><b>Purchase Price:</b> \$12,000.00, plus HST, as applicable</p> <p><b>Deposit:</b> \$10.00</p> <p><b>Irrevocable Date:</b> June 17, 2016 (20 Business Days after Vendor executed Offer)</p> <p><b>Reimbursement of Vendor's Legal Fees:</b> To a maximum of \$1,130.00 (inclusive of HST)</p> <p><b>Reimbursement of Vendor's Fence Relocation Costs:</b> To a maximum of \$1,356.00 (inclusive of HST)</p> <p><b>Due Diligence Condition:</b> City to have 25 Business Days following acceptance to satisfy itself that the Property is suitable for the City's purposes</p> <p><b>Closing Date:</b> 30 Business Days after waiver or satisfaction of Due Diligence Condition</p>   |                              |                      |
| <b>Property Details</b>   | <b>Ward:</b>  | 27 – Toronto Centre-Rosedale |                      |
|   | <b>Assessment Roll No.:</b>   | 1904052550185010000          |                      |
|   | <b>Approximate Size:</b>  | N/A                          |                      |
|   | <b>Approximate Area:</b>  | 3.6 m <sup>2</sup>           |                      |
|   | <b>Other Information:</b>   | N/A                          |                      |

| 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 checked="" 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 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>B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:</b>   |   |   |
| <p><input type="checkbox"/> 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</p> <p><input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.</p> <p><input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him.</p>   |   |   |
| <b>Chief Corporate Officer also has approval authority for:</b>  |   |   |
| <p><input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.</p>   |   |   |

| Consultation with Councillor(s)  |                                     |       |   |        |              |               |                       |       |  |
|--|-------------------------------------|-------|---|--------|--------------|---------------|-----------------------|-------|--|
| Councillor:  | Kristyn Wong-Tam                    |       |   |        |              | Councillor:   |                       |       |  |
| Contact Name:  | Morvarid Shojaei (A.A.)             |       |   |        |              | Contact Name: |                       |       |  |
| Contacted by:  |                                     | Phone | X | E-Mail |              | Memo          |                       | Other |  |
| Comments:  | No objections to agreement          |       |   |        |              | Comments:     |                       |       |  |
| Consultation with ABCDs  |                                     |       |   |        |              |               |                       |       |  |
| Division:  | Transportation Services             |       |   |        |              | Division:     | Financial Planning    |       |  |
| Contact Name:  | Fiona Chapman                       |       |   |        |              | Contact Name: | Filisha Mohammed      |       |  |
| Comments:  | Requires land for existing sidewalk |       |   |        |              | Comments:     | Reviewed and approved |       |  |
| Legal Division Contact   |                                     |       |   |        |              |               |                       |       |  |
| Contact Name:  | Jacqueline Vettorel                 |       |   |        |              |               |                       |       |  |
| DAF Tracking No.: 2016-136   |                                     |       |   |        | Date         |               | Signature             |       |  |
| Recommended by: Manager  |                                     |       |   |        | June 15 2016 |               | Signed By Tim Park    |       |  |
| <input type="checkbox"/> Recommended by: <b>Director of Real Estate Services</b><br><input checked="" type="checkbox"/> Approved by: <b>Joe Casali</b> |                                     |       |   |        | June 15 2016 |               | Signed By Joe Casali  |       |  |
| <input type="checkbox"/> Approved by: <b>Chief Corporate Officer</b><br><b>Josie Scioli</b>  |                                     |       |   |        |              |               |                       |       |  |

**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" – The Property



