



DELEGATED APPROVAL FORM DECLARE SURPLUS

TRACKING NO.: 2017-100

Approved pursuant to the Delegated Authority contained in Government Management Committee Item GM6.18 entitled "Policy with Respect to the Sale/Disposition of Land" adopted as amended by City Council on July 16, 17, 18 and 19, 2007. By-law No. 814-2007, enacted on July 19, 2007.

Prepared By:	Christian Eng	Division:	Real Estate Services										
Date Prepared:	May 9, 2017	Phone No.:	(416) 392-8161										
Purpose:	To declare surplus a portion of the City-owned property located at 1215 Eastern Avenue, with the intended manner of disposal to be by way of entering into a lease with Enbridge Gas Distribution Inc. (for which a separate authority will be sought). Entering into a lease with Enbridge Gas Distribution Inc. will, due to terms of the previous leases, exceed the 21 year limit.												
Property:	The property being a Portion of 1215 Eastern Avenue, being Part of Lot 8, Broken Front Concession, City of Toronto, known as Part 1 on Plan 63R-4894, illustrated as Appendix "A" (the "Leased Lands")												
Actions:	<ol style="list-style-type: none"> 1. The Leased Lands be declared surplus, with the intended manner of disposal to be by way of entering into a lease agreement with the existing tenant. 2. Notice be published in a newspaper in circulation in the area of the Leased Lands and on the City's website. 3. All steps necessary to comply with the City's real estate disposal process, as set out in Chapter 213 of the City of Toronto Municipal Code, be taken. 												
Financial Impact:	<p>There are no financial implications resulting from this approval.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>												
Background:	<p>The subject lands were originally leased to Consumers Gas In July, 1989. The Municipality of Metropolitan Toronto, now City of Toronto, entered into a 5 year lease agreement with The Consumers' Gas Company Ltd., now Enbridge Gas Distribution Inc. Since that time, the Lease was renewed for two further five year terms, but now has been in overhold. Enbridge has requested a new lease arrangement for this site.</p> <p>The lands are being utilized for the purposes of maintaining a gas regulator station serving the south-east part of the former City of Toronto and southern portion of Scarborough. Because the property is on Parks & Open Space, an Official Plan Amendment was a requirement before proceeding with the declaring surplus process. On June 9, 2016, City Council enacted By-Law No. 574-2016, resulting in amendment No. 345 to the Official Plan.</p> <p>It is necessary to declare surplus the Leased Lands for the purpose of the proposed lease, since any further extension of the terms will result in cumulative lease terms exceeding twenty-one (21) years.</p>												
Comments:	A circulation to the City's ABCDs was undertaken to ascertain whether or not there is any municipal interest in retaining the Leased lands. No municipal interest was expressed. Staff at the Affordable Housing Office has determined that there is no interest in the Leased Lands for affordable housing. Accordingly, it is appropriate that the Leased Lands be declared surplus. The Property Management Committee has reviewed this matter and concurs.												
Property Details:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Ward:</td> <td>32 – Beaches-East York</td> </tr> <tr> <td>Assessment Roll No.:</td> <td>N/A</td> </tr> <tr> <td>Approximate Size:</td> <td>Irregular</td> </tr> <tr> <td>Approximate Area:</td> <td>41 m² ± (440.7 ft² ±)</td> </tr> <tr> <td>Other Information:</td> <td>Vacant Land</td> </tr> </table>			Ward:	32 – Beaches-East York	Assessment Roll No.:	N/A	Approximate Size:	Irregular	Approximate Area:	41 m ² ± (440.7 ft ² ±)	Other Information:	Vacant Land
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Approximate Area:	41 m ² ± (440.7 ft ² ±)												
Other Information:	Vacant Land												
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Lands are located within the Green Space System or the Parks & Open Space Areas of the Official Plan.												

Pre-Conditions to Approval:

- (1) **Highways** - The GM of Transportation Services has concurred in the Highway being declared surplus conditional upon City Council approving the permanent closure of the Highway.
- (2) **Lands located within the Green Space System and the Parks & Open Space Areas of the Official Plan** - The Chief Planner & Executive Director and the GM of Parks, Forestry & Recreation have confirmed that the land being exchanged is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior green space utility.

Chief Corporate Officer has approval authority for:

- A (1) declaring land surplus and approving the intended manner or process by which the sale of the land will be carried out, provided that the local Councillor does not require the matter to be determined by Council through the Government Management Committee (§ 213-6).
 - Councillor does not require the declaration of surplus or the intended manner or process by which the sale of the land will be carried out to be determined by Council.
- (2) determining the method of giving notice to the public, following consultation with the local Councillor (§ 213-7)
 - Councillor has been consulted regarding method of giving notice to the public.
- (3) exempting sales to the following public bodies from the requirement for an appraisal, provided that the local Councillor (or if the land abuts other wards, the local Councillors) does not require the determination to be made by Council (§ 213-4):
 - (a) a municipality
 - (b) a local board, including a school board and a conservation authority
 - (c) the Crown in right of Ontario or Canada and their agencies
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (3)(a)-(c) applies.]**
- (4) exempting the sale of land in the following classes from the requirement for an appraisal and/or for notice to the public, provided that the local Councillor(s) (if the land abuts other wards) does not require the determination to be made by Council (§ 213-5):
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*
 - (b) closed highways if sold to an owner of land abutting the closed highways
 - (c) land formerly used for railway lines if sold to an owner of land abutting the former railway land
 - (d) land does not have direct access to a highway if sold to the owner of land abutting that land
 - (e) land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
 - (f) easements
 - n/a Councillor(s) agrees with exemption from appraisal. **[Revise box to an x if any of (4)(a)-(f) applies.]**
 - n/a Councillor(s) agrees with exemption from notice to the public. **[Revise box to an x if any of (4)(a)-(f) applies.]**
- (5) revising the intended manner of sale
- (6) rescinding the declaration of surplus authority

Title	Date	Recommended/ Approved
Manager	May 9, 2017	Nick Simos
Director	May 15, 2017	Joe Casali
Chief Corporate Officer	May 19, 2017	Josie Scioli
Return to: Christian Eng Real Estate Services Metro Hall, 55 John Street, 2nd Fl (416) 392-8161		
DAF Tracking No.: 2017-100		

Consultation with Councillor(s):						
Councillor:	Mary-Margaret McMahon					
Contact Name:	Abby Ramcharan (May 2, 2017)					
Contacted by	Phone	<input checked="" type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	Other
Comments:	<ul style="list-style-type: none"> • Concurs with recommendation • Does not require the matter to be determined by Council • Does not require further consultation re: public notice 					
Councillor:						
Contact Name:						
Contacted by	Phone	<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	Other
Comments:						

Consultation with other Division(s):			
Division:	RES	Division:	Finance
Contact Name:	Daran Somas	Contact Name:	Felisha Jenkins
Comments:	Tenant in good standing (May 9, 2017)	Comments:	Incorporated into DAF
Real Estate Law Contact:	Ray Mickevicius (March 7, 2017)	Date:	March 31, 2017

Appendix "A": Location Map & Sketch

