

DELEGATED APPROVAL FORM

CHIEF CORPORATE OFFICER

DIRECTOR OF REAL ESTATE SERVICES

TRACKING NO.: 2016-163

☒ 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).

☐ 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:	July 18, 2016	Phone No.:	(416) 392-8151										
Purpose	To obtain authority to acquire a permanent easement on a portion of property owned by Elizabeth McBrinn, Dianne Eleanor McBrinn & Laura Christine McBrinn (the "Owners") to protect the City's interest on the property which contains an existing municipal storm sewer.												
Property	A portion of the property municipally known as 38 Harrow Drive, Toronto, Ontario (labeled as "Part 1" in the attached Appendix "A") and legally described as Lot 218, Plan 4042 North York; Toronto and designated as Part 2 on Reference Plan 64R-1446, part of PIN (10279-0059).												
Actions	<ol style="list-style-type: none"> 1. Authority be granted to acquire a permanent easement on a portion of the Owners' property, displayed as Part 1 on the attached Appendix "A", on the terms and conditions set out below, and on such other or amended terms and conditions as may be satisfactory to the Chief Corporate Officer, and in a form acceptable to the City Solicitor. 2. The City Solicitor be authorized to complete the transactions on behalf of the City, including payment of any necessary expenses and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable. 												
Financial Impact	<p>The following costs will be incurred by the City in connection with the agreement:</p> <ol style="list-style-type: none"> 1. Permanent Easement Value = \$12,900.00 2. Qualifying Legal Expense Reimbursement = \$1,000.00 (inclusive of all taxes) 3. Registration Costs = \$100.00 (approximately) 4. Land Transfer Taxes = \$64.50 <p>Funding for these costs (totaling \$14,064.50 inclusive of applicable taxes) is available in the 2016 Council Approved Capital Budget for the Toronto Water Division under account CPW 537-05.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>												
Comments	<p>The Toronto Water (TW) Division continually updates its inventory of existing sewers and watermain within the municipality. Occasionally, some lines are discovered on properties that have no municipal easement registered on its title. Although the TW Division has the ability to access the area to repair and maintain its infrastructure (under the City of Toronto Act), a written agreement that identifies the location of the line, maintenance rights and other important details is always desired.</p> <p>The TW Division has discovered that the existing 900 mm diameter storm sewer main that crosses the subject Property at its rear is not protected by an easement in favour of the City of Toronto.</p> <p>The Owners have been contacted and have agreed to enter into a permanent easement agreement with the City of Toronto. City staff consider the terms of the agreement to be fair and reasonable.</p>												
Terms	<p>Address: 38 Harrow Drive</p> <p>Transferor: Elizabeth McBrinn, Dianne Eleanor McBrinn & Laura Christine McBrinn</p> <p>Transferee: City of Toronto</p> <p>Property Interest: Permanent Easement</p> <p>Consideration: \$12,900.00</p> <p>Legal Expense Reimbursement: Reimbursement of the expenses incurred by the Transferor in the amount of \$1,000.00 inclusive of taxes</p> <p>Municipal Infrastructure: Storm sewer, including all appurtenances, improvements and services</p>												
Property Details	<table border="1"> <tr> <td>Ward:</td><td>12 – York South-Weston</td></tr> <tr> <td>Assessment Roll No.:</td><td>1908021180071000000</td></tr> <tr> <td>Approximate Size:</td><td>5.3 m X 15.5 m</td></tr> <tr> <td>Approximate Area:</td><td>76.2 m²</td></tr> <tr> <td>Other Information:</td><td>N/A</td></tr> </table>	Ward:	12 – York South-Weston	Assessment Roll No.:	1908021180071000000	Approximate Size:	5.3 m X 15.5 m	Approximate Area:	76.2 m ²	Other Information:	N/A		
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Other Information:	N/A												

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.
3. Issuance of RFPs/REOs:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to a more senior position.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	Delegated to a more senior position.	<input type="checkbox"/> Transfer of Operational Management to ABCDs.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> 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.	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;
	<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.	<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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input checked="" type="checkbox"/> Where total compensation does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<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).	<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).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
	<input type="checkbox"/> (b) Releases/Discharges;	<input type="checkbox"/> (b) Releases/Discharges;
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> (c) Surrenders/Abandonments;
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> (d) Enforcements/Terminations;
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> (f) Objections/Waivers/Cautions;
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> (g) Notices of Lease and Sublease;
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;
	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;
	<input type="checkbox"/> (j) Documentation relating to Land Titles applications;	<input type="checkbox"/> (j) Documentation relating to Land Titles applications;
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.
B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:		
<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.		
<input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.		
<input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him.		
Chief Corporate Officer also has approval authority for:		
<input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.		

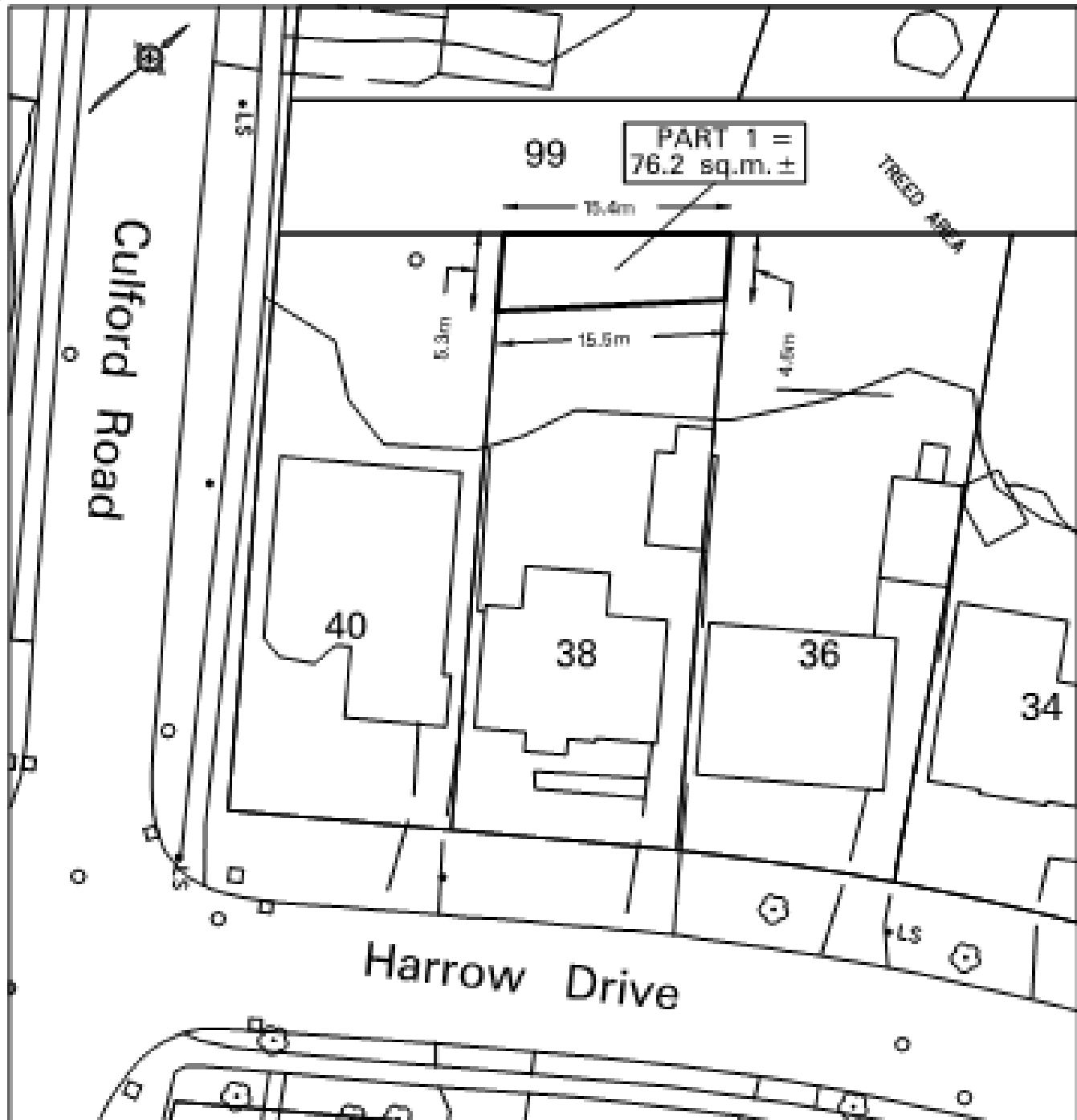
Consultation with Councillor(s)									
Councillor:	Frank Di Giorgio					Councillor:			
Contact Name:	Ivana Padovan & Nicola Faieta – E.A.'s					Contact Name:			
Contacted by:	Phone	X	E-Mail		Memo		Other		
Comments:	Fine with proposed easement					Comments:			
Consultation with ABCDs									
Division:	Toronto Water					Division:	Financial Planning		
Contact Name:	Paul Albanese					Contact Name:	Filisha Mohammed		
Comments:	Requires easement to protect storm sewer					Comments:	Reviewed and approved by Division		
Legal Division Contact									
Contact Name:	Michele Desimone								
DAF Tracking No.: 2016-163					Date		Signature		
Recommended by: Manager					July 18 2016		Signed By: Tim Park		
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali				July 18 2016		Signed By: Tim Park		
<input type="checkbox"/>	Approved by:								
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli				July 19 2016		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.

Appendix "A" – The Property (38 Harrow Drive)





Toronto

ENGINEERING & CONSTRUCTION SERVICES
DIVISIONAL SUPPORT SERVICES
LAND & PLANNING SUPPORT

NOTE:

THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
ARE APPROXIMATE

CHECKED BY: JOHN HOUDE

PREPARED BY: DIVYANJE RYT

PROPERTY INFORMATION SHEET

SKETCH SHOWING A PORTION OF
NO. 38 HARROW DRIVE

WARD 12 - YORK SOUTH-WESTON
DATE: FEBRUARY 29, 2016

SKETCH No. PS-2016-022