

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

TRACKING NO.: 2015-102

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.

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:	April 27, 2015	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority to acquire a permanent easement on a parcel of land owned by Ernst Alfred Becker and Mechtildis Anna Becker (the "Owners") to permit the City to access and install a vegetated rock buttress and other stabilization works on the property to limit further erosion levels from the rear of the property onto the adjacent City-owned property.
<b>Property</b>	A small portion of land located at 3 Douglas Crescent adjacent to Mud Creek, more particularly described as part of Lot 135 & 136, Plan 2398, Township of York (or Part 1 on Plan 64R15096), City of Toronto; being part of PIN 10394-0065(LT); and shown as "Part 2" on the attached Schedule "B" (the "Property").
<b>Actions</b>	<ol style="list-style-type: none"> <li>Authority be granted to acquire a permanent easement on the Property to permit the access and installation of stabilization works, on the terms and conditions set out below, and on such other terms and conditions as determined by the Chief Corporate Officer, and in a form acceptable to the City Solicitor.</li> <li>The Chief Corporate Officer or designate shall administer and manage the agreement including the provision of any consents, approvals, waiver notices, and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter to City Council for its determination and direction.</li> <li>The City Solicitor be authorized to complete the transaction 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.</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 this transaction:</p> <ol style="list-style-type: none"> <li>Permanent easement acquired for the nominal sum of \$2.00;</li> <li>Reimbursement of the Owners' legal fees and disbursements, as approved by the City Solicitor, up to a maximum of \$1,000.00 including applicable fees and taxes; and</li> <li>Registration fees of approximately \$100.00.</li> </ol> <p>Funding for these costs is available in the 2015 Approved Capital Budget for the Parks, Forestry and Recreation Division under capital account CPR115-44-03.</p> <p>The Deputy City Manager and Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>The Parks, Forestry &amp; Recreation Division has proposed a capital project to install a vegetated rock buttress and other stabilization works at the Property. The proposed improvements will be installed on other private properties and public lands (Mud Creek) within the general area to ensure the effectiveness of the project.</p> <p>This project will limit further erosion levels experienced at the rear of the Property as well as assist in the stabilization of the streambank and private/public trees in the general vicinity. The project is being undertaken by staff in the Toronto &amp; Region Conservation Authority with the assistance of staff in the City's Urban Forestry Section.</p> <p>The project has commenced at nearby properties and is anticipated to be completed later this year.</p> <p>Real Estate Services staff consider the terms of the agreement to be fair and reasonable.</p>
<b>Terms</b>	<p><b>Property Owner (Grantor)</b> = Ernst Alfred Becker and Mechtildis Anna Becker  <b>Grantee</b> = City of Toronto (City)  <b>Consideration</b> = \$2.00  <b>Other Costs</b> = The City will pay the Owners' legal costs and disbursements up to a maximum of \$1,000.00 including applicable fees and taxes, as approved by the City Solicitor  <b>Property Rights</b> = Permanent easement  <b>Use</b> = To permit access onto the Property for the installation, operation, maintenance, repair and replacement of a vegetated rock buttress and other stabilization works which will limit further erosion levels on the easement lands  <b>Indemnity</b> = The Owners will fully indemnify the City against any claims that arise out of the Owners' use or occupation of the Property subject to the permanent easement</p>

<b>Property Details</b>	<b>Ward:</b>	29 – Toronto-Danforth
	<b>Assessment Roll No.:</b>	1906041010002000000
	<b>Approximate Size:</b>	N/A
	<b>Approximate Area:</b>	149.6 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:
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/REOIs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	<b>Delegated to a more senior position.</b>	<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:	<b>Delegated to a more senior position.</b>	<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/Licenser):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 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"/> (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 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"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million. <b>Delegated to a less senior position.</b>
12. Easements (City as Grantee):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input 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"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences; <input type="checkbox"/> (b) Releases/Discharges; <input type="checkbox"/> (c) Surrenders/Abandonments; <input type="checkbox"/> (d) Enforcements/Terminations; <input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates; <input type="checkbox"/> (f) Objections/Waivers/Cautions; <input type="checkbox"/> (g) Notices of Lease and Sublease; <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"/> (j) Documentation relating to Land Titles applications; <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:**

- 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:**

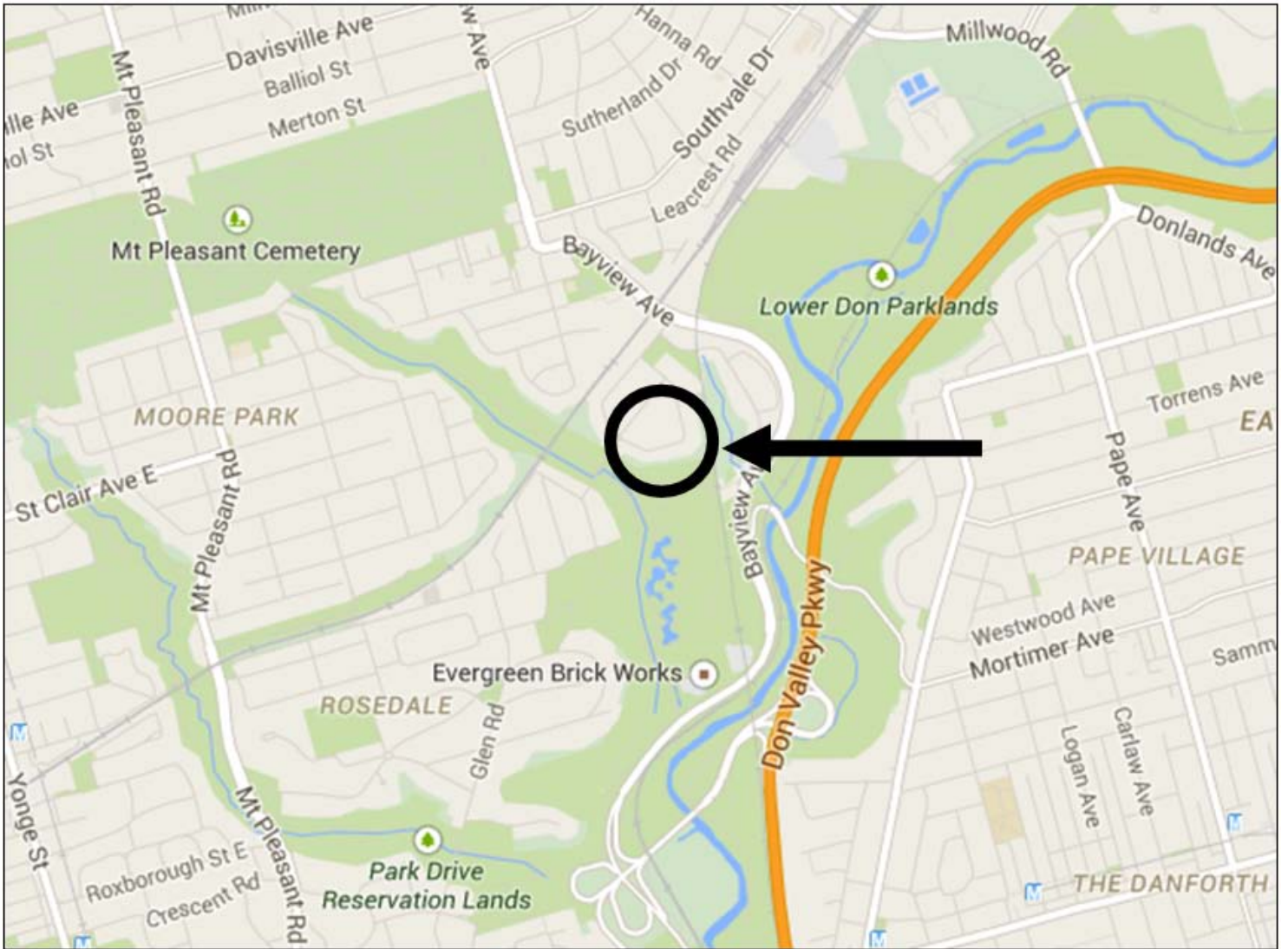
- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

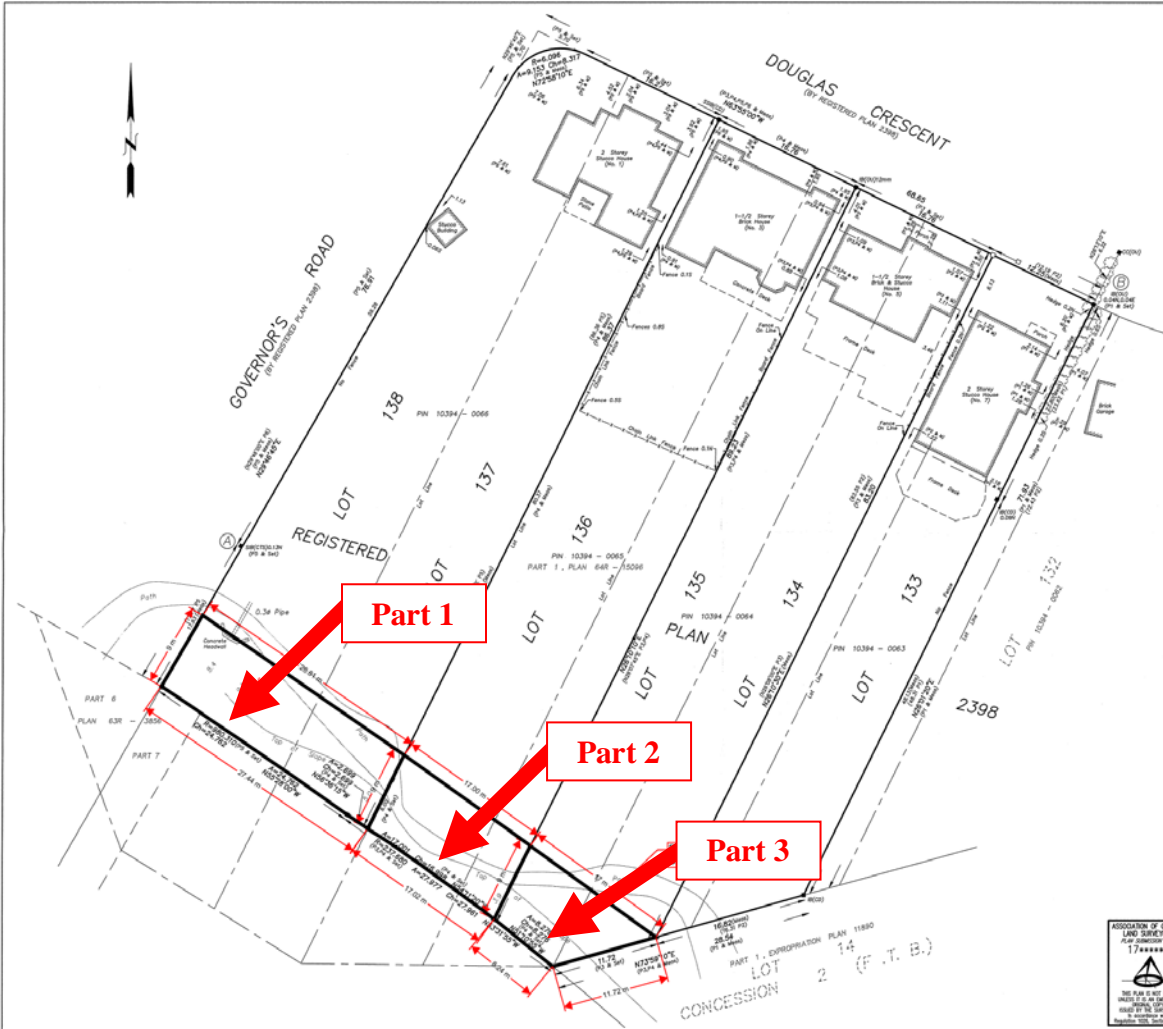
Consultation with Councillor(s)													
Councillor:	Mary Fragedakis					Councillor:							
Contact Name:	Daryl Finlayson – EA					Contact Name:							
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail	Memo	Other
Comments:	No objections					Comments:							
Consultation with ABCDs													
Division:	Parks, Forestry & Recreation					Division:	Financial Planning						
Contact Name:	Beth McEwen					Contact Name:	Anthony Ng						
Comments:	Supports acquisition of easement					Comments:	No concerns						
Legal Division Contact													
Contact Name:	Charlotte Harbell												
DAF Tracking No.: 2015-102				Date			Signature						
Recommended by: Manager				April 28, 2015			Signed by Tim Park						
<input type="checkbox"/>	Recommended by: Director of Real Estate Services			April 29, 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 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.

### Schedule "A" – Location Map





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**SURVEYOR'S REAL PROPERTY REPORT**  
**PART 1: PLAN OF SURVEY OF**  
**LOT 134 and PART OF LOTS**  
**133, 135, 136, 137 & 138**  
**REGISTERED PLAN 2398**  
**CITY OF TORONTO**

SCALE 1 : 250 METRES  
 I V A N B . W A L L A C E O . L S . L T D .

**PART 2: REPORT**  
**DESCRIPTION:** PIN 10394-0063, As described in Inst. T8204532  
 PIN 10394-0064, As described in Inst. T8103449  
 PIN 10394-0065, Being Part 1, Plan 648-10098  
 PIN 10394-0066, As described in Inst. C4511501  
**ENCUMBRANCES:** This survey does not certify zoning compliance.  
**REGISTERED EASEMENTS:** None.  
**ADDITIONAL COMMENTS:** Note types and locations of fences. There is a concrete stormwater pipe(s) located in the south westerly portion of PIN 10394-0066.  
**CLIENT:** Toronto & Region Conservation Authority

**LEGEND**  
 ■ denotes Survey Monument Found  
 □ denotes Survey Monument Set  
 S denotes Short Standard Iron Bar  
 SB denotes Standard Iron Bar  
 B denotes Iron Bar  
 PB denotes Plastic Bar  
 C denotes Cast Cross  
 WT denotes Witness  
 denotes Witness  
 P1 denotes Survey by C.E. Dotterill Ltd., O.L.S. dated April 1, 1928 (94-030)  
 P2 denotes Survey by C. Stubbs, O.L.S. dated October 16, 1956  
 P3 denotes Survey by C.E. Dotterill Ltd., O.L.S. dated March 12, 1959 (99-056)  
 P4 denotes Plan 648-10098  
 P5 denotes Survey by C.E. Dotterill Ltd., O.L.S. dated March 12, 1959 (99-056)  
 P6 denotes Registered Plan 2398  
 CU denotes Crown Unknown  
 CTS denotes City of Toronto Surveys  
 CD denotes C.E. Dotterill Ltd., O.L.S.

**BEARING NOTES**  
 Bearings are UTM GRID, derived from observed reference points A and B, by Real Time Network observations, UTM Zone 17, NAD83(CRS)1997.  
 For bearing computations, the following relations were applied:  
 P1 = 022°30' right-hand-sloswise  
 P2 = 0128°30' counter-clockwise  
 P6 = 0230°00' counter-clockwise

**DISTANCE NOTES - METRIC**  
 Distances and coordinates are in metres and can be converted to feet by dividing by 0.3048.  
 Distances on ground and can be converted to grid by multiplying by the combined scale factor of 0.99799.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. This survey and plan are correct and in accordance with the Survey Act and the Survey Regulations and the regulations made under them.  
 2. The survey was completed on \_\_\_\_\_  
 Date: David Comery, O.L.S.

**INTEGRATION DATA**  
 Observed reference points were from GPS observations using a Real Time Network and are related to UTM Zone 17 (97° west longitude) NAD83(CRS)1997.  
 Urban accuracy per Sec. 14(2), S.Reg. 216/05.  
 Point ID: 17000000  
 Station: 17000000  
 Elevation: 17000000  
 Horizontal Accuracy: 0.02 m  
 Vertical Accuracy: 0.03 m

**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
 17000000

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1. Name	David Comery
2. Title	Surveyor
3. Date	2014-03-14
4. Location	17000000
5. Station	17000000
6. Elevation	17000000