

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

TRACKING NO.: 2015-012

- 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:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	February, 18, 2015	Phone No.:	392-1167

**Purpose**  
The property know as 41X Palmer Avenue is a public laneway that is currently owned by private individuals and has never been dedicated as a public laneway. In order to rectify this and reduce any liability issues, Transportation Services has expressed an interest in acquiring the title to 41X Palmer Ave form the owners of 43 Palmer Avenue. Appendix "B" illustrates the area in question.

**Property**  
The laneway is an irregular shaped parcel of land as shown as Part 1 on the attached draft reference plan being legally described as: Part of Lot 85, Plan 1351, Township of York as in EY235441A, City of Toronto comprising a portion of the lands identified in PIN 10430-0185 (LT) being shown as Part 1on Plan 66R-27679 "Appendix B"

**Actions**  
It is recommended that:

1. authority be granted for the City to enter into an Offer to Sell Agreement (the "Agreement") with Giang, Henry The Hung and Pho, Van Le, the owners of 43 Palmer Avenue (the " Owners") on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Director of Real Estate Services and the General Manager of Transportation Services , and in a form acceptable to the City Solicitor;
2. in accordance with the delegated authority cited herein, the Director of Real Estate Services, or his designate, administer and manage the Agreement, to take necessary action to give effect thereto, including the payment of all monies and execution of any and all agreement and documents ancillary to the Agreement, provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction;
3. the City Solicitor be authorized to negotiate, settle and amend the Agreement on behalf of the City, as required, including amending any dates under the Agreement, and the closing, due diligence and other dates, and amending and waiving terms and conditions, such terms as she considers reasonable; and the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto

**Financial Impact**

1. The following costs will be incurred by the City in connection with this transaction:
  - (a) The Owners have agreed to sell the required lands municipally known as 41X Palmer Avenue for the "nominal sum" of \$2.00;
  - (b) Reimbursement of the Owner's legal fees up to a maximum of \$2500.00 (Inc.HST), upon completion of the transaction;
  - (c) Registration fees of approximately \$100.00;
  - (d) The amount, if any, required in connection with a partial discharge of the Owner's existing first mortgage.
- 2 Funds are available in the Capital Budget account CTP314-05-03 for Transportation Services.

The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

**Comments**  
The Municipal Property Assessment Corporation has confirmed that the area in question has been assigned a municipal address of 41X Palmer Avenue and indicates the City of Toronto as the owner. Additionally, historical reports of the Borough of East York, indicate the walkway has been in existence since at least 1981. It has recently come to the attention of City Staff that the laneway bordering the property known as 43 Palmer Avenue was never dedicated as a public laneway. In order to rectify this issue, Real Estate Services will finalize a transfer of this small portion of this property to Transportation Services Jurisdiction, for its continued use as a public walkway connecting Palmer Avenue to Rosevear Avenue. The transfer of the existing walkway is seen as a housekeeping exercise as our Transportation Services Department (Road Operations) has identified this as a liability issue for the current Owners and wish to finalize the documentation needed in order to preserve and maintain this walkway for public purposes and assume public liability for the walkway.

**Terms** [please see Appendix A on page 4]

<b>Property Details</b>	<b>Ward:</b>	31 – Beaches East York
	<b>Assessment Roll No.:</b>	1906011160011500000
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	71.4 sq.m
	<b>Other Information:</b>	

A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input checked="" 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:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOs.
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/Licensor):	<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 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:	Councillor Janet Davies						Councillor:										
Contact Name:	Jayson Thiessen						Contact Name:										
Contacted by:	X	Phone	X	E-Mail		Memo		Other	Contacted by:		Phone		E-mail		Memo		Other
Comments:	Concurs						Comments:										
Consultation with ABCDs																	
Division:	Transportation Services						Division:										
Contact Name:	Roy Anceriz						Contact Name:										
Comments:	Concurs						Comments:										
Legal Division Contact																	
Contact Name:	Lisa Davies																
DAF Tracking No.: 2014- 012				Date				Signature									
Recommended by: Manager Tim Park				Feb. 18, 2015				Signed by Tim Park									
<input type="checkbox"/>	Recommended by: Director of Real Estate Services			Feb. 18, 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.

**Terms**

**Purchase Price:** a nominal **\$2.00** fee to the Owner;

**Irrevocable period:** The Irrevocable Period shall be the period of time ending at 11:59 p.m. on the Business Day next following 45<sup>th</sup> business day after the Vendor's execution of this Offer;

**Due Diligence Period:** The Due Diligence Period shall be the period of time ending at 11:59 p.m. on the Business Day next following 90 days after the Acceptance Date. The date upon which this Offer is executed by the city, is hereafter referred to as the "Acceptance Date"

**Requisition Period:** The Requisition Period shall be the period of time ending at 11:59 p.m. on the 10<sup>th</sup> Business Day preceding the Closing Date;

**Closing Date:** The Closing Date for purposes of this Agreement shall be the Business Day next following the 10<sup>th</sup> business day after delivery of a Notice of Waiver or Notice of Satisfaction in connection with the Due Diligence Condition; and

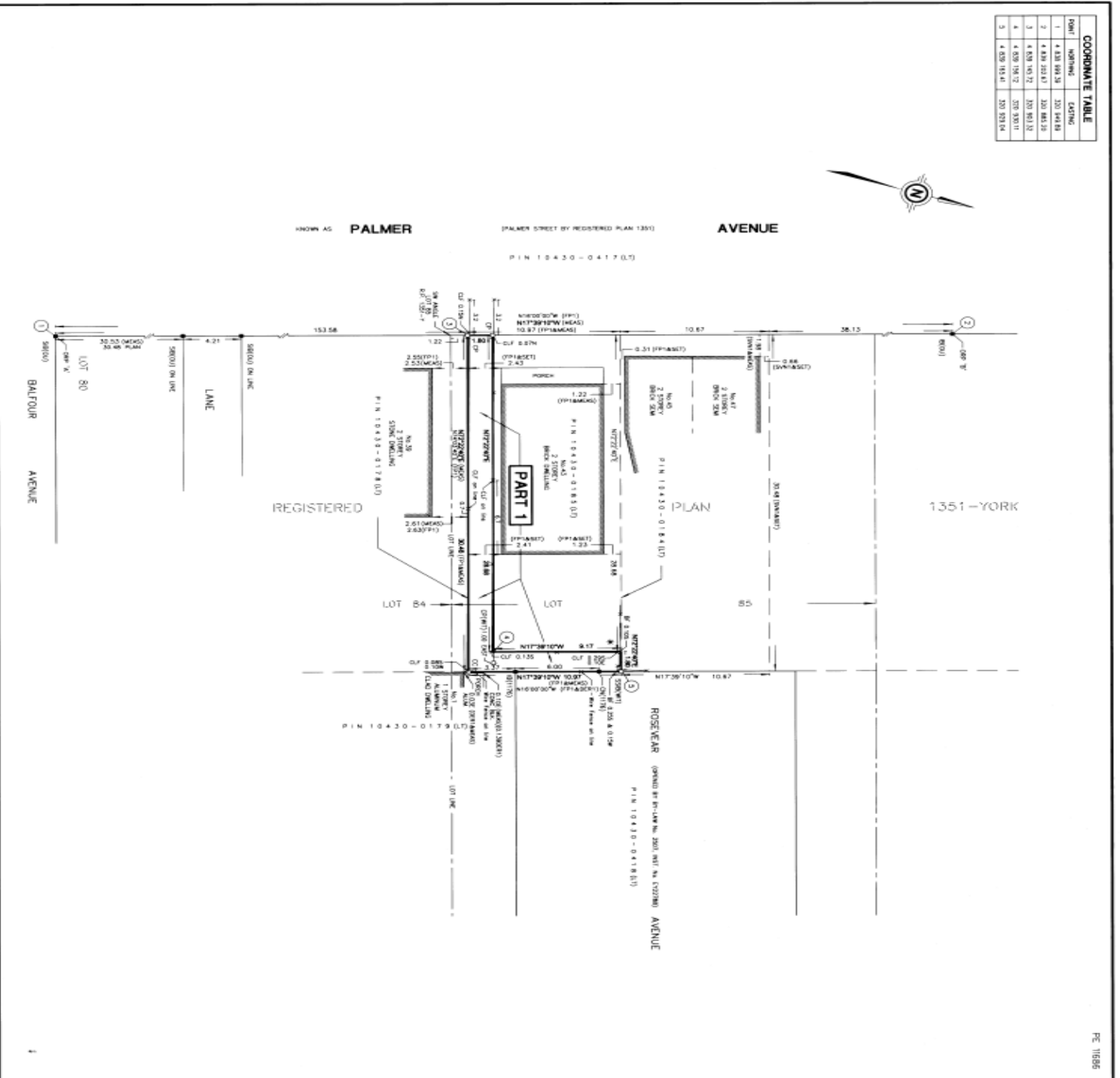
**Unique Terms and conditions:**

- a) As-is-where-is condition;
- b) no Vendor representation as to environmental condition or indemnity; and
- c) no representations as to work orders, building violations, constructions liens, etc.

The terms of the "Offer to Sell" Agreement are acceptable to City staff.

### "Appendix B" R-Plan 66R27679

COORDINATE TABLE	
POINT	EASTING
1	4 830 898.31
2	4 830 898.31
3	4 830 898.31
4	4 830 898.31
5	4 830 898.31



PE 11666

I RECORD THIS PLAN TO BE APPROVED UNDER THE LAND TITLES ACT			PLAN 66R 2,767,9
DATE: <i>Oct 14/14</i>			RECORDED AND APPROVED DATE: <i>Oct 14, 2014</i>
DRAWN BY: <i>[Signature]</i>			INDEPENDENT FOR LAND SURVEYING TORONTO REGISTRY OFFICE FILE NO. 85
SCHEDULE			
PART	PLAN	PART OF LOT	PART OF PIN
1	1351	85	10450-0185 (L1) 71.4

PLAN OF SURVEY OF  
**PART OF LOT 85**  
**REGISTERED PLAN 1351**  
 CITY OF TORONTO  
 FORMERLY BOROUGH OF EAST YORK

LEGEND  
 [Symbol] OPENINGS SURVEY WORKMAN'S SIGN  
 [Symbol] OPENINGS SURVEY WORKMAN'S SET  
 [Symbol] OPENINGS WINGS  
 [Symbol] OPENINGS SURVEY WORKMAN'S SIGN  
 [Symbol] PLAN OPENINGS WORKMAN'S REGISTERED PLAN  
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NOTES:  
 1. THIS SURVEY AND PLAN ARE CONDUCTED AND IN ACCORDANCE WITH THE SURVEY ACT, THE LAND TITLES ACT AND THE LAND TITLES REGULATION.  
 2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF SEPTEMBER 2014.

**Toronto**  
 Land and Property Services  
 Engineering and Construction Services  
 2nd Floor  
 50 King Street West  
 Toronto, Ontario M5H 1K5

**Job Number:** 2014-00304  
**Plan Number:** No. 84 PALMER AVENUE

"Appendix C" Simple Survey and Location Map

