

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

TRACKING NO.: 2015-149

- 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, as amended by DAF 2013-307 and DAF 2014-087. City Council confirmatory By-Law No. 1234-2013.
- 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:	Patrick McCabe	Division:	Parks, Forestry & Recreation
Date Prepared:	June 11, 2015	Phone No.:	8-0791

Purpose	<p>To obtain authority to enter into a Licence Agreement for a period from June 1, 2015 to the earlier of December 31, 2015, or date of parkland conveyance to the City, with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Economic Development, Employment and Infrastructure ("Province") for the City of Toronto ("City") to provide park maintenance at Corktown Common and Lawren Harris Square. The site is owned by the Province and will be conveyed to the City and the Toronto and Region Conservation Authority ("TRCA") in 2015 at a date to be determined. The City will assume maintenance of all lands subsequent to the conveyance.</p> <p>Also to obtain authority to enter into an Exclusive Use Agreement commencing on the date of conveyance through August 31, 2015 with the Toronto Organizing Committee for the 2015 Pan American and Parapan American Games for the exclusive use of Corktown Common park for the Pan Am/Parapan Am Games athletes. Corktown Common park is located within the security zone for the Athletes Village, and can only be accessed by the athletes, event officials and City staff with security clearance for the duration of the games. City staff will maintain the park, with the exception of garbage collection, litter picking and washroom cleaning during this time.</p>
Property	Corktown Common and Lawren Harris Square is located in the West Don Lands at 155 Bayview Avenue.
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into a Licence Agreement with Her Majesty the Queen in Right of Ontario as Represented by the Minister of Economic Development, Employment and Infrastructure to provide park maintenance services at Corktown Common and Lawren Harris Square prior to the conveyance of the site from the Province of Ontario to the City of Toronto and TRCA. The term shall be from June 1, 2015 to the earlier of December 31, 2015, or date of parkland conveyance. 2. Authority be granted to enter into an Exclusive Use Agreement with the Toronto Organizing Committee for the 2015 Pan American and Parapan American Games for exclusive use of Corktown Common park commencing on the date of conveyance through August 31, 2015. 3. The General Manager, Parks, Forestry & Recreation be authorized to administer and manage the Licence Agreement and Exclusive Use Agreement including the provision of any contents, approvals, notices and notices of termination provided that the General Manager may, at any time refer consideration of such matter (including the content) to the City Council for its determination and direction. 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The funds to provide park maintenance are available in the 2015 Council Approved Parks, Forestry & Recreation Operating Budget. An operating business case was previously approved to provide Parks, Forestry and Recreation with operating funds to manage Corktown Common ("Don River Park") and Lawren Harris Square ("River Square").</p> <p>The Deputy City Manager & Chief Financial Officer, and General Manager, Parks, Forestry and Recreation have reviewed this DAF and agree with the financial impact information.</p>
Comments	Corktown Common Park and Lawren Harris Square park were developed by Waterfront Toronto and are in the process of being conveyed by the Province (as owner) to the City and TRCA. The Park has a complex maintenance regimen; the City is seeking to continue maintenance further to an agreement established in 2014 with Waterfront Toronto. The goal is to ensure that when the Park is conveyed to the City, there is a seamless transition in the management, and no backlog of delayed maintenance. An Exclusive Use Agreement with TO2015 is necessary once the Province conveys the park due to the location of Corktown Common within the secure-access Athlete's Village. PF&R is seeking Real Estate Services delegated authority in order to authorize the agreements.

Terms	See Page 5	
Property Details	Ward:	Ward 28 – Toronto Centre, Rosedale
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	Other Information:	Area as per attached site map

Updated: October 18, 2013

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 checked="" 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. Delegated to a less senior position.
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:

- (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
- (b) Releases/Discharges;
- (c) Surrenders/Abandonments;
- (d) Enforcements/Terminations;
- (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;
- (f) Objections/Waivers/Cautions;
- (g) Notices of Lease and Sublease;
- (h) Consent to regulatory applications by City, as owner;
- (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;
- (j) Documentation relating to Land Titles applications;
- (k) Correcting/Quit Claim Transfer/Deeds.

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- (f) Objections/Waivers/Cautions;
- (g) Notices of Lease and Sublease;
- (h) Consent to regulatory applications by City, as owner;
- (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;
- (j) Documentation relating to Land Titles applications;
- (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 McConnell	Councillor:	
Contact Name:	Tom Davidson	Contact Name:	
Contacted by:	Phone <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>	Contacted by:	Phone <input type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other <input type="checkbox"/>
Comments:		Comments:	

Consultation with ABCDs

Division:		Division:	
Contact Name:		Contact Name:	
Comments:		Comments:	

Legal Division Contact

Contact Name:	Lisa Strucken
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DAF Tracking No.: 2015-149	Date	Signature
Recommended by: Manager, Wayne Duong	July 3, 2015	Sgd.\ Wayne Duong
<input checked="" type="checkbox"/> Recommended by: Director of Real Estate Services Joe Casali	July 21, 2015	X Sgd.\ 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 licenses (City as Licensor) is limited to periods (including options/renewals) of less than twenty-one (21) years, save and except for residential leasing matters and .
- (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.

Corktown Common and Lawren Harris Square (the "Park") - Major Terms and Conditions**Licensor:**

Her Majesty the Queen in Right of Ontario as Represented by the Minister of Economic Development, Employment and Infrastructure
City of Toronto

Licensee:

City of Toronto
Toronto Organizing Committee for the 2015 Pan American and Parapan American Games

Premises:

Completed portion of the Park south of Bayview Avenue.

Term:

Licence Agreement for Park maintenance commencing June 1, 2015 ending at the earlier of December 31, 2015 or the date of conveyance

Exclusive Use Agreement commencing on the date of conveyance through August 31, 2015

Renewal:

None

Licence Fee:

There will be no licence fee as the operating funds for park maintenance services are in the 2015 Parks, Forestry & Recreation Operating Budget. An operating business case was previously approved to provide Parks, Forestry and Recreation with operating funds for Corktown Common ("Don River Park")

There will be no fee associated with the Exclusive Use Agreement as the use relates to a City-managed event.

Use:

Organic landscape and turf maintenance services.

Exclusive use of Corktown Common within Pan Am/Parapan Am games security zone.

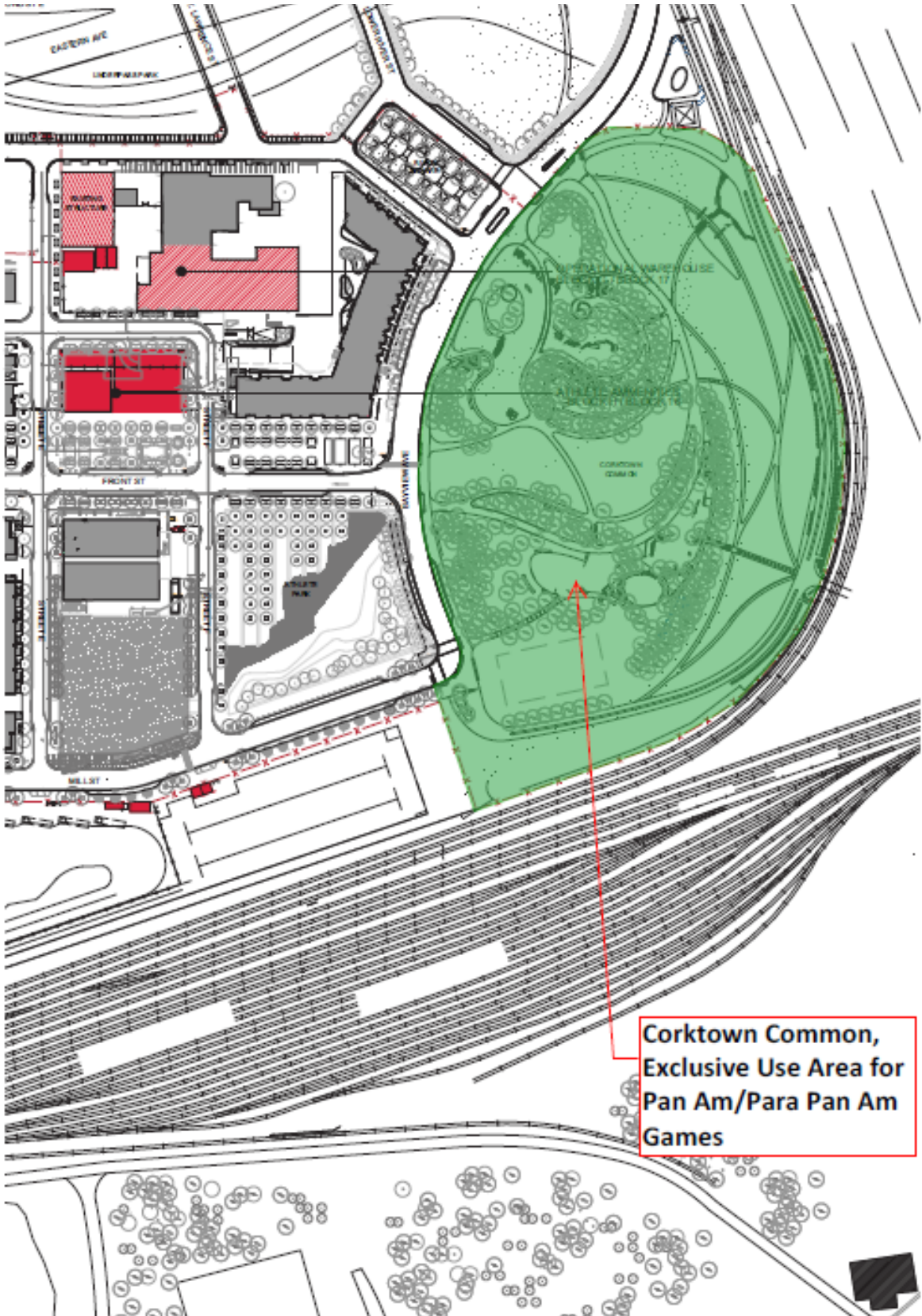
Scope of Work:

The scope of work that can be provided by PF&R at the Park at no cost to the owner, is full park maintenance on the portion of the park south of Bayview Avenue.

Insurance:

Commercial General Liability Insurance which has inclusive limits of not less than twenty million dollars (\$20,000,000.00) for bodily injury and property damage resulting from any one occurrence and which is extended to include Personal Injury Liability, Broad Form Contractual Liability, Owner's and Contractor's Protective Coverage, Contingent Employers Liability, Non-Owned Automobile Liability and a Cross-Liability and Severability of Interest Clause

Schedule A – Corktown Common – Exclusive Use Area for Pan Am Para Pan Am Games



Schedule B – Corktown Common and Lawren Harris Square – Limits of PF&R Maintenance Area

