

**DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER & CHIEF FINANCIAL OFFICER**

TRACKING NO.: 2015-127

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.

Prepared By:	Adam Pressick	Division:	Real Estate Services
Date Prepared:	July 24, 2015	Phone No.:	416-392-1166

Purpose	To obtain authority for the City of Toronto (the "City") to enter into a Permission to Enter Agreement (the "PTE") with Metrolinx and its agents to conduct geotechnical (borehole testing), building condition reports, hazardous material testing, topographical assessment and subsurface utility surveying of the Kipling Bus Terminal and 915 Kipling Avenue (the "Property") for the Kipling GO Station – New Bus Terminal and Improvements (the "Project").
Property	The Property containing the Kipling Bus Terminal and 915 Kipling Avenue is more particularly described in Schedule "A". The Property is approximately 312,885 square feet and is located south of Dundas Street West on the west side of Auckland Road to the north of the Kipling Subway Station. The study area is shown on Schedule "B" which is entirely the property of the City except for a portion that is licensed from Infrastructure Ontario (Her Majesty the Queen ("HMQ")).
Actions	<ol style="list-style-type: none"> (1) The City enter into a Permission to Enter with Metrolinx to permit Metrolinx and its contractors to enter onto the Property for a period of twelve (12) months consecutively, on the date the Permission to Enter Agreement is signed, or such later date as the City may agree is reasonable, to conduct borehole testing, building condition reports, topographical and subsurface utility surveying of the Property; and, (2) The Chief Corporate Officer or designate shall administer and manage the Agreement including the provision of any consents, approvals, waivers, 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; (3) The appropriate City Officials be authorized and directed to take whatever action is necessary to give effect thereto.
Financial Impact	<p>There are no financial implications resulting from this approval. All expenditures associated with testing will be paid by Metrolinx. The work conducted by Metrolinx and its agents will not affect operations of the Kipling Bus Terminal. Any alterations to the site while carrying out the work will be returned to its original condition. The City will be compensated for this access by receiving the due diligence investigations of the Property.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	A key map of the location of the Project is shown on Schedule "C". Metrolinx requires access to the Property to determine the current environmental status, building condition, and subsurface conditions to inform the design and delivery of the Kipling GO Station – New Bus Terminal and Improvements.
Terms	<p>Major terms and conditions include:</p> <ul style="list-style-type: none"> • Metrolinx and its agents will not have access to the Property to carry out the work on weekdays between 6:00AM to 9:00AM and 3:00PM to 7:00PM; • The TTC, TPA and HMQ will be provided forty eight (48) hours prior written notice when they are to access the site; • The term of the PTE is for twelve (12) months commencing on the date the letter is signed by all parties; • Metrolinx and its agents will not store on the Property anything of a dangerous, noxious, offensive or hazardous nature • Metrolinx and its agent will obtain and maintain comprehensive general liability insurance with limits of not less than Ten Million (\$10,000,000) per occurrence • Metrolinx and its agents will remove, restore and repair the Property to the condition immediately prior to carrying out the work caused as a result of carrying out the work described in the PTE and its own expense to no cost to the City <p>Metrolinx indemnifies and holds the City, TPA, and TTC harmless from and against liability and damage to the property, personal injury or death incurred by the City, TPA, and/or TTC arising out of or due to the activities of Metrolinx and its agents</p>

Property Details	Ward:	5 – Etobicoke - Lakeshore
	Assessment Roll No.:	
	Approximate Size:	Irregular
	Approximate Area:	312,885 square feet
	Other Information:	

A.	Deputy City Manager & Chief Financial Officer has approval authority for:	City Manager has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</p> <p>4. Permanent Highway Closures:</p> <p>5. Transfer of Operational Management to ABCDs:</p> <p>6. Limiting Distance Agreements:</p> <p>7. Disposals (including Leases of 21 years or more):</p> <p>8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:</p> <p>9. Leases/Licences (City as Landlord/Licensor):</p> <p>10. Leases/Licences (City as Tenant/Licensee):</p> <p>11. Easements (City as Grantor):</p> <p>12. Easements (City as Grantee):</p> <p>13. Revisions to Council Decisions in Real Estate Matters:</p> <p>14. Miscellaneous:</p> <p>(a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p>(b) Releases/Discharges;</p> <p>l Surrenders/Abandonments;</p> <p>(d) Enforcements/Terminations;</p> <p>(e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p>(f) Objections/Waivers/Cautions;</p> <p>(g) Notices of Lease and Sublease;</p> <p>(h) Consent to regulatory applications by City, as owner;</p> <p>(i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p>(j) Documentation relating to Land Titles applications;</p> <p>(k) Correcting/Quit Claim Transfer/Deeds.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million;</p> <p><input checked="" type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><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 \$3 Million).</p> <p>Delegated to a less senior position.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million;</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><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 \$5 Million).</p> <p>Delegated to a less senior position.</p>
<p>B. City Manager and Deputy Manager & Chief Financial Officer each has signing authority on behalf of the City for:</p>		
<p><input checked="" type="checkbox"/> Documents required to implement the delegated approval exercised by him.</p>		

Consultation with Councillor(s)										
Councillor:	Justin Di Ciano				Councillor:					
Contact Name:	Jacqueline Czajka				Contact Name:					
Contacted by:	Phone	x	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Proceed with agreement				Comments:					
Consultation with ABCDs										
Division:	TTC/TPA				Division:	Financial Planning				
Contact Name:	Michael Stevenson/Gregory Blyskosz				Contact Name:	Filisha Mohammed				
Comments:	Reviewed draft PTE and agrees				Comments:	Proceed				
Legal Division Contact										
Contact Name:										

DAF Tracking No.: 2015-127	Date	Signature
Recommended by: Wayne Duong, Manager, L&SM	July 24, 2015	Sgd.\ Wayne Duong
Recommended by: Director of Real Estate Services Joe Casali	July 30, 2015	Sgd.\ Joe Casali
Recommended by: Chief Corporate Officer Josie Scioli	Aug 17, 2015	Sgd.\ Josie Scioli
Approved by: Deputy City Manager & Chief Financial Officer Roberto Rossini	Aug 21, 2015	Sgd.\ Roberto Rossini
Approved by: City Manager Peter Wallace		

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.

Schedule "A" – Legal Description of the Project Area

OWNED PROPERTY:

PIN 07549-0138 (LT)

LOTS 14, 15, 16, 17 AND 18, PLAN 2561, CITY OF TORONTO

PIN 07549-0117 (LT)

LOT 24 PLAN 2561 ; PT ST. ALBANS RD. PLAN 2561, PTS 1, 2, 3, 4 & 5 64R12117 , (CLOSD BY TB850647) ; PT LOTS 22, 23, 25, 26, 37, 38, 39, 40, 41, 42,43, 44, 45, 46, 47, 48 & 49 PLAN 2561 , PTS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28 64R12117 ; S/T TB855244E, TB855248, TB855249. ETOBICOKE DESCRIPTION AMENDED 97/11/18 BY K. MASSAROTTO , CITY OF TORONTO

PIN 07549-0098 (LT)

PT LT 7 CON 5 COLONEL SMITH'S TRACT , BEING PT OF PT 1 EXPROP PL10326 LYING N OF PT 2 64R9694; PT LT 7 CON 5 COLONEL SMITH'S TRACT, BEING PT OF PT 1 64R5004 LYING NE OF PTS 1 & 2 64R9694 & S OF PT 1 64R8958; ETOBICOKE , CITY OF TORONTO, AMENDED PER LR ORDER AT68339, SAVE AND EXCEPT PART 3 ON PLAN 64R-10498

PIN 07549-0094 (LT)

PART OF LOT 7, CONCESSION 5, COLONEL SMITH'S TRACT, DESIGNATED AS PART 1 ON EXPROPRIATION PLAN NO. AT1799028. CITY OF TORONTO, FORMERLY CITY OF ETOBICOKE.

PIN 07549-0099 (LT)

PT LT 7, CON 5 COLONEL SMITH'S TRACT, BEING PT PT 1, 64R5004 AND PT PT 1, EXPROP PL 10326, LYING S OF PTS 1 & 2, 64R9694; ETOBICOKE , CITY OF TORONTO

PIN 07549-0072(LT):

PART LOTS 37 & 38, PLAN 2561, PART 10 & 11, 64R12117; PART ST. ALBAN'S ROAD, PLAN 2561, PART 7 & 8, 64R12117, AS CLOSED BY TB850647; 1 FOOT RESERVE, PLAN 2561, PART 9, 64R12117; SUBJECT TO TB855248 & TB855249; SUBJECT TO TB855243, TB855244E ETOBICOKE, CITY OF TORONTO.

PIN 07533-0024(LT):

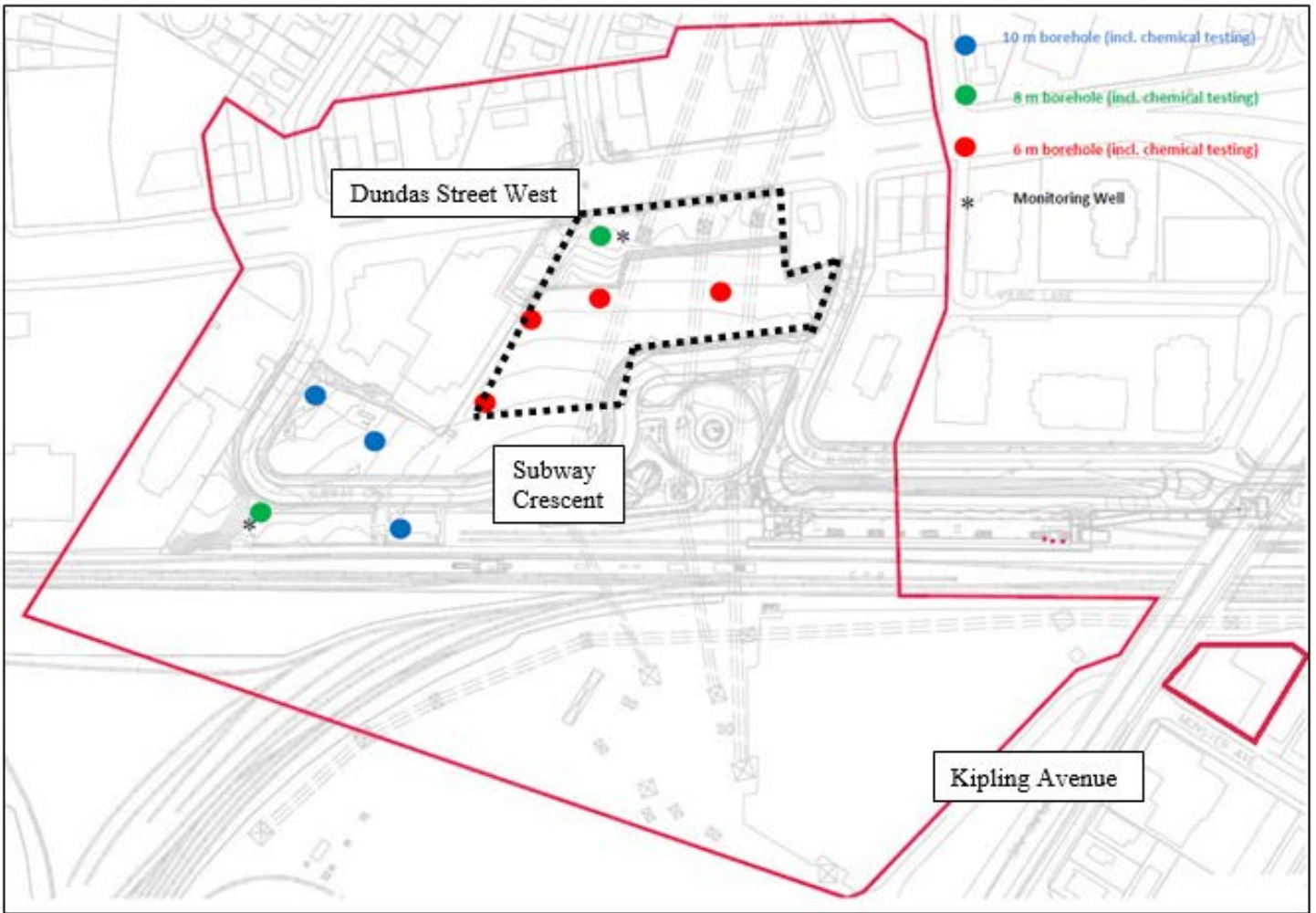
LOTS 28, 29 & 30, PLAN 1890; PART LOT 31, PLAN 1890, AS IN TB728069; ETOBICOKE, CITY OF TORONTO.

LICENSED PROPERTY:

07549-0064 (LT)

LTS 20, 29, 30, 31, 32, 33, 34, 35 & 36, PL 2561 ; PT LTS 3, 4, 5, 6, 7, 19, 21 and PART OF WINDSOR AV, PL 2561 , DESIGNATED AS PTS 36, 37, 38, 39, 40, 41 & 42, 64R12117; T/W TB855241, TB855248 & TB855249 ; S/T TB855247 ; S/T TB855246 ETOBICOKE , CITY OF TORONTO

Schedule "B" - Kipling GO Station New Bus Terminal and Improvements Project Area (outlined) and Licensed Area from HMQ (dashed)



Schedule "C" – Key Map of Project Area (outlined)

