

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

TRACKING NO.: 2016-103

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:	Neubert Li	Division:	Real Estate Services
Date Prepared:	July 18, 2016	Phone No.:	2-1243

Purpose	To obtain authority to sell a surplus public highway known as Cusack Court, together with two one-foot reserve strips of land along the northerly lot boundary of No. 2 Cusack Court and No. 14 Cusack Court to the abutting land owner, 2299650 Ontario Inc. (the "Developer") and to initiate the process to permanently close the surplus public highway and to authorize the General Manager of Transportation Services to give notice of a proposed by-law to close the surplus public highway.
Property	The public highway municipally known as Cusack Court (the "Highway"), a one-foot reserve abutting the northerly lot boundary of No. 2 Cusack Court and a one-foot reserve abutting the northerly lot boundary of No. 14 Cusack Court (Collectively referred to as the "One-Foot Reserve Lands") , shown as Parts 1, 2 and 3 respectively on Sketch No. PS-2012-014 attached.
Actions	<ol style="list-style-type: none"> The City accept the Offer to Purchase from 2299650 Ontario Inc. to purchase the Highway and the One-Foot Reserve Lands, in the amount of \$3,100,000.00, (exclusive of HST) substantially on the terms and conditions outlined on Appendix "B" and on such further and other terms as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor, and to enter into any other such agreements, on such terms acceptable to the Chief Corporate Officer, as necessary to give effect thereto. A portion of the proceeds of closing be directed to fund the outstanding expenses related to the completion of the sale transaction. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable. The General Manager of Transportation Services be authorized to give notice to the public of a proposed by-law to permanently close the Highway in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Etobicoke York Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. The General Manager of Transportation Services be authorized to give notice to the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Website for at least five working days prior to the Etobicoke York Community Council meeting at which the proposed by-law will be considered. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	Revenue in the amount of \$3,100,000.00 (exclusive of HST), less closing costs and the usual adjustments, is expected. The proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction. The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
Comments & Terms	See Appendix "C" on Page 6

Property Details	Ward:	24 – Willowdale
	Assessment Roll No.:	N/A
	Approximate Size:	Irregular
	Approximate Area:	Part 1 (Cusack Court): 1267.9 m ² (13,647.68 ft ²) Part 2 (One Foot Reserve): 12.3 m ² (132.40ft ²) Part 3 (One Foot Reserve): 8.3 m ² (89.34ft ²)
	Other Information:	Public Highway

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/REOs:</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>(c) 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 checked="" 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 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>

B. City Manager and Deputy Manager & Chief Financial Officer each has signing authority on behalf of the City for:

Documents required to implement the delegated approval exercised by him.

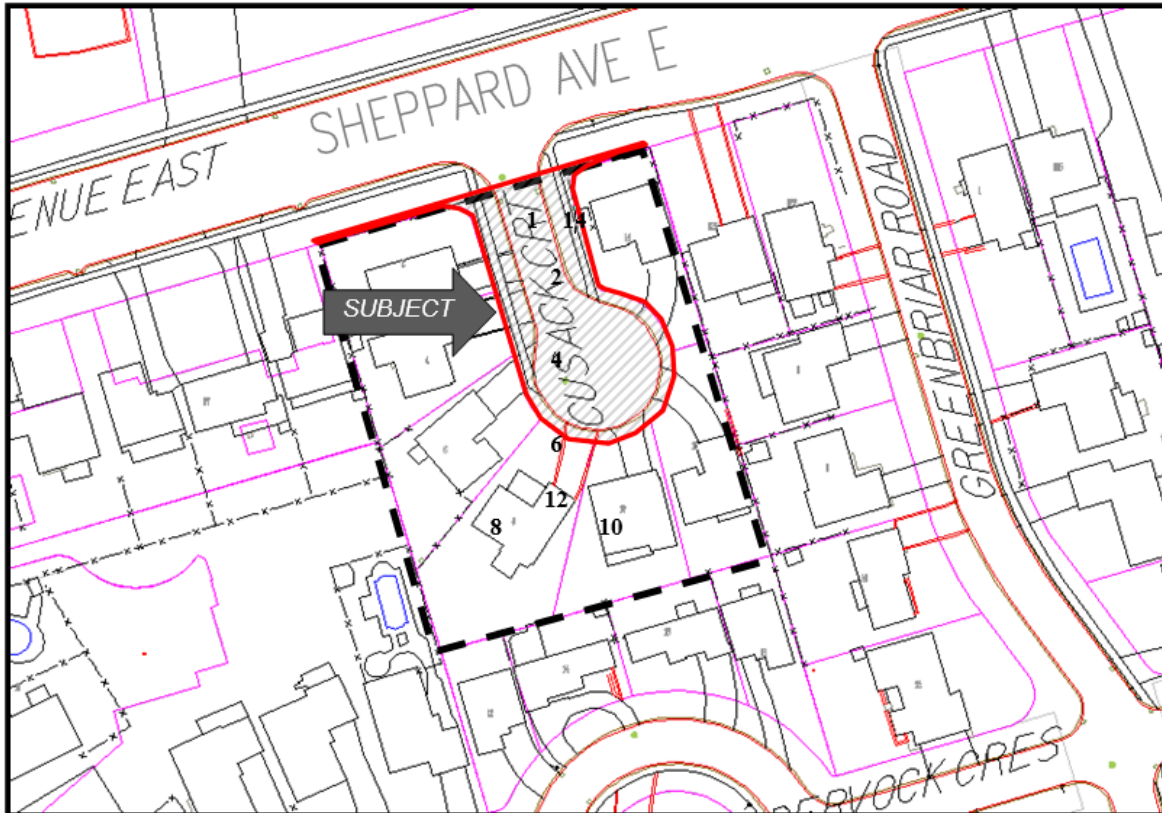
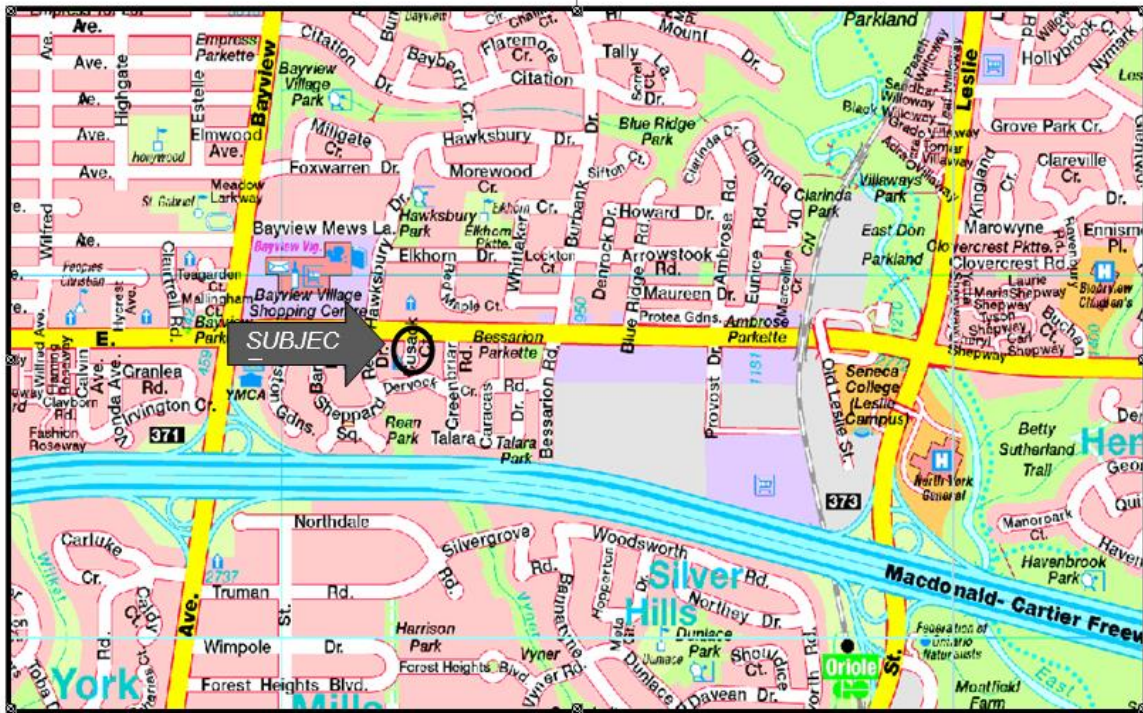
Consultation with Councillor(s)										
Councillor:	David Shiner			Councillor:						
Contact Name:	Will Pennell			Contact Name:						
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	no objection to the matter, April 8, 2016.			Comments:						
Consultation with ABCDs										
Division:	Transportation Services			Division:	Financial Planning					
Contact Name:	Andre Filippetti/Laurie Robertson			Contact Name:	Filisha Mohammed,					
Comments:	Incorporated into DAF, July 13, 2016			Comments:	Comments have been incorporated, May 17, 2016					
Legal Division Contact										
Contact Name:	Michele Desimone – May 2, 2016									

DAF Tracking No.: 2016-103	Date	Signature
Recommended by: Manager	July 18, 2016	Tasse Karakolis
Recommended by: Director of Real Estate Services	Aug. 2, 2016	Joe Casali
Recommended by: Chief Corporate Officer		
Approved by: Deputy City Manager & Chief Financial Officer Roberto Rossini	Aug. 2, 2016	Josie Scioli (for Roberto Rossini)
Approved by: City Manager Peter Wallace		

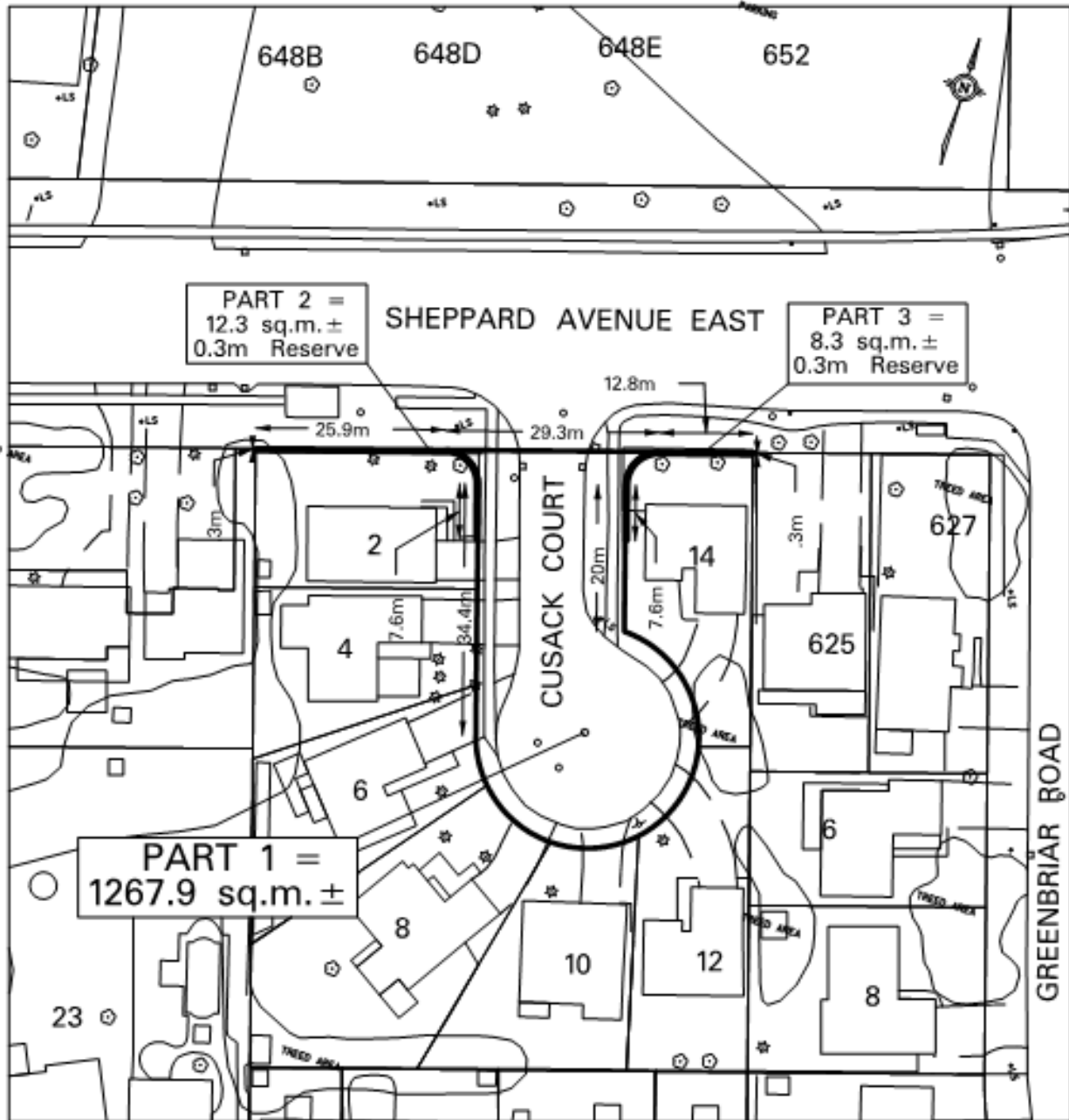
General Conditions ("GC")

- (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.

Appendix "A" – Location Map



APPENDIX "B": PS-SKETCH



Toronto
 TECHNICAL SERVICES DIVISION
 SURVEY & UTILITY MAPPING

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

CHECK BY JOHN HOUSE
 PREPARED BY DWAYNE PITT

WARD 24 - WILLOWDALE
 DATE: MARCH 07, 2012

PROPERTY INFORMATION SHEET

SKETCH SHOWING THE PUBLIC HIGHWAY
 CUSACK COURT (PART 1) AND CITY OWNED LAND
 (PARTS 2 AND 3) ABUTTING
 NOS. 2 TO 14 CUSACK COURT

SKETCH No. PS-2012-014

Appendix "C"

<p>Comments</p>	<p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus on April 19, 2016, (DAF No. 2016-078) with the intended manner of disposal to be by way of inviting an offer to purchase from the abutting landowner. All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>2299650 Ontario Inc. (the "Developer") is the owner of the land abutting the Highway. The Offer to Purchase submitted by the Developer in the amount of \$3,100,000.00 is considered fair, reasonable and reflective of market value. It is therefore recommended for acceptance by the City.</p> <p>The Offer to Purchase from the Developer is conditional upon Council passing a by-law closing the Highway.</p>
<p>Terms</p>	<p>Irrevocable Date: August 4, 2016</p> <p>Purchase Price: \$3,100,000.00</p> <p>Deposit: \$310,000.00</p> <p>Balance: Cash or certified cheque on closing.</p> <p>Due Diligence: 45 days after acceptance of the Offer by the City. The Purchasers can satisfy or waive this condition anytime after acceptance at its discretion.</p> <p>Closing Date: 45 days after enactment of the Closing By-law by the City.</p> <p>Property Closing Requirements & Sale Conditions:</p> <p style="padding-left: 40px;">The Purchaser shall accept the Property in "as is" condition and has executed and delivered a release in favour of the City in a form satisfactory to the City Solicitor, in respect of all loss, costs, damages, liability or actions relating to the environmental condition of the closed public lane, the passing of a by-law to close the public lane and its sale to the Purchaser.</p> <p style="padding-left: 40px;">The Purchaser shall also indemnify the City in respect of all claims, including any claims for injurious affection, demands, loss, costs, damages and/or expenses the City may sustain resulting or arising from the City's efforts to permanently close the public lane and from the completion of such closure.</p>