

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

TRACKING NO.: 2016-262

- 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 (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 (Confirmatory By-Law No. 1234-2013, enacted October 11, 2013), as amended by DAF 2013-307 and DAF 2014-087; and further amended by EX44.22 entitled "Strategic Property Acquisitions" adopted by City Council on August 25, 26, 27 and 28, 2014 (Confirmatory By-law No.1074-2014, enacted on August 28, 2014).
- 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:	Vicky Papas	Division:	Real Estate Services
Date Prepared:	November 30, 2016	Phone No.:	(416) 392-1830

Purpose	To obtain authority to acquire a temporary easement from Donalda Club over a portion of the property municipally known as 12 Bushbury Drive (the "Property") as shown on the attached Schedule "A", to permit access to a water main, which runs under the Property, for rehabilitation work (the "Works").
Property	Part of the Property shown as Part 1 on the sketch attached hereto as Schedule "B" and measuring approximately 0.877 acres.
Actions	<ol style="list-style-type: none"> 1. Authority is granted to enter into an agreement with Donalda Club to acquire a temporary easement over a portion of the Property for access to the Works, substantially on the terms set out below, and any other or amended terms and conditions deemed appropriate by the Chief Corporate Officer, and in a form acceptable to the City Solicitor; 2. The Chief Corporate Officer, or her successor or designate, shall administer and manage the easement 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 matters to City Council for its determination and direction; 3. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses and amending and waiving terms and conditions, on such terms as she considers reasonable. 4. The appropriate City Officials are authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The following costs will be incurred by the City in connection with this transaction:</p> <ol style="list-style-type: none"> 1. Donalda Club has agreed to grant the required temporary easement for \$75.00 per month, and it is estimated that the term shall be three-and-a-half (3.5) months for a total cost of \$262.50, plus HST, if applicable; 2. Reimbursement of Donalda Club's legal fees up to a maximum of \$1,000.00, plus HST; 3. Funding is available in the 2016 Approved Capital Budget and 2017-2025 Approved Capital Plan for Toronto Water under account CPW543-04. <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	A water main which runs under the Property is in need of rehabilitation. The City requires temporary access over a portion of the Property for the purpose of completing the rehabilitation work which includes the reconstruction of the existing water main. Donalda Club has agreed to the terms and conditions outlined herein.
Terms	<p>Staff believe the proposed acquisition to be in the City's interests and recommend that it be approved.</p> <p>Please see Page 4.</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin-left: auto;"> <p align="center">RECEIVED DEC - 12 2016 2016-807</p> </div>

Property Details	Ward:	Ward 34 – Don Valley East
	Assessment Roll No.:	190810211012900000
	Approximate Size:	
	Approximate Area:	Approximately 0.877 acres
	Other Information:	



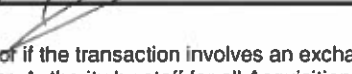
A.	Director of Real Estate Services has approval authority for:	Chief Corporate Officer has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
2. Expropriations:	<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 type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;	<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 three (3) months, including licences for environmental assessments and/or testing, etc.	<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"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.
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"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
	<input type="checkbox"/> (b) Releases/Discharges;	<input type="checkbox"/> (b) Releases/Discharges;
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> (c) Surrenders/Abandonments;
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> (d) Enforcements/Terminations;
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates.
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> (f) Objections/Waivers/Cautions;
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> (g) Notices of Lease and Sublease;
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<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"/> (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"/> (j) Documentation relating to Land Titles applications;
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<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:	Denzil Minnan-Wong					Councillor:				
Contact Name:	Adam Howell					Contact Name:				
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	The Councillor is ok with this					Comments:				
Consultation with ABCDs										
Division:	Toronto Water					Division:	Financial Planning			
Contact Name:	Mike Klipina					Contact Name:	Filisha Mohammed			
Comments:	ok					Comments:	approved			
Legal Division Contact										
Contact Name:	Soo Kim Lee and Nicole See Too									
DAF Tracking No.:	2016-262				Date	Signature				
Recommended by:	Manager – Tim Park				Nov. 30 th 2016					
<input checked="" type="checkbox"/> Recommended by:	Director of Real Estate Services Joe Casali				Nov 30/16	X				
<input type="checkbox"/> Approved by:										
<input checked="" type="checkbox"/> Approved by:	Chief Corporate Officer Josie Scioli				Dec 1/16	X				

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.

MAJOR TERMS AND CONDITIONS

<u>Property Owner:</u>	Donalda Club
<u>Grantee:</u>	City of Toronto
<u>Easement Lands:</u>	Approximately 0.877 acres of the property municipally known as 12 Bushbury Drive, designated as Part 1 on Drawing Number 1015038-002 attached hereto as Schedule "B".
<u>Consideration:</u>	\$75.00 per month, plus legal fees to a maximum of \$1,000.00, cost for survey, and applicable taxes
<u>Term:</u>	Three-and-a-half (3.5) months, commencing on December 15, 2016 and ending on March 31, 2017
<u>Use:</u>	Temporary access for the purpose of rehabilitating the water main
<u>Rights:</u>	The easement includes the City's right to store vehicles, equipment, and materials on the easement lands; to construct a temporary access road on the easement lands; and to remove rocks, trees, and vegetation from the easement lands as necessary.
<u>Conditions:</u>	<p>Donalda Club shall not place or permit any buildings, structures, or works of any kind on the easement lands;</p> <p>Donalda Club shall not excavate or drill on the easement lands, or derogate from or interfere with the easement.</p> <p>Upon completion of the rehabilitation work, the City shall restore the lands in accordance with the restoration plans agreed upon by both parties.</p>

SCHEDULE "A"



<p>LEGEND</p> <p>LIMITS OF TEMPORARY ACCESS ROAD</p> <p>PROPOSED SALT FENCE</p> <p>EXISTING SLOPED WATERWAY</p> <p>PROPOSED ACCESS PIT</p> <p>MANHOLE SIDE SLOPE 1:0.75</p> <p>INSTALL LINER THROUGH EXISTING VALVE AND MANHOLE VALVE CHAMBER IN PLACE</p> <p>REMOVE EXISTING VEGETATION ON WEST SIDE OF ASPHALT PATH...</p> <p>INSTALL TEMPORARY MAT AT CONSTRUCTION ENTRANCE...</p> <p>CONSTRUCTION ACCESS OFF OF DON MILLS ROAD</p>		<p>DATE</p> <p>10/15/2016</p> <p>PROJECT</p> <p>1678-00-27CWD</p> <p>SCALE</p> <p>1:1</p>	<p>CLIENT</p> <p>1015728</p> <p>PROJECT NO.</p> <p>ESC1</p>
---	--	--	---



