

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

TRACKING NO.: 2016-005

- 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:	Mike Saffran	Division:	Real Estate Services
Date Prepared:	January 12, 2016	Phone No.:	(416) 392-7205

Purpose	(1) To obtain authority to release and abandon an existing easement in favour of Toronto Water over a portion of 481 Cranbrooke Avenue, and to obtain authority for a new permanent easement in favour of Toronto Water over portions of the public lane and over a portion of 481 Cranbrooke Avenue of equal area to the existing easement; (2) To obtain authority to grant a permanent easement in favour of Bell Canada over portions of the public lane on terms and conditions set out in a schedule attached to the Agreement of Purchase and Sale. (3) To initiate the process to permanently close, and to authorize the General Manager, Transportation Services to give notice to the public of a proposed by-law to permanently close a portion of the public lane at the rear of 481 Cranbrooke Avenue (the "Lane"); and (4) To authorize the sale of the closed portion of the Lane, conditional upon City Council authorizing its permanent closure. Negotiations with the adjacent owner at 481 Cranbrooke Avenue (the "Purchasers") have resulted in an Offer to Purchase that is being recommended for acceptance.
Property	A portion of the public lane at the rear of 481 Cranbrooke Avenue, legally described as Part of the Lane and Part of the One Foot Reserve, Registered Plan M-108 shown as Parts 1 and 2 on Plan 66R-28402 (the "Plan"), shown on Appendix "A".
Actions	<ol style="list-style-type: none"> Authority be granted to obtain a permanent easement in favour of Bell Canada over portions of the Lane, Part 2 on the Plan for an existing overhead wire. The General Manager, Transportation Services be authorized to give notice to the public of a proposed by-law to permanently close the Lane in accordance with the requirements of the City of Toronto Municipal code, Chapter 162, with North 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, Transportation Services be authorized to advise the public of the proposed closure of the Lane 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 North York Community Council meeting at which the proposed by-law to close the Lane will be considered. The City accept the Agreement of Purchase and Sale from the Purchasers to purchase the Lane in the amount of \$13,140.00 (net of HST), substantially on the terms outlined below. A portion of the Purchase Price be directed on closing, to fund the outstanding expenses related to the completion of the sale transaction. Authority be granted to obtain a new permanent easement in favour of Toronto Water on terms and conditions set out in a schedule attached to the Agreement of Purchase and Sale over Parts 1 and 2 on the Plan. Authority be granted to release and abandon the existing easement over Part 1 on the Plan as described in Instrument No. TB433452. 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 appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	Revenue to the City in the amount of \$13,140.00 (net of HST), less closing costs, and the usual adjustments is anticipated. 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	See Page 4
Terms	See Page 4

Property Details	Ward:	16 – Eglinton-Lawrence
	Assessment Roll No.:	N/A
	Approximate Size:	15.2 m x 2.8 m ± (49.87 ft x 9.19 ft ±)
	Approximate Area:	Public Lane (Part 2) 43.6 m ² ± (469.3 ft ² ±)
	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 checked="" 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 checked="" 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"/> (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 checked="" 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:	<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:	Christin Carmichael Greb					Councillor:					
Contact Name:	Jonathan Kent					Contact Name:					
Contacted by:	<input checked="" type="checkbox"/> Phone	<input checked="" type="checkbox"/> E-Mail		Memo	Other	Contacted by:		Phone	E-mail	Memo	Other
Comments:	Concurs with submission of DAF – Dec 22, 2015					Comments:					
Consultation with ABCDs											
Division:	Transportation Services/Toronto Water					Division:	Finance				
Contact Name:	Daniel Samson / Paul Albanese					Contact Name:	Filishia Mohamed				
Comments:	Provided comments Dec 17/Dec 21, 2015					Comments:	Concurs with Financial Impact Statement - Dec 17, 2015				
Legal Division Contact											
Contact Name:	Lisa Davies – January 7, 2016										
DAF Tracking No.: 2016-005			Date			Signature					
Recommended by:	Manager		Jan. 12, 2016			Tasse Karakolis					
<input checked="" type="checkbox"/> Recommended by:	Director of Real Estate Services Joe Casali		Jan. 22, 2016			Joe Casali					
<input type="checkbox"/> Approved by:											
<input checked="" type="checkbox"/> Approved by:	Chief Corporate Officer Josie Scioli		Jan. 25, 2016			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.

Comments

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the public lane was declared surplus on March 21, 2011 (DAF No. 2011-044) with the intended manner of disposal to be by inviting an offer to purchase the Lane from the adjacent owners at 481 Cranbrooke Avenue.

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. The public lane was acquired through a Plan of Subdivision in 1889 and was not acquired through expropriation proceedings.

The Offer to Purchase submitted by Neil Ingber and Andrea Gold in the amount of \$13,140.00 is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.

Terms

Irrevocable Date: January 28, 2016

Purchase Price: \$13,140.00

Deposit: \$1,314.00

Balance: Cash or certified cheque on closing.

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.

Closing Date: 60 days following acceptance by the City.

**Property Closing
Requirements & Sale
Conditions:**

The Purchasers 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.

The Purchasers 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.

Easements: Prior to Closing, the City shall grant a permanent easement in favour of Bell Canada over Part 2 on the Plan; the City shall obtain a permanent easement in favour of Toronto Water over Parts 1 and 2 on the Plan for nominal consideration; and the City shall release and abandon the existing easement over Part 1 on the Plan.

