

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

TRACKING NO.: 2017-256

- 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 on 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), and further amended by GM16.16 entitled "Transit Shelter Property Acquisitions" adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).
- 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:	Daran Somas	Division:	Real Estate Services
Date Prepared:	September 27, 2017	Phone No.:	(416) 397-7671

Purpose	To obtain authority to enter into an amending agreement (the "Amending Letter Agreement") for the addition of two (2) new areas to the Parks Master Licence Agreement, between the City of Toronto (the "City"), as Licensee, and Ontario Infrastructure and Lands Corporation ("OLIC"), as Licensor.		
Property	Hydro Corridors as shown more particularly in Schedules B59-B60 and referenced in Schedule A in the location map. B59: Gattineau Hydro Corridor: Heather Heights Woods to Orton Park Road - Ward 43 (outlined in yellow and hatched black) B60: Gattineau Hydro Corridor: Bermondsey Rd to Victoria Park Ave – Ward 34 (edged in red)		
Actions	<ol style="list-style-type: none"> 1. Authority is granted to enter into the Amending Letter Agreement substantially on the terms and conditions outlined herein, and any such 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 designate, shall administer and manage the Amending Letter 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 determination and direction; and, 3. The appropriate City Officials are authorized to take the necessary action to give effect to the foregoing. 		
Financial Impact	<p>Pursuant to the Master Licence Agreement, the City must pay the taxes or payment in lieu of taxes (PILT) portion of the licensed areas. The total additional payment for the area of the Added Lands will be approximately \$2,780.09 (plus HST) or \$2,829.02 (net of HST recoveries) per annum for the remainder of the term of the Master Licence Agreement. The total one-time estimated Payment in Lieu of Taxes (PILT) for all licensed areas in the existing Master Licence Agreement, expiring December 31, 2016, was \$458,676.64 (plus HST) or \$466,749.35 (net of HST recoveries). For the five year Jan 1, 2016 to Dec 31, 2020 renewal the total estimated PILT was \$2,307,283.66 (plus HST) or \$2,347,891.85 (net of HST recoveries) based on an annual PILT payment of \$461,456.73 (plus HST) or \$469,578.37 (net of HST recoveries).Funding is available in the 2017 Council Approved Operating Budget for Parks, Forestry & Recreation under cost center P06827 and will be included in future Budget submissions for Council consideration.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>By way of adoption of GM 33.6, City Council at its meeting on August 25, 26 and 27, 2010 authorized the Master License Agreement between the City and the predecessor to OILC, Ontario Realty Corporation, acting as an agent on behalf of Her Majesty The Queen in Right of Ontario, for use of lands on hydro corridors for various parks uses. The proposed multi-use paths are considered 'Parks' use. By way of adoption of GM 20.8, City Council at its Meeting on April 3 and 4, 2013 authorized Staff to enter into agreements with the Licensor using the Licensor's form of indemnity and release language.</p>		
Terms	<p>Pursuant to Section 2 of the Master Licence Agreement OILC agrees to the amendment by adding the Added Lands to the Lands as defined in the Master Licence Agreement, subject to the terms and conditions of the Master Licence Agreement. Through DAF Numbers 2011-224, 2014-219, 2014-220 and 2016-184, 22 new parcels (B-37-B-58) have been added to the Lands since the start of the term of the Master Licence Agreement. Through DAF 2016-196 the City entered into a master licence of land renewal agreement for the continued use of the lands on various hydro corridors for parks and recreation uses by the City, commencing January 1, 2016 for a five (5) year term.</p> <p>The term of the Amending Letter Agreement as it applies to the Added Lands shall commence on the 1st day of April, 2016. The term of the Added Lands shall terminate on the 31st day of December 2020, as provided in the Master Licence Agreement. Except as expressly amended by the Amending Letter Agreement, the Master Licence Agreement remains unamended and in full force and effect.</p>		

Property Details	Ward:	34 – Don Valley East & 43 – Scarborough East
	Assessment Roll No.:	N/A
	Approximate Size:	N/A
	Approximate Area:	N/A
	Other Information:	N/A

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: N/A	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 checked="" 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:	<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 or her.

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.

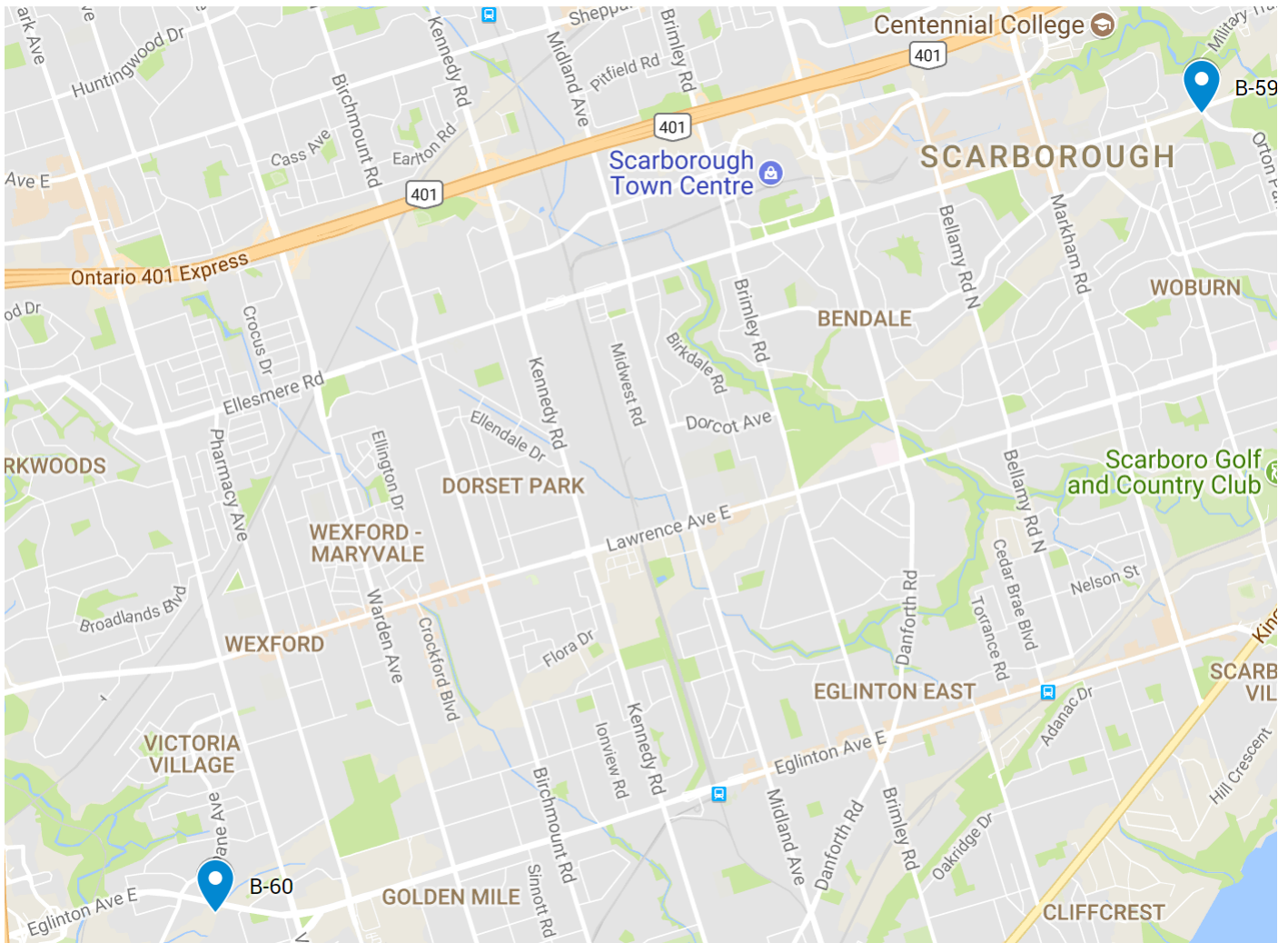
Consultation with Councillor(s)											
Councillor:	Denzil Minnan-Wong			Councillor:	Paul Ainslie						
Contact Name:	Anna Milner			Contact Name:	Antonette DiNovo						
Contacted by:	Phone	E-Mail	Memo	X	Other	Contacted by:	Phone	E-mail	Memo	X	Other
Comments:	Consent			Comments:	Consent						
Consultation with ABCDs											
Division:	Parks, Forestry & Recreation			Division:	Financial Planning						
Contact Name:	Ryan Glenn/Joanna Swietlik			Contact Name:	Filisha Jenkins						
Comments:	Consent			Comments:	Consent						
Legal Division Contact											
Contact Name:	Dale Mellor										
DAF Tracking No.: 2017 - 256				Date		Signature					
Recommended by: Manager – Daran Somas				Sep/27/2017		Sgd.\ Daran Somas					
<input checked="" type="checkbox"/>	Recommended by: Director of Real Estate Services Joe Casali			Oct/2/2017		Sgd.\ Joe Casali					
<input type="checkbox"/>	Approved by:										
<input checked="" type="checkbox"/>	Approved by: Chief Corporate Officer Josie Scioli			Oct/4/2017		Sgd.\ 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 being available from third party sources, except for "Strategic Property Acquisitions" as set out in EX44.22 adopted by Council August 25, 26, 27 and 28, 2014, which identifies alternative funding mechanisms subject to additional approval requirements.
- (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, except for property acquisitions of 50M² or less for transit shelter purposes.
- (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.

Location Plan Schedule A

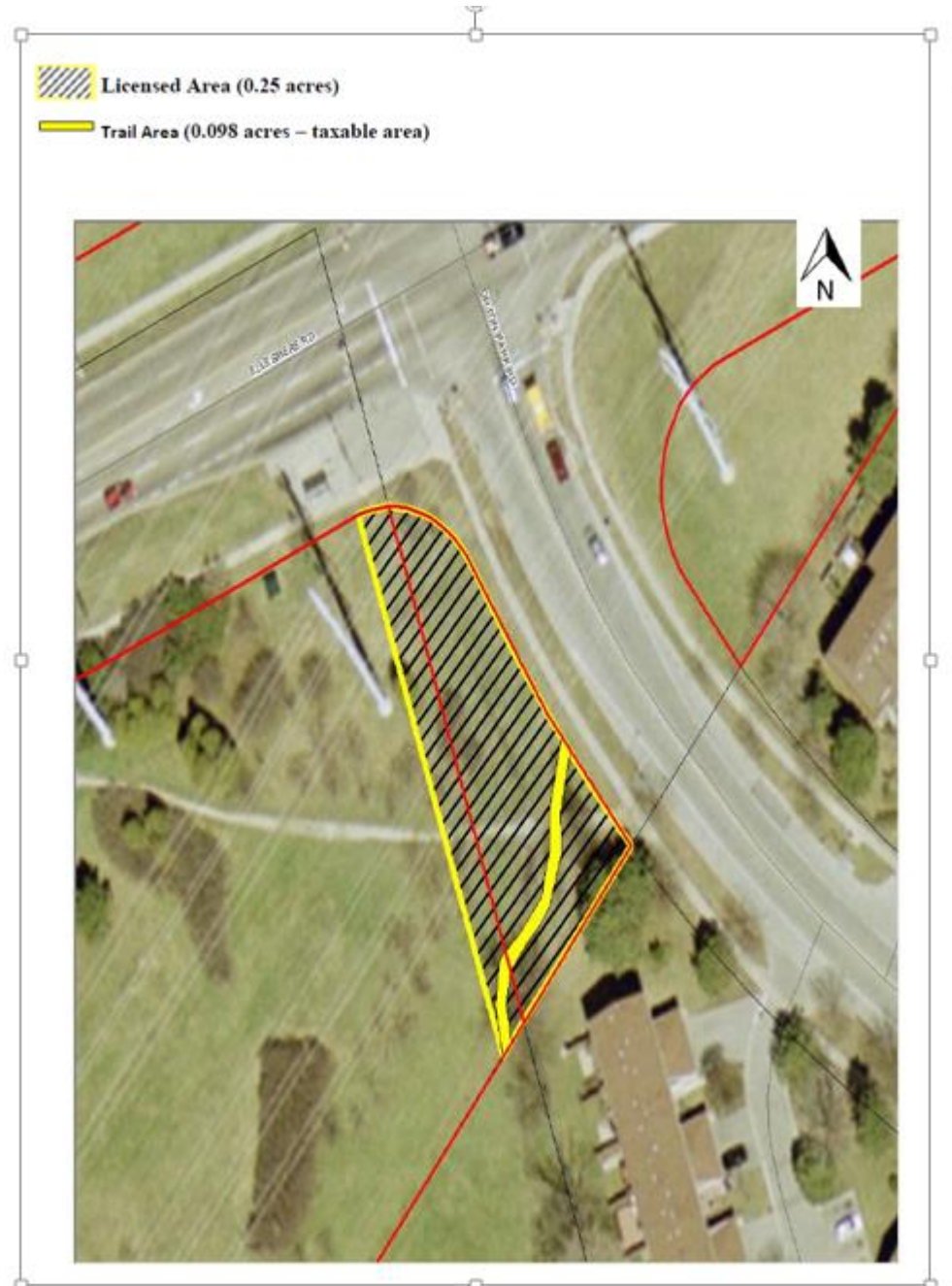
(See Attached Location Plan for Schedule "B59" & "B60")



SCHEDULE "B-59"

Gatineau Hydro Corridor: heather Heights Woods to Orton Park Rd



Part of Lots 15 and 16, Concession 1
Former City of Scarborough, now City of Toronto
Scarborough 632.1-5695



SCHEDULE "B-60"

Gatineau Hydro Corridor: Bermondsey Rd to Victoria Park Ave

Part of Lot 5, Concession 3 FTB
Part of Lot 1, Concession 4 EYS
Former City of North York, now City of Toronto
North York 632.1-5277

-  Licensed Area (19.61 acres), exclusive of North York 632.1-540, North York 632.1-566
-  Trail Area (2.62 acres – taxable area)

