

DELEGATED APPROVAL FORM
DEPUTY CITY MANAGER, INTERNAL CORPORATE SERVICES
DIRECTOR OF REAL ESTATE SERVICES

TRACKING NO.: 2017-264

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.

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| Prepared By: | Joseph Sergnese | Division: | Real Estate Services |
| Date Prepared: | December 5, 2017 | Phone No.: | 416-392-1857 |

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| Purpose | To amend City Council's decision made at its meeting on November 27, 28 and 29, 2012 regarding the adoption of Recommendation 2 of Report GM18.8 entitled "Transfer of Properties to Build Toronto – Fourth Quarter 2012". The amendment of Recommendation 2 of Report GM18.8 is required to: (i) authorize an amendment to the description of the easement reserved in favour of Toronto Water, and (ii) authorize a land exchange of Part 7 on Plan 66R-29604 from the City to Build Toronto Inc. ("Build Toronto"), in exchange for Part 6 on Plan 66R-29604 from Build Toronto to the City. |
| Property | Part of 80 Dale Avenue, Toronto, being Part of Lot 15, Concession D, Geographic Township of Scarborough, being designated as Parts 3 – 8 on Plan 66R-29604 as shown of the location map attached hereto as Schedule "A" and more specifically described on Plan 66R-29604 attached hereto as Schedule "B". |
| Actions | <ol style="list-style-type: none"> 1. Authority be granted for the City to enter into a land exchange agreement (the "Land Exchange Agreement") with Build Toronto for the City to acquire Part 6 on Plan 66R-29604 from Build Toronto, in exchange for Build Toronto acquiring Part 7 on Plan 66R-29604 from the City, substantially on the terms and conditions set out herein, and on such other or amended terms and conditions as deemed appropriate by the Deputy City Manager, Internal Corporate Services ("DCM"), and in a form acceptable to the City Solicitor. 2. Authority be granted to amend the description of the easement to be reserved in favour of Toronto Water for overland flow and storm and sanitary sewers and other municipal services, formerly described as "on and in Part 1 on the Sketch" in Appendix 4 of Report GM18.8, and to be re-described as "in, on, under, over, along and through the lands the lands described as Parts 4, 5, and 8 on Plan 66R-29604." 3. The City Solicitor be authorized to complete the transactions 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 the City Solicitor considers reasonable. 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. |
| Financial Impact | <p>City staff have determined that Part 6 and Part 7 on Plan 66R-29604 are of equivalent value and therefore no consideration is passing on closing. Build Toronto will be responsible for all Land Transfer Taxes and registration costs on closing.</p> <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p> |
| Comments | <p>Pursuant to Report GM18.8, City Council approved the terms of transfer to Parts 3, 4, 5, 6 and 8 on Plan 66R-29604 (the "Build Toronto Lands") to Build Toronto, subject to an easement to be reserved in favour of Toronto Water. Parts 1, 2 and 7 on Plan 66R-29604 was originally being retained by the City for park use as it is designated as Parks and Open Space Areas ("POSA") in the Official Plan. Upon completion of the transfer of the Build Toronto Lands to Build Toronto, the Build Toronto Lands are landlocked. In order to provide access to the Build Toronto Lands, Build Toronto and the City, with the concurrence of Parks, Forestry and Recreation ("PF&R"), propose to enter into the Land Exchange Agreement in order for Build Toronto to acquire Part 7 on Plan 66R-29604 from the City, in exchange for the City acquiring Part 6 on Plan 66R-29604 from Build Toronto.</p> <p>Comments Continued on Page 5</p> |
| Terms | See page 6 for Major Terms and Conditions of the Land Exchange Agreement. |

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| Property Details | Ward: | 36 – Scarborough Southwest |
| | Assessment Roll No.: | 1901-07-2-420-00050 |
| | Approximate Size: | Irregular |
| | Approximate Area: | 375.8 m ² ± (4045.2 ft ² ±) |
| | Other Information: | |

| A. | Director of Real Estate Services has approval authority for: | Deputy City Manager, Internal Corporate Services 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: N/A</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><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 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 \$500,000).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p> | <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$3 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to ABCDs.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input checked="" type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 Million.</p> <p><input checked="" 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).</p> <p><input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;</p> <p><input type="checkbox"/> (b) Releases/Discharges;</p> <p><input type="checkbox"/> (c) Surrenders/Abandonments;</p> <p><input type="checkbox"/> (d) Enforcements/Terminations;</p> <p><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;</p> <p><input type="checkbox"/> (f) Objections/Waivers/Cautions;</p> <p><input type="checkbox"/> (g) Notices of Lease and Sublease;</p> <p><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;</p> <p><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;</p> <p><input type="checkbox"/> (j) Documentation relating to Land Titles applications;</p> <p><input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.</p> |

B. Deputy City Manager, Internal Corporate Services 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.

Deputy City Manager, Internal Corporate Services 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)

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|---------------|---------------------------|---------------|------|-------|
| Councillor: | Gary Crawford | Councillor: | | |
| Contact Name: | Gail Ross – October, 2017 | Contact Name: | | |
| Contacted by: | Phone | E-Mail | Memo | Other |
| Comments: | | Comments: | | |

Consultation with ABCDs

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|---------------|--------------------|---------------|--------------------|
| Division: | Financial Planning | Division: | Financial Planning |
| Contact Name: | Filisha Jenkins | Contact Name: | |
| Comments: | Concurs | Comments: | |

Legal Division Contact

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| Contact Name: | Shirley Chow |
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| DAF Tracking No.: 2017-264 | Date | Signature |
|--|-------------|-----------------|
| Recommended by: Manager | Dec 5, 2017 | Peter Cheng |
| <input checked="" type="checkbox"/> Recommended Approved by: Director of Real Estate Services David Jollimore | Dec 7, 2017 | David Jollimore |
| <input checked="" type="checkbox"/> Approved by: Deputy City Manager, Internal Corporate Services Josie Scioli | Dec 7, 2017 | 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 Deputy City Manager, Internal Corporate Services, in consultation with any other 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.

Comments Continued

Section 4.3 Parks and Open Space Areas, Policy 8 of the Official Plan states that the sale or disposal of publicly owned lands in POSA is discouraged and no City owned lands in POSA will be sold or disposed of. However, City owned land in POSA may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

The Chief Planner and Executive of City Planning and the General Manger of PF&R have confirmed that the land being exchanged for Part 7 on Plan 66R-29604 is (i) nearby land of equivalent or larger area, and (ii) of comparable or superior greenspace utility. City Planning staff has advised that the proposed exchange of land meets the intent of Section 4.3, Policy 8 of the Official Plan.

In accordance with the City's Real Estate Disposal By-law, No. 814-2007, Part 7 on Plan 66R-29604 was declared surplus on December 13th, 2017 (DAF 2017-263) with the intended manner of disposal to be by way of land exchange to Build Toronto. 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.

In Appendix 4 of Report GM18.8, the easement to be reserved in favour of Toronto Water is described as a 12 metre wide easement "on and in Part 1 on the Sketch". However, Part 1 on Sketch No. PS-2012-052 delineates a width that exceeds 12 metre wide. As the extent of the easement as described in Part 1 on Sketch No. PS-2012-052 is not required by Toronto Water, Build Toronto and the City propose to amend the description of the easement to reflect a 12 metre wide easement as set out in Action 2 above.

These amendments are not materially inconsistent with the original City Council decision in Report GM18.8.

Major Terms and Conditions of the Land Exchange Agreement

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| Lands being acquired by the City: | Part 6 on Plan 66R-29604. |
| Lands being acquired by Build Toronto: | Part 7 on Plan 66R-29604. |
| Purchase Price: | \$2.00. |
| Value of Land for Land Transfer Tax Purpose: | \$269,000.00. |
| Property Rights: | Fee Simple Ownership. |
| "As Is" Condition: | Build Toronto and the City have each inspected the respective parcels of land that each is acquiring from the other. Build Toronto and the City are acquiring the respective parcels of land in "as is" condition, including its environmental condition. |
| Environmental Release: | Build Toronto and the City agree to release each other from environmental matters related to the respective parcels of land. |
| Condition for Closing: | The Land Exchange Agreement is conditional upon the closing of the transaction authorized by Report GM18.8 and Build Toronto becoming the registered owner of Part 6 on Plan 66R-29604. |
| Closing Costs: | Build Toronto shall pay all Land Transfer Tax and registration costs applicable to both the parcel of land that Build Toronto is acquiring from the City, as well the parcel of land that the City is acquiring from Build Toronto. |

Location Map



