

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

TRACKING NO.: 2017-230

- 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:	Tatiana Kononova	Division:	Real Estate Services
Date Prepared:	September 7, 2017	Phone No.:	(416) 392 – 3883

Purpose	To obtain authority to enter into a temporary construction licence agreement (the "Agreement") with Metropolitan Toronto Condominium Corporation No. 1418 (the "Licensor") at 80-100 Ellerslie Avenue and 20-56 McBride Lane known as the "Residences of Dempsey Park" (the "Property") for the use of approximately 534 square metres of the current townhome driveway known as McBride Lane, in order to relocate and connect McBride Lane to Beecroft Road, as a component of the North York Service Road project.
Property	Part of McBride Lane shown hatched (outlined in red) and cross-hatched (outlined in blue) on Schedule "B", attached hereto (the "Licensed Area").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Agreement with the Licensor for use of the Licensed Area for the duration of the Term, substantially on the terms and conditions set out in Appendix "A" together with such other terms and conditions as the Chief Corporate Officer deems appropriate and in form acceptable to the City Solicitor. 2. The Chief Corporate Officer or designate shall administer and manage the Agreement including the provision of any consents, amendments, approvals, waivers, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter to City Council for its determination and direction; and 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The Licensor will grant the licence to the City for nominal consideration.</p> <p>The total cost to the City for relocation and connection of McBride Lane to Beecroft Road will be approximately \$491,352 (plus HST) or \$500,000.00 (net of HST recoveries). Funding is available in the 2017 Council Approved Capital Budget for Transportation Services, fully funded from the Development Charge Reserve Fund - Roads (XR2110) and Section 37 contributions from Planning Act Reserve Funds (XR3026-3700178).</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>McBride Lane which currently provides access to the Residences of Dempsey Park was originally constructed with a skewed intersection at Beecroft Road as an interim location. The City recently secured, through a Section 37 Agreement with the developer of 5220 Yonge Street, lands adjacent to the Licensed Area for the reconfiguration of McBride Lane and construction of a new access road to form a four-legged intersection at Beecroft Road and Ellerslie Avenue (the "McBride Lane Access Road") shown as a "Proposed Driveway" on Schedule "C".</p> <p>The relocation of McBride Lane will be divided into two phases. Phase 1 is for survey, geotechnical and construction work required for constructing the McBride Lane Access Road ("Phase 1 Work"). During Phase 1, the Residences of Dempsey Park will be permitted to use a portion of the Licensed Area for ingress and egress and intermittent flagging operations and any necessary fencing will be in place to assist the residents.</p> <p>Phase 2 begins once Phase 1 Work is completed and the McBride Lane Access Road is open. Phase 2 will consist of closing part of McBride Lane leading to the skewed intersection at Beecroft Road, and the construction of a pedestrian walkway shown as "Proposed Walkway" on Schedule "C" ("Phase 2 Work").</p> <p>Engineering & Construction Services have started the design process and have been working with the Licensor in an effort to complete some pre-engineering survey testing on the Property. Engineering & Construction Services confirms that this Property is required and supports the City entering into the Agreement.</p>
Terms	See Appendix "A" on page 4 for Major Terms and Conditions.

Property Details	Ward:	Willowdale (23)
	Assessment Roll No.:	1908072280068100000
	Approximate Size:	
	Approximate Area:	Approximately 534 square meters
	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:	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):	N/A	
10. Leases/Licences (City as Tenant/Licensee):	<input checked="" type="checkbox"/> 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;
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation 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.
12. Easements (City as Grantee):	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
14. Miscellaneous:	<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).	Delegated to a less senior position.
	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) Releases/Discharges;	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> (b) Releases/Discharges;
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> (c) Surrenders/Abandonments;
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> (d) Enforcements/Terminations;
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> (f) Objections/Waivers/Cautions;
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<input type="checkbox"/> (g) Notices of Lease and Sublease;
	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;
	<input type="checkbox"/> (j) Documentation relating to Land Titles applications;	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<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:	John Filion					Councillor:			
Contact Name:	Catherine LeBlanc-Miller					Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	<input checked="" type="checkbox"/>	Memo	<input type="checkbox"/>	Other	<input type="checkbox"/>	
Comments:	Consent					Comments:			
Consultation with ABCDs									
Division:	Engineering & Construction Services					Division:	Financial Planning		
Contact Name:	Angela Au					Contact Name:	Filisha Jenkins		
Comments:	Consent					Comments:	Consent		
Legal Division Contact									
Contact Name:	Maria Vlahos								
DAF Tracking No.: 2017-230					Date		Signature		
Recommended by:		Manager of Leasing and Site Management			Sep/9/2017		Sgd.\ Actg. Manager, Daran Somas		
<input type="checkbox"/>	Recommended by:	Director of Real Estate Services Joe Casali			Sep/15/2017		Sgd.\ Joe Casali		
<input checked="" type="checkbox"/>	Approved by:								
<input type="checkbox"/>	Approved by:	Chief Corporate Officer 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.

APPENDIX "A"
Major Terms and Conditions for Licence Agreement

Licensor:

Metropolitan Toronto Condominium Corporation No. 1418.

Licensee:

City of Toronto.

Property Address:

80-100 Eglerslie Avenue and 20-56 McBride Lane known as the "Residences of Dempsey Park"
All the Units and Common Elements comprising Metropolitan Toronto Condominium Plan No.1418 being those Parts as described in Schedule "A" of Declaration E472417, North York, City of Toronto.

Licensed Area:

Approximately 534 square meters of McBride Lane shown hatched (outlined in red) and cross-hatched (outlined in blue) on Schedule "B".

Use:

The Licensor grants to City and its contractors and consultants the right to access the Licensed Area in order to construct McBride Lane Access Road and to close the part of McBride Lane leading to the skewed intersection at Beecroft Road.

Term:

The Term of the Licence shall be for a period of four (4) months, commencing on the date that the adjoining property, municipally known as 78 Eglerslie Avenue, PIN10143-0128, is conveyed to the City.

During the Term, the City shall have the right to perform the Work between the hours of 7am and 7pm Mondays to Fridays, inclusive, unless otherwise mutually arranged between the Licensor and the City, upon at least 48 hrs notice.

Option to extend:

Option to extend for a period of six (6) months provided that the Licensee shall give not less than forty eight (48) hours notice to the Licensor.

Licence Fee:

\$1.00 for the Term.

Insurance:

The City will provide the Licensor evidence of Comprehensive General Liability Insurance in the amount of \$5,000,000.

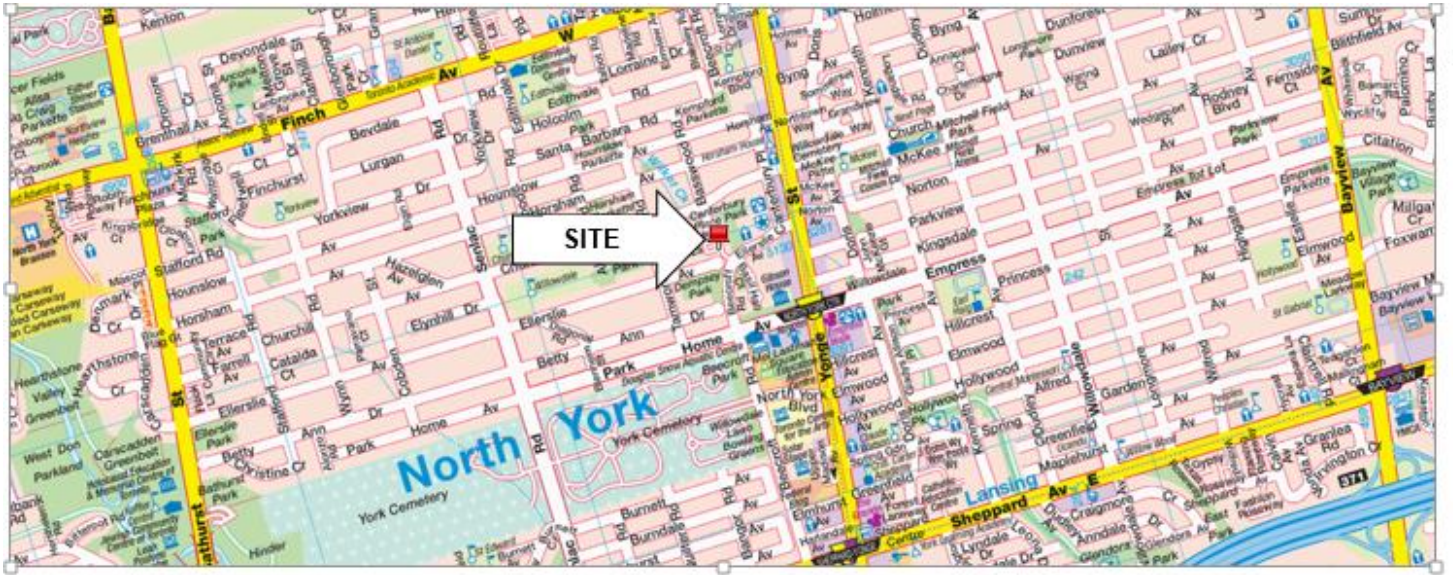
Indemnification:

The City shall indemnify and save the Licensor harmless from and against costs, expenses, claims and demands brought against the Licensor in respect of loss, damage or injury to person or property, arising directly out of carrying out of the Work upon the Licensed Area by the City and its representatives during the Term, except to the extent caused and /or contributed to by the negligence or wilful misconduct of the Licensor.

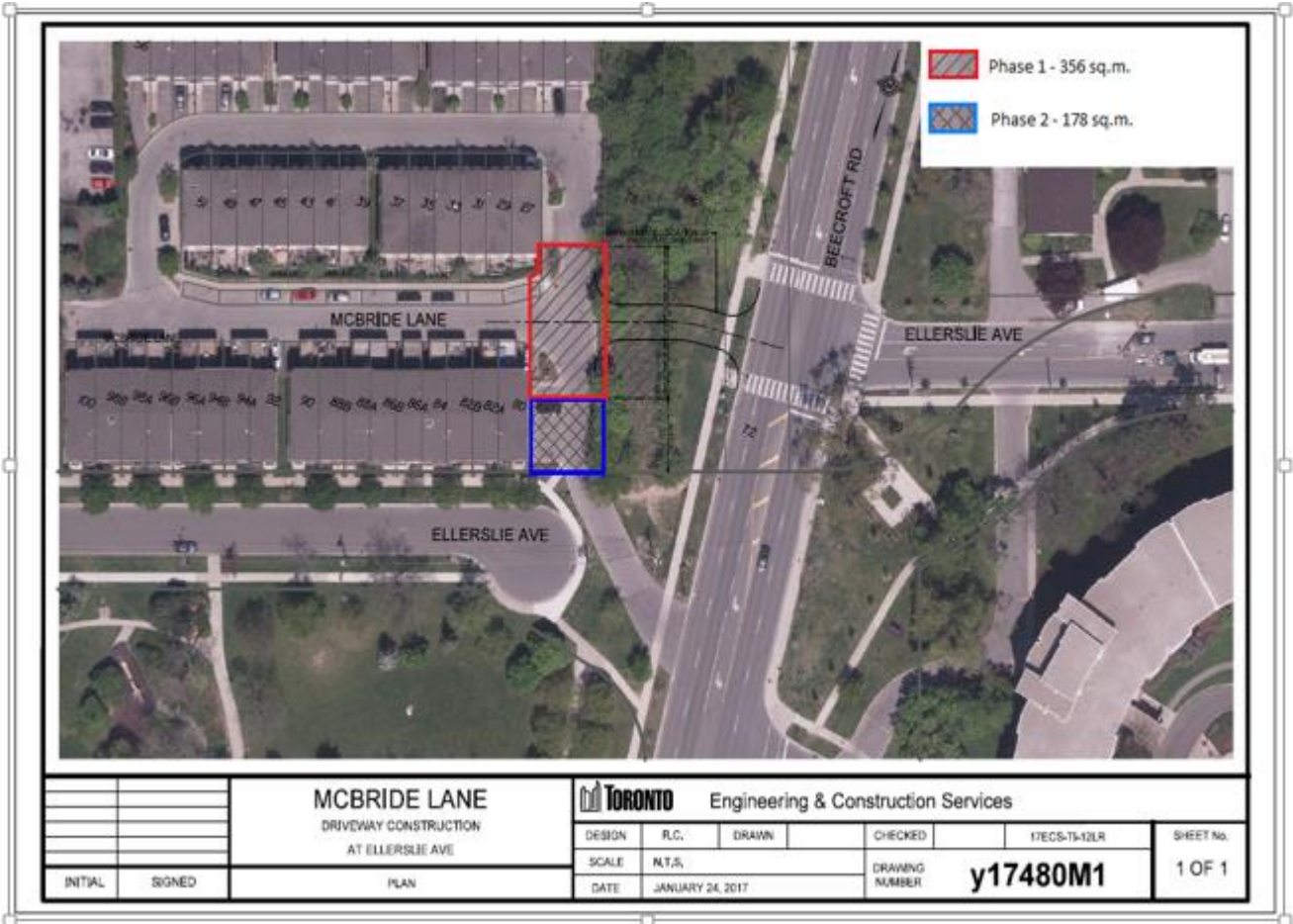
Termination rights:

The City shall have the right to terminate the License upon giving thirty (30) days written notice thereof to the Licensor. In the event of such notice the City shall be responsible for restoring the Licensed Area.

SCHEDULE "A" SITE LOCATION MAP



SCHEDULE "B"



SCHEDULE "C"

