

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

TRACKING NO.: 2017- 232

- 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:	Leila Valenzuela	Division:	Real Estate Services
Date Prepared:	September 27, 2017	Phone No.:	(416) 392-7174

Purpose	To obtain authority to enter into a licence renewal agreement (the "Agreement") between the City of Toronto and Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Infrastructure (the "Owner"), for the use of a portion of the Finch Hydro Corridor for the construction of the Finch West Station Commuter Parking Lot (the "Parking Lot") and such works ancillary and complementary to the Toronto-York Spadina Subway Extension Project (the "Project").
Property	Hydro corridor between Keele Street & Tangiers Road, north of Finch Avenue West and shown on attached Appendices A and B (the "Property")
Actions	<ol style="list-style-type: none"> Authority be granted to enter into the Agreement with the Owner for the use of the Property for a six (6) month term, substantially on the terms set out herein, and such other terms as are acceptable to the Chief Corporate Officer ("CCO") and in a form acceptable to the City Solicitor; The CCO administer and manage the Agreement, including the provision of any consent, approvals, waivers, notices and notices of termination provided that the CCO may, at any time, refer consideration of such matter to City Council for its determination and direction; and The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The total financial impact of the licence fee to be paid by the City to the Owner is \$50,140.00 (plus HST) or \$51,022.00 (net of HST recoveries). Funding for the Agreement is available in the 2017 Council Approved Capital Budget and 2018-2026 Capital Plan for the Toronto Transit Commission (TTC) within the Toronto-York Spadina Subway Extension capital project.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The Project provides for the northern extension of the existing TTC subway system from Downsview Station to Vaughan Metropolitan Centre. One of the new subway stations is located at the intersection of Keele Street and Finch Avenue West (the "Finch West Station"). In relation to the Project, the Parking Lot will be constructed on the Property.</p> <p>In December 2014, the City and the Owner entered into a temporary construction licence agreement for the construction of the Finch West Station Commuter Parking Lot. The licence was for a three (3) year term from June 1, 2014 to May 31, 2017. It was agreed between the parties that once construction is completed, a new licence will be negotiated for the operation of the parking lot.</p> <p>In February 2017, the TTC advised that the construction of the Parking Lot will not be completed until the end of November 2017, and as such, an extension of the temporary construction licence agreement is required. Agreement between the City and the Owner with respect to the renewal of the licence for a six (6) month term from June 1, 2017 to November 30, 2017 has been reached. The terms and conditions in the Agreement are considered to be fair and reasonable, and accordingly are recommended for approval.</p>
Terms	Terms are set out on page 4.

Property Details	Ward:	8 – York West
	Assessment Roll No.:	
	Approximate Size:	Irregular
	Approximate Area:	19,906.6 m ² (4.92 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):	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:		Anthony Peruzza				Councillor:				
Contact Name:		Tom Rakocevic (EA)				Contact Name:				
Contacted by:		x	Phone	x	E-Mail		Memo		Other	
Comments:		No issues (Sept. 27/17)				Comments:				
Consultation with ABCDs										
Division:		TTC (TYSSE)				Division:		Financial Planning		
Contact Name:		Duanne Lovelace				Contact Name:		Filisha Jenkins		
Comments:		Comments have been incorporated				Comments:		Comments have been incorporated (Sept. 5/17)		
Legal Division Contact										
Contact Name:		Bronwyn Atkinson (Sept 1/17)								
DAF Tracking No.: 2017- 232					Date		Signature			
Recommended by:		Manager, Nick Simos			Sep/27/2017		Sgd.\ Nick Simos			
<input type="checkbox"/>	Recommended by: Director of Real Estate Services				Oct/2/2017		Sgd.\ Joe Casali			
<input type="checkbox"/>	Approved by: Joe Casali									
<input type="checkbox"/>	Approved by: Chief Corporate Officer						X			
<input type="checkbox"/>	Approved by: Josie Scioli									

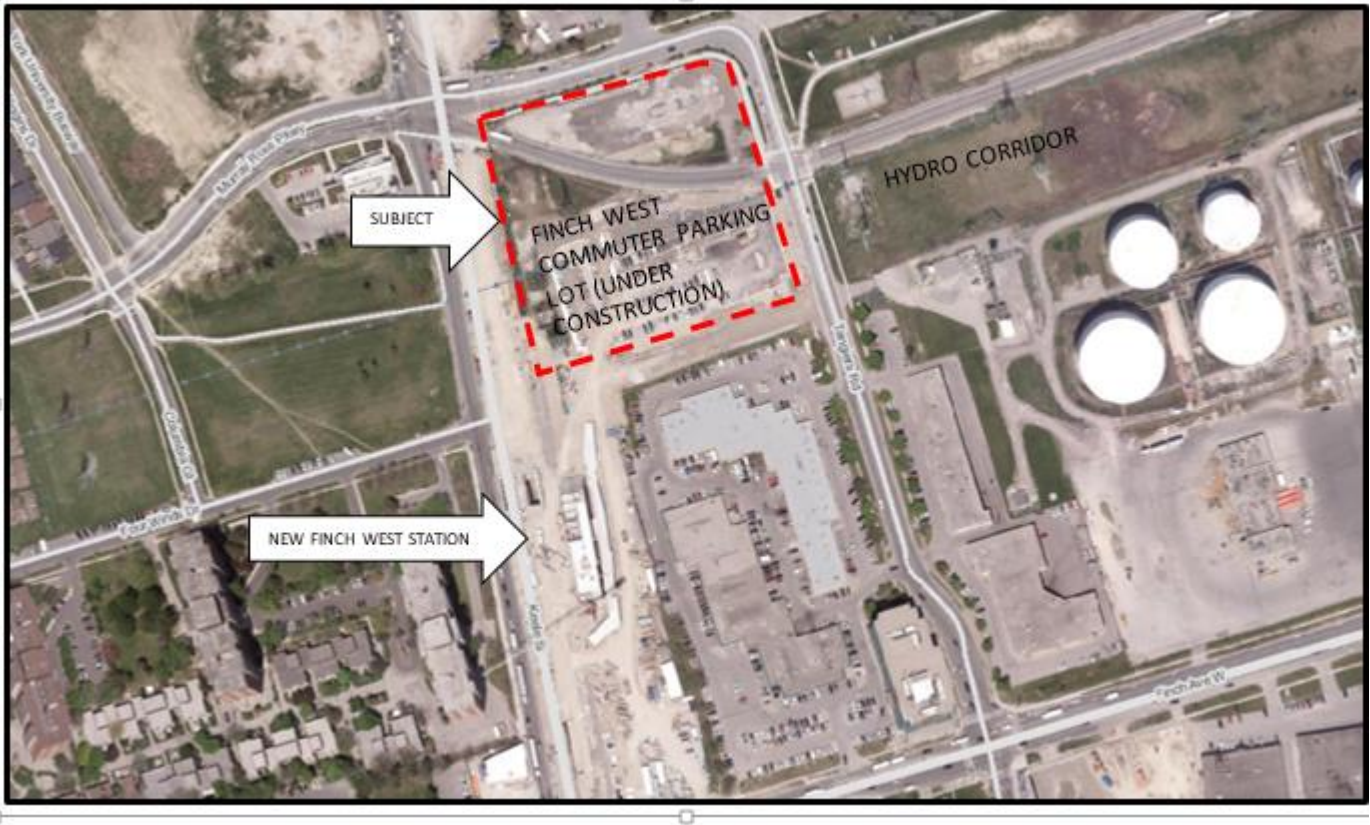
General Conditions ("GC")

- (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.

Key Terms of the Agreement between the Owner and the City:




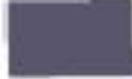


- Owner:** Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure
- Location:** Hydro corridor between Keele Street & Tangiers Road, north of Finch Avenue West and shown on attached Appendices A and B
- Term:** Six (6) months commencing June 1, 2017, and ending November 30, 2017
- Licence Area:** 19,906.6 m² (4.92 acres). Zones 2, 7 and 8, as shown on Appendix B, totaling 2.5 acres are not subject to licence fee.
- Licence Fee:** \$50,140 plus HST for the six-month term based on 2.42 acres of the total 4.92 acre licence area
- Termination**
- Provision:** Either party may terminate upon ninety (90) days' prior written notice to the other party.
- Insurance:** Liability insurance in the amount of \$5,000,000.00
- Use:** Construction staging and construction of the Finch West Station Commuter Parking Lot and bio swales
- Indemnity:** The City will indemnify the Owner against all claims and will release the Owner from any claims arising from the Agreement. This is a stringent indemnity in the Owner's favour, and has been authorized by City Council by its adoption of Government Management Committee Item No. 20.8 on April 3 and 4, 2013.

APPENDIX "A" Location Map and Sketch



APPENDIX "B"

Site Area and Description of Work

	- Zone 2 - 5,014.6 m ² - Bus-only Road – No rent payable Staging and construction of parking lot and bioswale
	- Zone 3 - 3,562.1 m ² - Staging and construction of parking lot
	- Zone 4 - 2,810.0 m ² - Staging and construction of parking lot
	- Zone 5 - 3,323.4 m ² - Staging and construction of parking lot and bioswale Height restriction on equipment/machinery in area highlighted in red
	- Zone 7 - 1,135.9 m ² - Access for construction – No rent payable Construct a tow wall protection for two hydro towers and drainage, grading and guard rails Area highlighted in yellow is excluded from the licence
	- Zone 8 - 3,960.6 m ² - Staging and construction of parking lot

