

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

TRACKING NO.: 2017-260

- 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 30, 2017 | Phone No.: | (416) 392 – 3883     |

|                         |   |
|-------------------------|---|
| <b>Purpose</b>          | To obtain authority to enter into a Permission to Enter and Construct (the "Permission") with respect to certain lands owned by Metrolinx in order for the City to perform the project of rehabilitation of the Parkdale Pumping Station.   |
| <b>Property</b>         | Portion of the property located adjacent to the property municipally known as 71 The Queensway and shown outlined in red and blue on Schedule "B" attached hereto (the "Permitted Area").   |
| <b>Actions</b>          | <ol style="list-style-type: none"> <li>Authority be granted to enter into the Permission to Enter and Construct with the Licensor for use of the Permitted 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.</li> <li>The Chief Corporate Officer or designate shall administer and manage the Permission 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 matter to City Council for its determination and direction; and</li> <li>The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>  |
| <b>Financial Impact</b> | <p>The total cost to the City as a result of entering into the Permission will be approximately \$1,800.00 (plus HST) for the six (6) month term or \$1,831.68 (net of HST recoveries). If the City chooses to exercise two additional renewal options for 6 months each, the total estimated rental cost to the City would be approximately \$5,400.00 (plus HST) or \$5,495.04 (net of HST recoveries).</p> <p>Funding is available in the 2017 Council Approved Capital Budget and 2018-2027 Capital Plan for Toronto Water under capital account CPW060-10 and will be included in future Capital Budget submissions for Council consideration should the renewal options be exercised.</p> <p>The Deputy City Manager &amp; Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>  |
| <b>Comments</b>         | <p>The City of Toronto will be pursuing the project of rehabilitation of the Parkdale Pumping Station and a circular surge tank at 71 The Queensway, Toronto. The surge tank consists of 3.6 m concrete base and about 13.4 m brick finish concrete water retaining structure. Upgrades of the surge tank will include crack injection at the concrete base, brick restoration including removal of damaged brick and replacing with new as well as removal, salvage and restoration of cornice stone. In order for the City's contractor to erect scaffold about 1.5 m wide around the circular surge tank, the contractor will need to temporarily remove the chain link fence on the property line and enter into the Metrolinx Rail Corridor ROW. The area of approximately 9.5 square meters shown outlined in red on Schedule "B" will be required to support the rehabilitation of the surge tank located adjacent to certain lands owned by Metrolinx. The area of approximately 208 square meters shown outlined in blue on Schedule "B" is required for staging purposes in order for the City to undertake rehabilitation of the Parkdale Pumping Station project.</p> <p>CH2M was retained by the City to provide professional engineering services for the rehabilitation project. Alberici Constructors Limited was retained by the City to provide construction services for the rehabilitation project.</p> <p>Engineering &amp; Construction Services confirms that this Property is required and supports the City entering into the Permission. Real Estate Services staff consider the proposed rent and other terms and conditions in the Permission to be fair, reasonable and at market value.</p> |
| <b>Terms</b>            | See Appendix "A" on page 4 for Major Terms and Conditions.  |

|                         |                             |                         |
|-------------------------|-----------------------------|-------------------------|
| <b>Property Details</b> | <b>Ward:</b>                | Parkdale-High Park (14) |
|                         | <b>Assessment Roll No.:</b> | 1904096990040500000     |
|                         | <b>Approximate Size:</b>    |                         |
|                         | <b>Approximate Area:</b>    | 217.5 square meters     |
|                         | <b>Other Information:</b>   | 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:  | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> Issuance of RFPs/REOs.  |
| 4. Permanent Highway Closures:   | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.   |
| 5. Transfer of Operational Management to ABCDs:  | <b>Delegated to a more senior position.</b>  | <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: | <b>Delegated to a more senior position.</b>  | <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). | <b>Delegated to a less senior position.</b>  |
|  | <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:                                      |  | Gord Perks                                  |        |            |      | Councillor:                      |  |                    |  |       |        |      |       |
| Contact Name:                                    |  | Karen Duffy                                 |        |            |      | Contact Name:                    |  |                    |  |       |        |      |       |
| Contacted by:                                    |  | Phone                                       | E-Mail | X          | Memo | Other                            |  | Contacted by:      |  | Phone | E-mail | Memo | Other |
| Comments:  |  | Consent                                     |        |            |      | Comments:                        |  |                    |  |       |        |      |       |
| Consultation with ABCDs                          |  |   |        |            |      |                                  |  |                    |  |       |        |      |       |
| Division:  |  | Engineering & Construction Services         |        |            |      | Division:                        |  | Financial Planning |  |       |        |      |       |
| Contact Name:                                    |  | Shanil Persaud                              |        |            |      | Contact Name:                    |  | Filisha Jenkins    |  |       |        |      |       |
| Comments:  |  | Consent                                     |        |            |      | Comments:                        |  | Consent            |  |       |        |      |       |
| Legal Division Contact                           |  |   |        |            |      |                                  |  |                    |  |       |        |      |       |
| Contact Name:                                    |  | Lisa Davies                                 |        |            |      |                                  |  |                    |  |       |        |      |       |
| DAF Tracking No.: 2017-260                       |  | Date  |        | Signature  |      |                                  |  |                    |  |       |        |      |       |
| Recommended by:                                  |  | Manager of Leasing and Site Management      |        | Oct/5/2017 |      | Sgd.\ Daran Somas, Actg. Manager |  |                    |  |       |        |      |       |
| <input type="checkbox"/> Recommended by:         |  | Director of Real Estate Services Joe Casali |        | Oct/5/2017 |      | 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 50M<sup>2</sup> 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 Permission to Enter and Construct**

**Licensor:**

Metrolinx.

**Licensee:**

City of Toronto.

**Property Address:**

Portion of the property within the Metrolinx Rail Corridor Right of Way adjacent to the property municipally known as 71, The Queensway, Toronto, Ontario.

**Area:**

Approximately 217.5 square meters as outlined in red and blue on Schedule "B" attached hereto.

**Use:**

The Licensor grants to City and its contractors and consultants the right to access the Permitted Area in order to carry out the work for the rehabilitation of the Parkdale Pumping Station and circular surge tank.

**Term:**

The Term of the Permission shall be for a period of six (6) months, commencing on October 1, 2017 and terminating on March 31, 2018.

The City covenants and agrees that the works only on the Permitted Area shall only occur from 7:00 am to 5:00 pm on weekdays during the Term, except that on Saturdays, Sundays and any statutory holidays, no such restriction shall apply. Notwithstanding the above, the City agrees to ensure that major deliveries for the works involving large vehicles or equipment shall not take place on the Permitted Area only between 6:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 7:00 p.m. on any weekday.

**Option to extend:**

Up to two options to extend for a period of six (6) months each provided that the City shall give written notice to the Licensor not less than thirty (30) days prior to the expiration of the initial term.

**Licence Fee:**

The total cost to the City as a result of entering into this Permission will be approximately \$1,800.00 (plus HST) for the six (6) month term or \$1,831.68 (net of HST recoveries), which is equal to the rental rate of \$1.54 per square foot times 2,341 square feet (217.5 square meters) of land per annum.

If the City chooses to exercise two additional renewal options for 6 months each, the total estimated rental cost to the City will be approximately \$5,400.00 (plus HST) or \$5,495.04 (net of HST recoveries).

Funding is available in the 2017 Council Approved Capital Budget and 2018-2027 Capital Plan for Toronto Water under capital account CPW060-10.

**Insurance:**

The City agrees to purchase and maintain, or cause to be maintained by its agents, contractors or representatives and kept in force, at its own cost and expense for the duration of this Permission, the Comprehensive General Liability Insurance in the amount of \$5,000,000, Automobile Liability Insurance with the limit of not less than \$2,000,000, as well as Contractor's Equipment Insurance.

**Termination rights:**

Metrolinx shall be entitled to terminate this Permission at any time on ninety (90) days' prior written notice to the City. The City shall be entitled to terminate this Permission at any time on ninety (90) days prior written notice to Metrolinx.

### SCHEDULE "A" SITE LOCATION MAP



### SCHEDULE "B"

