

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

TRACKING NO.: 2017-345

<input checked="" type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX43.7 entitled " <b>Delegation of Authority in Certain Real Estate Matters</b> " 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 " <b>Minor Amendments to Delegation of Authority in Certain Real Estate Matters</b> " 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 " <b>Strategic Property Acquisitions</b> " 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 " <b>Transit Shelter Property Acquisitions</b> " adopted by City Council on December 13, 14 and 15, 2016 (Confirmatory By-Law No. 1290-2016, enacted on December 15, 2016).			
<input type="checkbox"/> Approved pursuant to the Delegated Authority contained in Executive Committee Item EX33.44 entitled " <b>Union Station Revitalization Implementation and Head Lessee Selection</b> " 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:	Seamus Shanahan	Division:	Real Estate Services
Date Prepared:	December 19, 2017	Phone No.:	(416) 392 4017
<b>Purpose</b>	To authorize the execution of a Land Rights Exchange Agreement (the "LREA") between the City of Toronto (the "City") and Urban Capital (River City 4) Inc. (the "Developer") whereby the City will partially release its interest in an existing easement for a bus ramp (the "Released Easement") over part of the property municipally known as 170 Eastern Avenue, Toronto (the "Property") and the City will acquire (i) lands in fee simple and (ii) a negative support easement (the "Property Interests") at the Property.		
<b>Property</b>	The <u>Property</u> is legally described as Block 5, Plan 66M-2473; subject to an Easement as in Instrument No. AT2310791; Subject to an Easement in Gross over Part 2 on Plan 66R-25396 as in Instrument No. AT2804733; Subject To an Easement in Gross as in Instrument No. AT4351820; City of Toronto being all of PIN 21077-0253 (LT). The <u>Released Easement</u> is over lands shown as Part 2 on Registered Plan 66R-25396 on Appendix B. The <u>Property Interests</u> are (i) stratified fee simple lands for acquisition shown as Part 4 on Appendix C and (ii) a negative support easement over lands shown as Part 5 on Appendix C.		
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority is granted to execute the LREA with the Developer, substantially on the terms and conditions outlined below and on other or amended terms and conditions as satisfactory to the Director of Real Estate Services.</li> <li>2. The Director of Real Estate Services or designate shall administer and manage the LREA including the provision of any amendments, consents, approvals, waivers, notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.</li> <li>3. The City Solicitor is authorized to complete the transaction on behalf of the City, including paying any necessary expenses and applicable HST, if any.</li> <li>4. The appropriate City officials are authorized and directed to take the necessary action to give effect thereto.</li> </ol>		
<b>Financial Impact</b>	The LREA will result in the City earning a one-time compensation of \$496,000. See below for the market value summary of the Released Easement and of the Property Interests. <ol style="list-style-type: none"> <li>a. The Developer-owned Property Interest has been valued at \$171,000</li> <li>b. The City-owned property interest in the Released Easement has been valued at \$667,000</li> <li>c. The net difference results in the City obtaining compensation from the developer in the amount of \$496,000</li> </ol> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>		
<b>Comments</b>	<p>The Property Interests are required by the City to act as a 3 meter buffer zone around the future Relief Line South subway tunnel for construction, maintenance and operation purposes as well as protection against future loads bearing onto the tunnels.</p> <p>An easement for the Bayview bus ramp was secured over portions of 170 Eastern Avenue in 2009 as a potential transit alternative to improve bus services between the Don Valley Parkway and Downtown core. Since then, however, transit planning has been further advanced by the Relief Line project and the bus ramp easement is no longer required. In December 2016, the Developer submitted a site plan application to develop a 12 storey residential condominium at the Property which encroaches on the Released Easement. On July 4, 5, 6 and 7, 2017 City Council report CC 31.8, Council authorized the release or partial release of the City's interest in the Bayview bus ramp easement in receipt to the City of fair market value consideration, which includes grants to the City of a 3 meter buffer zone and negative support easement for the Downtown Relief Line.</p>		
<b>Terms</b>	Refer to Appendix A		
<b>Property Details</b>	<b>Ward:</b>	28 - Toronto Centre-Rosedale	
	<b>Assessment Roll No.:</b>	Part of 1904-07-1-560-03690	
	<b>Approximate Size:</b>	3 m x 30 m ± (10 ft x 98 ft ±)	
	<b>Approximate Area:</b>	90 m <sup>2</sup> ± (969 ft <sup>2</sup> ±)	
	<b>Other Information:</b>		

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 &amp; Parks &amp; 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 checked="" 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><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></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><b>Delegated to a more senior position.</b></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 checked="" 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 &amp; 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 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><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$3 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 \$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>
<p><b>B. Deputy City Manager, Internal Corporate Services and Director of Real Estate Services each has signing authority on behalf of the City for:</b></p>		
<p><input checked="" type="checkbox"/> 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.</p> <p><input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.</p> <p><input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him or her.</p>		
<p><b>Deputy City Manager, Internal Corporate Services also has approval authority for:</b></p>		
<p><input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.</p>		

Consultation with Councillor(s)															
Councillor:	Councillor Lucy Troisi					Councillor:									
Contact Name:	Tom Davidson					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	No Objections					Comments:									
Consultation with ABCDs															
Division:	TTC – Pamela Kraft					Division:	Financial Planning								
Contact Name:	Michael Lipkus					Contact Name:	Patricia Libardo								
Comments:	No Objections					Comments:	No Objections								
Legal Division Contact															
Contact Name:	Rebecca Hartley														
DAF Tracking No.: 2017-345					Date		Signature								
Recommended by: Manager of D&PP: Nick Simos					Dec. 19, 2017		Signed by Nick Simos								
<input type="checkbox"/> Recommended By: Director of Real Estate Services David Jollimore					Dec. 20, 2017		Signed by David Jollimore								
<input checked="" type="checkbox"/> Approved by:															
<input type="checkbox"/> Approved by: Deputy City Manager, Internal Corporate Services 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 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: Terms & Conditions

### Property Interests to be Acquired by City

#### (i) Stratified Fee Simple Land Acquisition

**Property Owner:** Urban Capital (River City 4) Inc.

**Grantee:** City of Toronto

**Property Rights:** Stratified Fee Simple

**Transfer Lands:** Part 4 on Draft R-Plan as shown in Appendix C

**Consideration:** \$171,000\* (Consideration subject to completion of Reference Plan. \$171,000 is combined total of (i) Stratified fee simple lands for acquisition + (ii) negative support easement)

**Use:** The fee simple lands are required by the City to act as a 3 meter buffer zone around the future Relief Line South subway tunnel for construction, maintenance and operation purposes as well as protection against future loads bearing onto the tunnels.

**Reserved Easement:** the Transfer Lands will be transferred to the City with a reservation of an easement in favour of the Developer (transferor) for the benefit of the remainder of the Developer's lands for later and subadjacent support for the lands and for the Developer's improvements included in the Easement Lands.

#### (ii) Negative Support Easement

**Property Owner:** Urban Capital (River City 4) Inc.

**Grantee:** City of Toronto

**Property Rights:** Easement

**Easement Lands:** Part 5 on Draft R-Plan as shown in Appendix C

**Consideration:** \$171,000\* (Consideration subject to completion of Reference Plan. \$171,000 is combined total of (i) Stratified fee simple lands for acquisition + (ii) negative support easement)

**Use:** The easement is for negative support of the lands being acquired in fee simple.

### Released Easement to be Granted to Developer

#### Released City Easement Interest

**Property Owner:** Urban Capital (River City 4) Inc.

**Easement Interest Holder:** City of Toronto

**Property Rights:** Released Easement

**Easement Lands:** Part 2 on Registered Plan 66R-25396 as shown on Appendix B

**Consideration:** \$667,000\*

**Use:** The City no longer requires the Released Easement due to advancement of various other transit planning initiatives. Council authorized the release or partial release of the City's interest in the Bayview bus ramp easement in receipt to the City of fair market value consideration.

\*The LREA will result in the City earning a one-time net compensation of **\$496,000**.

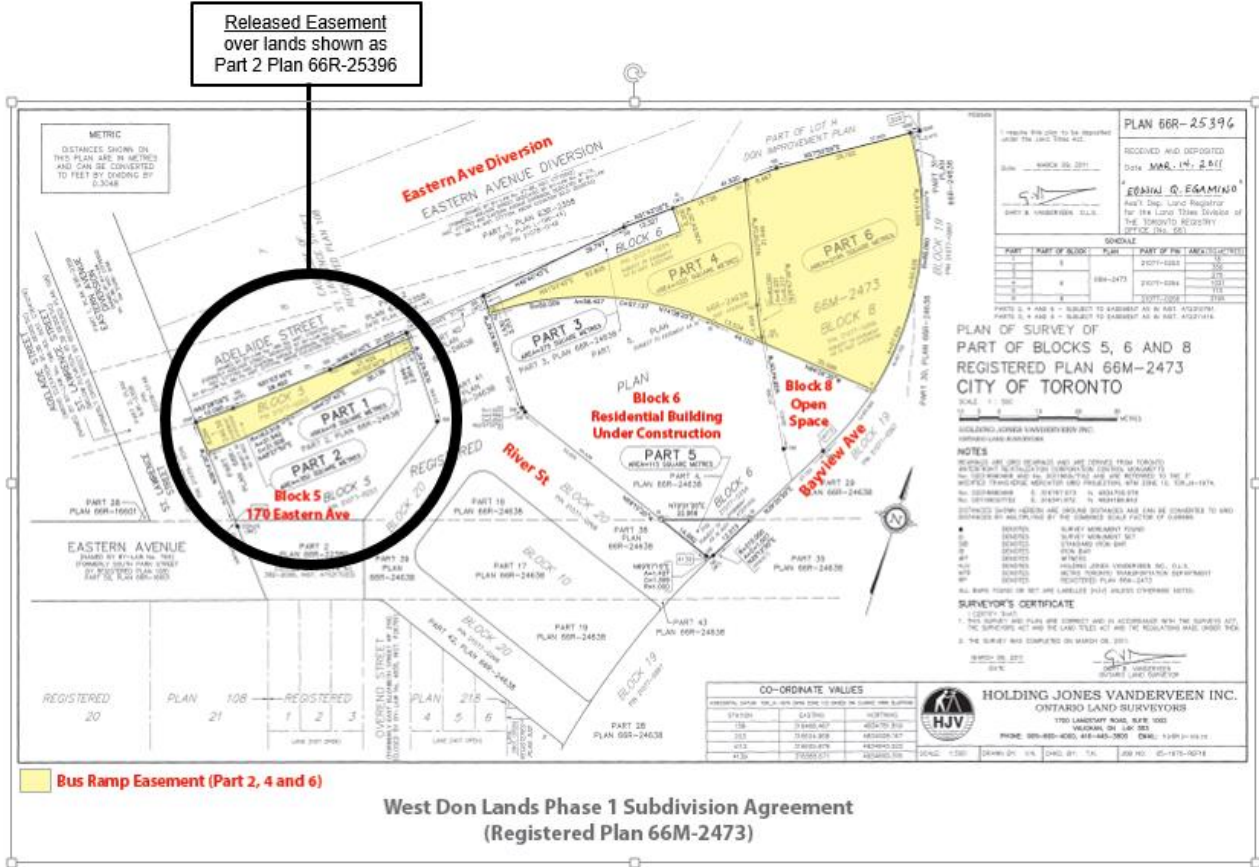
**Environmental:** the Property Interests are subject to a Certificate of Property Use registered under the *Environmental Protection Act*.

**Due Diligence:** the City shall have 15 business days from the date both parties sign the LREA to undertake due diligence on the Property Interests. If the City does not provide notice of satisfaction or waiver, the LREA is automatically terminated.

**Title Opinion:** The Developer's Solicitor shall provide a Title Opinion in the City's standard form for the Transfer Lands and the Easement Lands on Closing.

**Closing:** Closing shall occur 10 business days after the later of (i) Satisfaction or Waiver of the City's due diligence condition and (ii) the registration of the draft r-plan shown on Appendix C

Appendix B: R Plan 66R-25396





### Appendix D: Location Map

