

**DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER, INTERNAL CORPORATE SERVICES**

**TRACKING NO.: 2018-010
WITH CONFIDENTIAL
ATTACHMENT**

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX27.12, as adopted by City Council on October 2, 3 and 4, 2017 or, where applicable, in Executive Committee Item EX28.8, as adopted by City Council on November 7, 8 and 9, 2017

Prepared By:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	January 10 th 2018	Phone No.:	2-1167

Purpose	To amend DAF 2017-251 and update the value of the Joint Formal Offer of Compensation pursuant to section 25 of the <i>Expropriations Act</i> for the interests expropriated in the properties set out on the attached Appendix "A".
Property	As set out in the attached Appendix "A" and shown on Expropriation Plan AT4607775 attached as appendix "B".
Actions	<ol style="list-style-type: none"> To update and amend the Joint Formal Offer of Compensation to the owners of the property detailed in Appendix "A", together with supporting appraisal reports, in accordance with section 25 of the <i>Expropriations Act</i> (the "Act"). To authorize payment of the compensation offered, plus any applicable HST, upon acceptance of the Joint Formal Offer of Compensation. Where the Joint Formal Offer of Compensation are accepted in full compensation for the owner's and encumbrancer's interest in the property, to authorize the payment of statutory interest, and all reasonable legal, appraisal and other costs in accordance with the Act, to be agreed upon or assessed by the City Solicitor. The Confidential Attachment, setting out the terms of the initial appraisal, shall remain confidential until there has been a final determination of the compensation payable to the owners by arbitration or appeal or, if settled, in the discretion of the City Solicitor.
Financial Impact	<p>Funding as outlined in the "Confidential Attachment 1" is available in the 2017-2026 Council Approved Capital Budget and Plan for Children's Services under account CCS035-01 from the Child Care Capital Reserve Fund (XR1103).</p> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>On April 26, 27 and 28, 2017 by the enactment of By-Law No. 480-2017 City Council authorized the expropriation of the property know as 1230 – 1234 Weston Road set out in Appendix "A" to replace the existing 1Hollis Street Early Learning and Child Care Center (ELCC). A Plan of Expropriation was registered on June 26, 2017 and Notices of Expropriation were served on the owners on July 29th 2017.</p> <p>The City of Toronto through its consultant WSP Canada Group Limited (WSP) had completed a Phase II ESA report for 1230 & 1234 Weston dated September 5th 2017. WSP's findings concluded that the property is sufficiently clean for the purposes of building a new daycare. Therefore, there would be no need for a cost reduction to the owner, as a result of the environmental due diligence that may have needed to be factored into any remaining portion of the City's Joint Offer of Compensation to the owner and the encumbrancer.</p> <p>Each compensation amount set out in Appendix "A" is based upon an updated (2017) appraisal commissioned by the City, prepared by Altus Group, effective date June 26th 2017. The increase in value from the earlier 2015 report stated in DAF 2017-251, is attributed to the two year difference in time 2015-2017 and a sharp increase land pricing in the City of Toronto between that time periods. The Act requires that the Expropriating Authority serve the Joint Offer of Compensation with copies of the appraisal on the affected property owner, and encumbrancer, within three months of registration of the Plan of Expropriation and before taking possession of the expropriated land. The executed Direction re. Payment of the funds, was not received by the City until December 20th 2017 and therefore payment of the updated amount shall be provided to the owner's solicitor upon receipt of the City's certified cheque.</p> <p>Upon acceptance of the Joint Offer of Compensation, the compensation will be apportioned among and paid to the relevant owners and encumbrancer according to their entitlements under the Act. Releases of owners' and encumbrancer's claims resulting from the expropriations, in a form satisfactory to the City Solicitor, will be obtained where appropriate.</p>
Terms	

Property Details	Ward:	11-York South Weston
	Assessment Roll No.:	
	Approximate Size:	0.39 acres
	Approximate Area:	1,603 m ² ± (17,225 ft ² ±)
	Other Information:	Former child care center currently not in use

A.	Deputy City Manager, Internal Corporate Services has approval authority for:	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2. Expropriations:	<input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
3. Issuance of RFPs/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	Delegated to a less senior position.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	Delegated to a less senior position.
5. Transfer of Operational Management to Divisions and Agencies:	<input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.	Delegated to a less senior position.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	Delegated to a less senior position.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
	<input type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.	Delegated to a less senior position.
	<input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017.	Delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences	Delegated to a less senior position.
	<input type="checkbox"/> (b) Releases/Discharges	
	<input type="checkbox"/> (c) Surrenders/Abandonments	
	<input type="checkbox"/> (d) Enforcements/Terminations	
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates	
	<input type="checkbox"/> (f) Objections/Waivers/Cautions	
	<input type="checkbox"/> (g) Notices of Lease and Sublease	
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner	
	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title	
	<input type="checkbox"/> (j) Documentation relating to Land Titles applications	
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds	

B. City Manager and Deputy Manager, Internal Corporate Services each has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Documents required to implement matters for which he or she also has delegated approval authority.
Deputy City Manager, Internal Corporate Services also has signing authority on behalf of the City for:
<ul style="list-style-type: none"> • Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
<ul style="list-style-type: none"> • Expropriation Applications and Notices following Council approval of expropriation.

Consultation with Councillor(s)									
Councillor:	F. Nunziata				Councillor:				
Contact Name:	F. Nunziata				Contact Name:				
Contacted by:	Phone	E-Mail	Memo	X Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Concurs				Comments:				
Consultation with Divisions and/or Agencies									
Division:	Toronto Early Learning & Child Services				Division:	Financial Planning			
Contact Name:	Anne Longair				Contact Name:	Patricia Libardo			
Comments:	Concurs				Comments:	Concurs			
Legal Division Contact									
Contact Name:									

DAF Tracking No.: 2018-010	Date	Signature
Recommended by: Manager, Real Estate Services	January 10 th , 2018	Signed By: Tim Park
Recommended by: Director, Real Estate Services		
<input type="checkbox"/> Recommended by: Deputy City Manager, Internal Corporate Services <input checked="" type="checkbox"/> Approved by: Josie Scioli	January 11 th , 2018	Signed By: Josie Scioli
<input type="checkbox"/> Approved by: City Manager, Peter Wallace		

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. In the event of a vacancy in the Ward in which the subject property is located, the Mayor's office shall be consulted in the alternative.
- (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 as defined in the *Toronto Waterfront Revitalization Corporation Act, 2002* 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 of City Planning, 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, as leases of 21 years or more may be authorized based on the delegated Approving Authority for disposals in **A.7**.
- (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, including ancillary agreements, 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) 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.
- (aa) All residential leasing documents shall adhere to the *Residential Tenancies Act, 2006* and any successor legislation.
- (bb) Despite GC(n), Approving Authority in residential leasing matters is not limited to periods of less than twenty-one (21) years and total compensation in residential leasing matters where the City is landlord is to be calculated based on an assumed term of ten years unless the lease term expressly identified therein is longer.
- (cc) Where Approving Authority has been delegated to the Manager level, such authority shall be conditional upon the Manager first having secured the written concurrence of a second Manager within the Real Estate Services Division.

Appendix "A"

Owners and Property Address	Legal Description
<p>Owner: Eva Nemeth Re 1230 -1234 Weston Road address</p> <p>Mailing Address: 1 Palace Pier Court, Suite 4507, Etobicoke, ON M8V 3W9</p>	<p>Part of Lots 1, 2 and 3, Plan 2017, Township of York, designated as Part 1 on Plan AT4607775, City of Toronto being all of PIN 10509-0173 (LT)</p>
<p>Creditor: Boaden Catering Ltd. 505 Queensway Avenue East Mississauga, Ontario, Canada, L5A 4B4</p>	<p>Part of Lots 1, 2 and 3, Plan 2017, Township of York, designated as Part 1 on Plan AT4607775, City of Toronto being all of PIN 10509-0173 (LT)</p>

