

**DELEGATED APPROVAL FORM
DIRECTOR, REAL ESTATE SERVICES
MANAGER, REAL ESTATE SERVICES**

TRACKING NO.: 2018- 080

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:	Tatiana Kononova	Division:	Real Estate Services
Date Prepared:	March 1, 2018	Phone No.:	416-392-3883

Purpose	To obtain authority to enter into a licence agreement (the "Licence") with Verdiroc Holdings Ltd. (the "Licensee") for the use of approximately 190 square meter area as shown on Schedule "B" hereto in order to expose and survey the location of an Electrical Duct Bank on the West side of 226 Wilson Avenue.
Property	Portion of the City-owned property municipally known as 226 Wilson Avenue, Toronto, bordered with 228 Wilson Avenue to the West, outlined in green and hatched on Schedule "B" attached hereto (page 5) (the "Licensed Area").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Licence substantially on the terms and conditions set out in Appendix "A" together with such other terms and conditions as may be satisfactory to the Deputy City Manager, Internal Corporate Services (the "DCM") and in a form acceptable to City Solicitor; 2. The Director of Real Estate Services shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices and notice of termination provided that the DCM may, at any time, refer consideration of such matters (including their content) 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 City will receive a one-time compensation from the Licensee of \$10,000 plus HST.</p> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Verdiroc Holdings Ltd. is developing a new rental building to be located at 228 Wilson Ave. The property at 228 Wilson Ave is owned by 1853694 Ontario Limited. The City of Toronto owns the adjacent property at 226 Wilson Ave., where there are below-grade utilities (Concrete Encased Electrical Duct Banks) near the boundary with 226 Wilson Ave.</p> <p>Verdiroc Holdings Ltd. (the Licensee) requires access to the City's land to locate the City-owned utilities to prepare a shoring plan for the proposed development. The work will include the non-mechanical excavation of test pits to expose and verify the utilities. The test pits locations are indicated on the Schedule "B". The area around the test pits, the Licensed Area, will be used by the Licensee for working / staging purposes. The work is anticipated to take one day between March 1, 2018 and May 31, 2018, with one further day for site restoration (the "Term"). The working day will be arranged by the parties upon 48-hour notice. The Term may be extended by mutual agreement between the parties, as may be reasonably necessary due to inclement conditions of force majeure. Upon completion of the work, all excavations will be backfilled.</p> <p>Real Estate Services staff consider the proposed Licence and associated fee to be fair and reasonable to both parties, based on the market value of the City's property and the term of the licence.</p> <p>The City's property is under the jurisdiction of Toronto Water and the potential impact of the proposed test pits on the City's land was considered by Toronto Water. No objection to the proposed Licence was raised. Toronto Water provided separate advice and conditions to the Licensee regarding the proposed test pits and the appropriate procedure to the utilities verification process.</p> <p>The Manager of Leasing and Site Management in Real Estate Services has secured the written concurrence of Tim Park, Manager of Acquisitions & Expropriations within the Real Estate Services Division.</p>
Terms	Major Terms and Conditions are contained on page 4, in Schedule "A".

Property Details	Ward:	16 – Eglinton-Lawrence
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	190 square meters
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate 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 Divisions and Agencies:</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 & Parks & 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 type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input checked="" type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p>	<p><input 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><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to a more senior position.</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><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 \$1 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>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</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 roads, easements to pre-existing utilities for nominal consideration.</p> <p><input 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 subject to General Condition (u)).</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/Caution</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>

B. Director, Real Estate Services and Manager, Real Estate 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. • Expropriation Applications and Notices following Council approval of expropriation (Manager, Acquisitions & Expropriations is only Manager with such signing authority).
Director, Real Estate 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. • Community Space Tenancy Leases approved by delegated authority by Deputy City Manager, Internal Corporal Services and any related documents.

Consultation with Councillor(s)										
Councillor:	Christin Carmichael Greb					Councillor:				
Contact Name:	Jonathan Kent					Contact Name:				
Contacted by:	Phone	E-Mail	X	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Consent					Comments:				
Consultation with Divisions and/or Agencies										
Division:	Toronto Water					Division:	Financial Planning			
Contact Name:	Mike Brannon					Contact Name:	Patricia Libardo			
Comments:	Consent					Comments:	Consent			
Legal Division Contact										
Contact Name:	Vanessa Bacher									

DAF Tracking No.: 2018-080	Date	Signature
Recommended by: Manager, Real Estate Services, Tim Park	Mar/1/2018	Sgd.\ Tim Park
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Mar/1/2018	Sgd.\ Daran Somas
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore		X

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" Major Terms and Conditions**Property:**

West side of 226 Wilson Avenue, adjacent to 228 Wilson Avenue.

Licensor:

City of Toronto.

Licensee:

Verdiroc Holdings Ltd.

Term:

The Licensee shall have the right to perform the work during one day between the hours of 7am and 7pm, between March 1, 2018 and May 31, 2018. The date of the working day shall be mutually arranged between the City and the Licensee on 48 hours' Notice. One additional day following the working day will be provided for site restoration. The term may be extended as reasonably necessary due to weather or forces beyond the control of the Licensee, on mutual agreement of both parties, provided that the term must commence on or before May 30, 2018 and site restoration must be completed on or before May 31, 2018.

Option to renew:

None.

License Fee:

\$10,000.00 + HST.

Additional Costs:

The Licensee is responsible for operating costs, utility costs, the costs of repair and maintenance, and all taxes, rates, and assessments of whatsoever kind or description.

Area:

Approximately 190 square meters.

Use:

The Licensed Area will be used to accurately locate the hydro concrete encased ducts on the west side of 226 Wilson Avenue.

Insurance:

The Licensee shall obtain and maintain:

- Comprehensive General Liability, in the amount of not less than Five Million Dollars (\$5,000,000) per occurrence, with the City of Toronto as additional insured,
- Contractor's Pollution Liability with the minimal limit of One Million Dollars (\$1,000,000), and
- Standard Automobile Liability coverage with a limit of at least Two Million Dollars (\$2,000,000)

Indemnification:

The Licensee releases and shall at all times indemnify and save harmless the City from any and all losses, damage, and injury (including property damage, personal injury, bodily injury and death).

City's right to enter the premises:

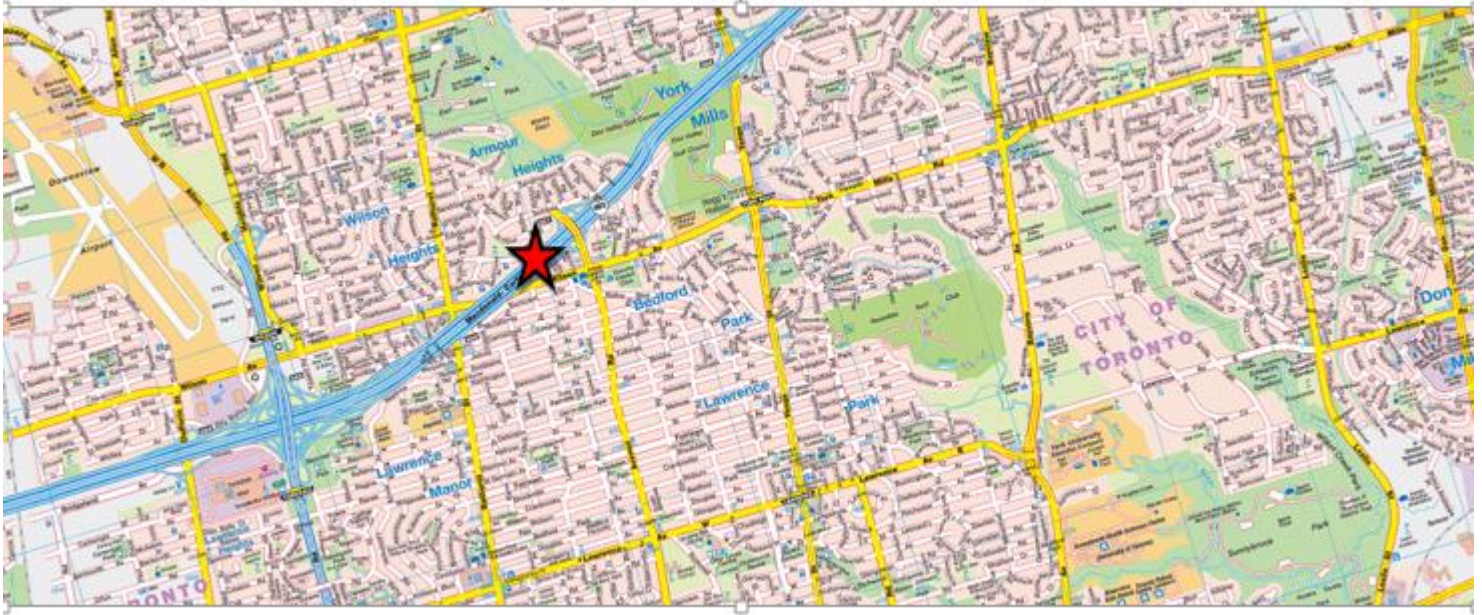
Various City Divisions, and their contractors, may access the Licensed Area in order to conduct surveys, geotechnical, subsurface utility engineering, and/or other site investigation research.

Restoration:

The Licensee shall restore the Licensed Area to as close as is practicable to its condition immediately prior to the Licensee's use at the Licensee's sole cost and expense, all to the satisfaction to the City acting reasonably.

Schedule "A" – Location of the Property

-licenced



Schedule "B" – License Area

