

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

TRACKING NO.: 2017-290

| | | | | | | | | | | | | | |
|--|---|------------|----------------------|--------------|---------------------------|-----------------------------|--|--------------------------|--|--------------------------|--------------------------|---------------------------|--|
| <input checked="checked" type="checkbox"/> | <p>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).</p> | | | | | | | | | | | | |
| <input type="checkbox"/> | <p>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.</p> | | | | | | | | | | | | |
| Prepared By: | Vicky Papas | Division: | Real Estate Services | | | | | | | | | | |
| Date Prepared: | December 5, 2017 | Phone No.: | (416) 392-1830 | | | | | | | | | | |
| Purpose | To obtain authority to acquire a small parcel of land from the Church on the Queensway (the "Owner") over a portion of the lands known as 1536-1540 The Queensway, Toronto, as shown on the Location Map attached hereto as Schedule "A", for the Transit Shelter Project as described herein. | | | | | | | | | | | | |
| Property | Part of 1536-1540 The Queensway, Toronto, shown as Part 1 on the draft reference plan attached hereto as Schedule "B", and measuring approximately 3.83 sq.m. (41.2 sq.ft.) (the "Property"). | | | | | | | | | | | | |
| Actions | <ol style="list-style-type: none"> 1. Authority be granted to execute the Agreement of Purchase and Sale (the "Agreement") with the Owner, substantially on the terms set out below, and any other or amended terms and conditions deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor; 2. The Deputy City Manager, Internal Corporate Services or designate shall administer and manage the Agreement including the provision of any amendments, consents, approvals, waivers and notices, provided that the Deputy City Manager, Internal Corporate Services may, at any time, refer consideration of such matters to City Council for its determination and direction; 3. The City Solicitor be authorized to complete the transaction on behalf of the City including paying any necessary expenses and applicable Harmonized Sales Tax ("HST"), if any, and amending and waiving terms and conditions, on such terms as she considers reasonable; and 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. | | | | | | | | | | | | |
| Financial Impact | <p>The City shall pay the Owner consideration in the amount of \$2555.12 (plus HST), or \$2,600.09 (net of HST recoveries), for the Property. Funding is available in the 2017-2026 Council Approved Capital Budget & Plan for Transportation Services (Transit Shelter Property Acquisition, CTP816-07).</p> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p> | | | | | | | | | | | | |
| Comments | <p>By its adoption of Item PW12.10 on May 3, 4, and 5, 2016, City Council approved an in-year budget adjustment to establish a new Transit Shelter Property Acquisition capital account (CTP816-07), fully funded by the Public Realm Reserve Fund XR1410, for the purpose of acquiring property to support the installation of full size transit shelters in areas with limited City owned property available for such purposes. The properties that are required for the Transit Shelter Project are adjacent to City-owned lands where, in many instances, smaller transit shelters already exist. The existing transit shelters are to be replaced with new full-size transit shelters. The Property has been identified for acquisition for the Transit Shelter Project. Currently, there is an existing transit shelter on the City's boulevard adjacent to the Property which will be replaced with a new full-sized transit shelter.</p> <p>It is deemed prudent by City staff to acquire the Property based on the terms outlined herein. The Owner has agreed to the terms and conditions.</p> | | | | | | | | | | | | |
| Terms | See Page 4. | | | | | | | | | | | | |
| Property Details | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Ward:</td> <td>5 – Etobicoke - Lakeshore</td> </tr> <tr> <td>Assessment Roll No.:</td> <td></td> </tr> <tr> <td>Approximate Size:</td> <td></td> </tr> <tr> <td>Approximate Area:</td> <td>3.83 sq.m. (41.2 sq.ft.)</td> </tr> <tr> <td>Other Information:</td> <td></td> </tr> </table> | | | Ward: | 5 – Etobicoke - Lakeshore | Assessment Roll No.: | | Approximate Size: | | Approximate Area: | 3.83 sq.m. (41.2 sq.ft.) | Other Information: | |
| Ward: | 5 – Etobicoke - Lakeshore | | | | | | | | | | | | |
| Assessment Roll No.: | | | | | | | | | | | | | |
| Approximate Size: | | | | | | | | | | | | | |
| Approximate Area: | 3.83 sq.m. (41.2 sq.ft.) | | | | | | | | | | | | |
| Other Information: | | | | | | | | | | | | | |

| 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/REOLs:</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 & 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 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>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 \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p>Delegated to a more senior position.</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 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/REOLs.</p> <p><input type="checkbox"/> Initiate process & 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>Delegated to a less senior position.</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> |
| B. Deputy City Manager, Internal Corporate Services and Director of Real Estate Services each has signing authority on behalf of the City for: | | |
| <p><input 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> | | |
| Deputy City Manager, Internal Corporate Services also has approval authority for: | | |
| <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: | Justin Di Ciano | | | | | Councillor: | | | | | | | | | |
| Contact Name: | Councillor Di Ciano | | | | | Contact Name: | | | | | | | | | |
| Contacted by: | Phone | x | E-Mail | | Memo | | Other | Contacted by: | Phone | | E-mail | | Memo | | Other |
| Comments: | Consented | | | | | Comments: | | | | | | | | | |
| Consultation with ABCDs | | | | | | | | | | | | | | | |
| Division: | Transportation Services | | | | | Division: | Financial Planning | | | | | | | | |
| Contact Name: | Ryan Lanyon | | | | | Contact Name: | Patricia Libardo | | | | | | | | |
| Comments: | Reviewed | | | | | Comments: | Reviewed | | | | | | | | |
| Legal Division Contact | | | | | | | | | | | | | | | |
| Contact Name: | Dale Mellor | | | | | | | | | | | | | | |
| DAF Tracking No.: 2017-290 | | | | | | Date | | Signature | | | | | | | |
| Recommended by: Manager | | | | | | December 7 th , 2017 | | Signed By: Tim Park | | | | | | | |
| <input type="checkbox"/> Recommended <input checked="" type="checkbox"/> Approved by: | | | | | | December 7 th , 2017 | | Signed By: David Jollimore | | | | | | | |
| Director of Real Estate Services David Jollimore Deputy City Manager, Internal Corporate Services Josie Scioli | | | | | | | | 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.
- (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 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.

DAF Tracking No.: 2017-290 (Cont'd)

TERMS AND CONDITIONS

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| <u>Vendor:</u> | Church on The Queensway. |
| <u>Property:</u> | Part of the Property known as 1536-1540 The Queensway as shown on the location map in Schedule "A" and more particularly delineated as Part 1 on the draft reference plan attached as Schedule "B". |
| <u>Purchase Price:</u> | \$2,555.12 plus HST. |
| <u>As Is, Where Is:</u> | The City agrees to accept title to the Property as is and where is, and by its adoption of Item GM16.16 on December 13, 14 and 15, 2016, City Council approved Transit Shelter Acquisition exemption from General Condition (h) being the requirement that 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. |
| <u>Vendor's Legal Fees:</u> | The City will pay up to a maximum of \$1,000.00 (exclusive of HST) of the Vendor's demonstrated legal costs on Closing. |

DAF Tracking No.: 2017-290 (Cont'd)

SCHEDULE 'A'

LOCATION MAP



SCHEDULE 'B'

Draft Reference Plan

[illegible]