

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

TRACKING NO.: 2017-040

- 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:	Vinkie Lau	Division:	Real Estate Services
Date Prepared:	July 5, 2017	Phone No.:	(416) 392 3891

Purpose	To obtain authority to enter into a license agreement (the "Agreement") with her Majesty the Queen in Right of Ontario as represented by The Minister of Infrastructure (the Licensor") for the continued use of a public taxi stand on lands operated by Hydro One on the north side of Bishop Avenue adjacent to the Finch avenue Subway Station.
Property	Part of Lot 21, Concession 1 East of Yonge Street, comprised of 0.1 acres to the immediate east of Yonge Street on the north side of Bishop Avenue (one block north of Finch avenue) and attached as Appendix "A" hereto (the Property").
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the Agreement with the Licensor for the use of the Property for a term of five (5) years, on the terms and conditions set out herein, and such other terms as are acceptable to the Chief Corporate Officer and in a form acceptable to the City Solicitor. 2. The Chief Corporate Officer or designate shall administer and manage the Agreement including the provision of any amendment, 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. 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto
Financial Impact	<p>The total cost of the license fee over the 5 year term will be \$18,375.00 (plus HST), or \$18,698.40 (net of HST recovery) which will be paid annually in the amount of \$3,675.00 (plus HST), or \$3,739.68 (net of HST recovery). Funding is available in the 2017 Council Approved Operating Budget for Transportation Services and will be accommodated for in future.</p> <p>The Deputy City Manager & Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>On November 15, 1995 the former City of North York adopted Transportation Committee Report No. 20 (GB30) dated October 31, 1995, which approved the relocation of the subject taxi stand from its former position (on the actual roadway (Bishop Ave.) to the Property. The former City of North York entered into a five (5) year license agreement with the then-owner, Ontario Hydro. This initial license agreement expired at the end of February 2002, and the City of Toronto has continued to use the subject lands, on an ongoing basis. The original license fee has been paid every year since the original license lapsed in 2002. The Licensor has formally requested that the City of Toronto enter into the new agreement as the City has continued unabated to use the space as a taxi stand.</p> <p>Real Estate Services staff consider the terms and conditions of this proposed Agreement, as detailed below and on Page 4 of this form, to be fair and reasonable, and at market rates.</p>
Terms	<p>Real Estate Services staff consider the terms and conditions of this proposed Agreement, as detailed below and on Page 4 of this form, to be fair and reasonable, and at market rates.</p> <p>Licensor: Her Majesty the Queen in Right of Ontario as represented by The Minister of Infrastructure</p> <p>Term: Commencing March 1, 2017, and ending February 28, 2022</p> <p>Termination Provision: Either party may terminate upon thirty (30) days' prior written notice to the other party.</p> <p>Insurance: Liability Insurance in the amount of \$5,000,000.00</p> <p>Use: For continued use of a public taxi stand.</p> <p>Indemnity: The City will indemnify the Licensor against and will release the Licensor from any claims arising from the Agreement. This is a stringent indemnity in the Licensor's favor, and has been authorized by Government management Committee Item No. 20.8 adopted by the City of Toronto Council on April 3 and 4, 2013.</p>

Property Details	Ward:	24 – Willowdale
	Assessment Roll No.:	190801 2990001000000
	Approximate Size:	18 feet x 230 feet (5.4 metres x 70 metres)
	Approximate Area:	0.100 acres
	Other Information:	

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:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to a more senior position.	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	Delegated to a more senior position.	<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:	Delegated to a more senior position.	<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	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;	<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.
11. Easements (City as Grantor):	<input checked="" type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
12. Easements (City as Grantee):	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<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.
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 (including options/renewals) does not exceed \$3 Million.
14. Miscellaneous:	<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;	Delegated to a less senior position.
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (j) Documentation relating to Land Titles applications;	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.

B. Chief Corporate Officer and Director of Real Estate Services each has signing authority on behalf of the City for:	
<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.	<input type="checkbox"/> 2. Expropriation Applications and Notices following Council approval of expropriation.
<input checked="" type="checkbox"/> 3. Documents required to implement the delegated approval exercised by him or her.	
Chief Corporate Officer also has approval authority for:	
<input type="checkbox"/> Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.	

Consultation with Councillor(s)										
Councillor:		David Shiner				Councillor:				
Contact Name:		Nick Chan				Contact Name:				
Contacted by:		Phone	x	E-Mail		Memo		Other		
Comments:		Consent				Comments:				
Consultation with ABCDs										
Division:		Transportation Services - North York District				Division:		Filisha Jenkins		
Contact Name:		Dan Clement				Contact Name:		Financial Planning		
Comments:		Consent				Comments:		Consent		
Legal Division Contact										
Contact Name:		Bart Lipsett								
DAF Tracking No.: 2017- 040		Date			Signature					
Recommended by:		Manager Leasing & Site Management Wayne Duong			July/5/2017			Sgd.\ Wayne Duong		
<input type="checkbox"/>	Recommended	Director of Real Estate Services Joe Casali			July/19/2017			Sgd.\ Joe Casali		
<input type="checkbox"/>	Approved by:	Chief Corporate Officer 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 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 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.

Major Terms and conditions Continued

- The City shall give notice to the Licensor prior to beginning work authorized by the Agreement.
- The City shall comply with (i) design standards of the Licensor, and (ii) any applicable laws.
- The City shall not permit any environmental contamination on the Property.
- The Licensor shall be aly to rely on any environmental studies performed by the City or on the City's behalf.
- The City shall not pile snow on the Property or lands adjoining it unless within the regulations set out by the Licensor, such regulations in place to protect the Licensor's electricity transmission capabilities.
- Any fence or barrier required by the licensor shall be at the City's expense.
- The City shall maintain the lands in a neat and tidy manner satisfactory to the Licensor.

