

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

TRACKING NO.: 2017-269  
 WITH CONFIDENTIAL  
 ATTACHMENT

- 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:	Bruno Iozzo	Division:	Real Estate Services
Date Prepared:	October 31, 2017	Phone No.:	(416) 392-8151

<b>Purpose</b>	To obtain authority to enter into an Easement Transfer Agreement (the "Agreement") and a Non-Disclosure and Confidentiality Agreement (the "NDA") with The Oakdale Golf and Country Club, Limited ("Oakdale") to permit the replacement of the existing culvert crossing under Jane Street, just south of Sheppard Ave. W.
<b>Property</b>	Portion of the lands municipally known as 2388 Jane Street, being all of PIN 10288-0876 (LT), located on the west side of Jane Street (south of Sheppard Ave. W.) and legally described as Part of Lots 13-15, Concession 5 West of Yonge Street, Township of York, as in NY8174, NY14146, NY241601 & NY241602, except Expropriation Plan 3446, NY183329, NY514507, Part 1 on Plan 64R-13654 & Part 4 on Plan 64R-13272, Toronto (North York), City of Toronto, which portion is located as shown on the map attached as Appendix "A", and displayed as Parts 1-3 on the draft Plan attached hereto as Appendix "B" (the "Property").
<b>Actions</b>	<ol style="list-style-type: none"> <li>1. Authority is granted to enter into the Agreement and NDA to acquire the necessary easements (the "Easements") over the Property on the terms and conditions outlined below and within Confidential Attachment 1, and any other terms and conditions as determined by the Deputy City Manager, Internal Corporate Services, and in a form acceptable to the City Solicitor.</li> <li>2. The Deputy City Manager, Internal Corporate Services, or their designate shall administer and manage the Agreement including the provision of any consents, approvals, waivers, notices, and notices of termination provided that the Deputy City Manager, Internal Corporate Services, at any time, may refer consideration of such matters 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 payment of any necessary expenses and amending and waiving terms and conditions, on such terms as they consider reasonable.</li> <li>4. The confidential information contained within Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.</li> <li>5. The appropriate City Officials are authorized and directed to take the necessary action to give effect thereto.</li> </ol>
<b>Financial Impact</b>	Funding for the costs associated with the Agreement as set out within the Terms section below and the Confidential Attachment 1 will be funded from the 2017-2026 Council Approved Capital Budget and Plan for Transportation Services within the City Bridge Rehabilitation Program CTP515-01-51.  The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
<b>Comments</b>	Due to the current age and condition of the existing culvert located under Jane Street (south of Sheppard Ave. W.), the City's consultant has recommended that it be replaced with a new culvert that has a larger capacity to collect water flow (which will be properly channeled under Jane Street leading to Black Creek located further downstream). In order to enable the proposed project, new easements are required with the two property owners on either side of the culvert. The 1 <sup>st</sup> of the two easements was recently secured with the property owner (TRCA). The remaining easement is required with the property owner (Oakdale) to proceed with the necessary construction project.  City staff have approached Oakdale to acquire the Easements on the Property to construct the new culvert and perform minor stream rehabilitation work. Oakdale has approved the City's request for the Easements. As part of the Agreement, the City would provide Oakdale with funding to mitigate the impact on Oakdale's lands and infrastructure as a result of the proposed new larger replacement culvert.
<b>Terms</b>	<p><b>Property Owner</b> = The Oakdale Golf and Country Club, Limited</p> <p><b>Grantee</b> = City of Toronto (City)</p> <p><b>Property Rights</b> = Permanent and Temporary Easements</p> <p><b>Use</b> = To replace an existing culvert located under Jane Street with a new wider culvert</p> <p><b>Qualifying Legal Expenses</b> = The City shall pay Oakdale's legal costs as detailed in Confidential Attachment 1</p> <p><b>TRCA Permit Fee</b> = The City shall pay Oakdale's anticipated permit fee as detailed in Confidential Attachment 1</p>

<b>Property Details</b>	<b>Ward:</b>	07 – York West
	<b>Assessment Roll No.:</b>	1908011210080000000
	<b>Approximate Size:</b>	N/A
	<b>Approximate Area:</b>	1,592.7 m <sup>2</sup>
	<b>Other Information:</b>	N/A

A.	Director of Real Estate Services has approval authority for:	Deputy City Manager, Internal Corporate Services 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/REOIs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOIs.
4. Permanent Highway Closures:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.
5. Transfer of Operational Management to ABCDs:	<b>Delegated to a more senior position.</b>	<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: N/A	<b>Delegated to a more senior position.</b>	<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):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$1 Million;	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$3 Million;
	<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.	<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.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$3 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
	<input type="checkbox"/> (b) When closing road, easements to pre-existing utilities for nominal consideration.	<b>Delegated to a less senior position.</b>
12. Easements (City as Grantee):	<input checked="" type="checkbox"/> Where total compensation does not exceed \$1 Million.	<input type="checkbox"/> Where total compensation does not exceed \$3 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<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).	<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).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences;
	<input type="checkbox"/> (b) Releases/Discharges;	<input type="checkbox"/> (b) Releases/Discharges;
	<input type="checkbox"/> (c) Surrenders/Abandonments;	<input type="checkbox"/> (c) Surrenders/Abandonments;
	<input type="checkbox"/> (d) Enforcements/Terminations;	<input type="checkbox"/> (d) Enforcements/Terminations;
	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;	<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates;
	<input type="checkbox"/> (f) Objections/Waivers/Cautions;	<input type="checkbox"/> (f) Objections/Waivers/Cautions;
	<input type="checkbox"/> (g) Notices of Lease and Sublease;	<input type="checkbox"/> (g) Notices of Lease and Sublease;
	<input type="checkbox"/> (h) Consent to regulatory applications by City, as owner;	<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"/> (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"/> (j) Documentation relating to Land Titles applications;
	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.	<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds.

**B. Deputy City Manager, Internal Corporate Services and Director of Real Estate Services each has signing authority on behalf of the City for:**

- 1. Agreements of Purchase and Sale and all implementing documentation for purchases, sales and land exchanges not delegated to staff for approval.
- 2. Expropriation Applications and Notices following Council approval of expropriation.
- 3. Documents required to implement the delegated approval exercised by him or her.

**Deputy City Manager, Internal Corporate Services also has approval authority for:**

- Leases/licences/permits at Union Station during the Revitalization Period, if the rent/fee is at market value.

Consultation with Councillor(s)										
Councillor:		Giorgio Mammoliti				Councillor:				
Contact Name:		Mike Makrigiorgos – Executive Assistant				Contact Name:				
Contacted by:		Phone	X	E-Mail		Memo		Other	Contacted by:	
Comments:		Supportive of project (Oct/17/2017)				Comments:				
Consultation with ABCDs										
Division:		Engineering & Construction Services				Division:		Financial Planning		
Contact Name:		Luis De Jesus / Jeffrey Atsalinos				Contact Name:		Filisha Jenkins		
Comments:		Suggested edits included (Oct/16/2017)				Comments:		Revisions included (Oct/18/2017)		
Legal Division Contact										
Contact Name:		Nicole See-Too (Oct/23/2017)								
DAF Tracking No.: 2017-269		Date			Signature					
Recommended by:		Manager, Tim Park			October 31 <sup>st</sup> , 2017			Signed By: Tim Park		
<input type="checkbox"/>	Recommended by:	Director of Real Estate Services David Jollimore			November 3 <sup>rd</sup> , 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" – Location Map

## 2388 Jane Street



# Appendix "B" – Draft Reference Plan

