

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:	Loretta Ramadhin	Division:	Real Estate Services
Date Prepared:	April 27, 2018	Phone No.:	416-392-7169

<b>Purpose</b>	To authorize the service of Offers of Compensation pursuant to section 25 of the <i>Expropriations Act</i> for the expropriated properties located at 13 Barberrry Place and 23 Barberrry Place (the "Properties"). The Properties are required for the creation of a new east/west road which will connect Rean Drive to Kenaston Gardens ("the Project").
<b>Property</b>	The Properties are known municipally as 13 Barberrry Place, Toronto and 23 Barberrry Place, Toronto, and are legally described in the attached Appendix "A" and shown on Expropriation Plan AT4797618 as Parts 1 and 2, which is attached as Appendix "B". A Location Map is attached as Appendix "C".
<b>Actions</b>	<ol style="list-style-type: none"> <li>To authorize the preparation and service of Offers of Compensation in the amounts set out in the Confidential Attachment on the respective owners of the Properties, together with supporting appraisal reports, in accordance with Section 25 of the <i>Expropriations Act</i> (the "Act").</li> <li>To authorize payment of the compensation offered, plus any applicable HST, upon acceptance of the Offers of Compensation.</li> <li>Where an Offer of Compensation is accepted in full compensation for the owner's interest in the land, 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.</li> <li>The Confidential Attachment, setting out the amount of the compensation offered, shall remain confidential until there has been a final determination of the compensation payable to all of the owners, by arbitration or appeal or, if settled, in the discretion of the City Solicitor.</li> </ol>
<b>Financial Impact</b>	<p>Funding for the Section 25 Offers of Compensation, as set out in the Confidential Attachment, is included in the 2018-2027 Council Approved Capital Budget and Plan for Transportation Services under capital account CTP817-71.</p> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
<b>Comments</b>	<p>On December 8, 2017, by the Enactment of By-Law No. 1378-2017, City Council authorized the expropriation of the Properties for the Project. Expropriation Plan AT4797618 was registered on February 6, 2018 and Notices of Expropriation were served on the owners of the Properties on March 1, 2018. Expropriation is required for the creation of a new east/west road which will connect Rean Drive to Kenaston Gardens.</p> <p>Each compensation amount set out in Appendix "A" is based upon an appraisal commissioned by the City, prepared by MacKenzie Ray Heron &amp; Edwardh, with an effective date of February 6, 2018. The Act requires that the Expropriating Authority serve Offers of Compensation with copies of the appraisal on the affected property owners, including mortgagees and other encumbrancers, within three months of registration of the Plan of Expropriation and before taking possession of the expropriated land.</p> <p>Upon acceptance of the Offers of Compensation, the compensation will be apportioned among and paid to the relevant owners according to their entitlements under the Act. Releases of owners' claims resulting from the expropriations, in a form satisfactory to the City Solicitor, will be obtained where appropriate.</p>
<b>Terms</b>	Compensation will be offered in accordance with the Act for the property interests outlined in Appendix "A", in the amounts set out in the Confidential Attachment.

<b>Property Details</b>	<b>Ward:</b>	24 - Willowdale
	<b>Assessment Roll No.:</b>	19 08 113 050 034 50 and 19 08 113 050 030 00
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	1,663.2 m <sup>2</sup> ± (17,902.54 ft <sup>2</sup> ±)
	<b>Other Information:</b>	

A.	Deputy City Manager, Internal Corporate Services has approval authority for:	City Manager has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</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 &amp; Parks &amp; Open Space Areas of Official Plan:</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 \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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/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 \$10 Million.</p> <p><input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</p> <p><b>Delegated to a less senior position.</b></p>

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

Consultation with Councillor(s)															
Councillor:	Councillor Shiner				Councillor:										
Contact Name:	Corey Horowitz				Contact Name:										
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	Emailed April 18, 2018 (no comments)				Comments:										
Consultation with Divisions and/or Agencies															
Division:	Transportation Services				Division:	Financial Planning									
Contact Name:	Jeffrey Dea				Contact Name:	Patricia Libardo									
Comments:	concurs				Comments:	concurs									
Legal Division Contact															
Contact Name:	Jacqueline Vettorel														

DAF Tracking No.: 2018-166	Date	Signature
Recommended by: Manager, Real Estate Services – T. Park	April 27, 2018	Signed By: Tim Park
Recommended by: Director, Real Estate Services – D. Jollimore	April 27, 2018	Signed By: David Jollimore
<input checked="" type="checkbox"/> Recommended by: Deputy City Manager, Internal Corporate Services	April 30, 2018	Signed By: Josie Scioli
<input type="checkbox"/> Approved by: Josie Scioli		
<input checked="" type="checkbox"/> Approved by: Interim City Manager, Giuliana Carbone	April 30, 2018	Signed By: Giuliana Carbone

#### General Conditions ("GC")

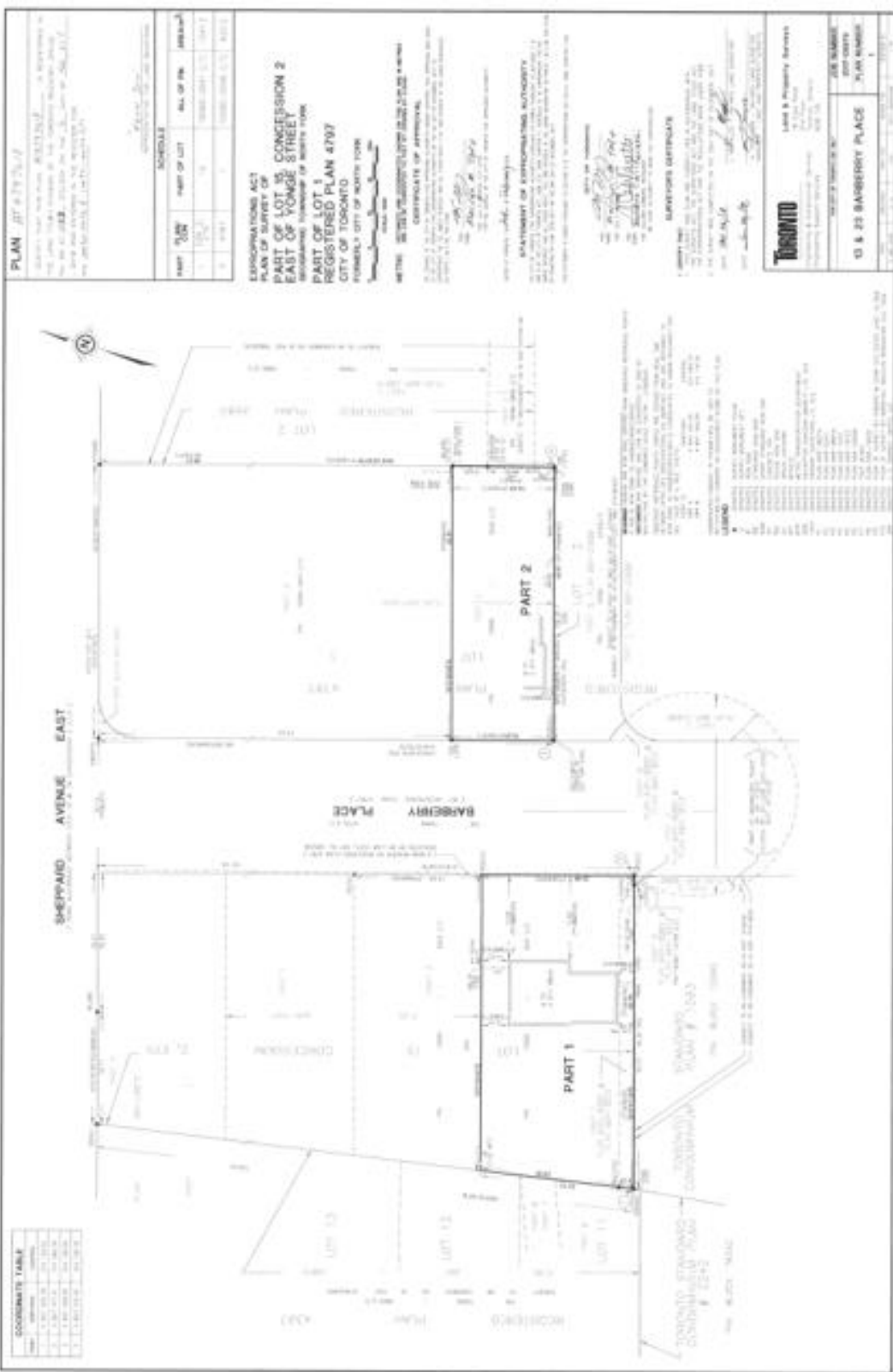
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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 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 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.
- Revised: Dec. 22, 2017

### Appendix "A"

Property Address	Legal Description	Property Interest Expropriated and Area of Property
13 Barberry Place	PT LT 1 PL 4797 NORTH YORK PT 4 64R5341; TORONTO (N YORK), CITY OF TORONTO	Fee simple interest and all other right, title and interest in the property – 622 m <sup>2</sup>
23 Barberry Place	PT LT 15 CON 2 EYS TWP OF YORK AS IN NY301799; TORONTO (N YORK), CITY OF TORONTO	Fee simple interest and all other right, title and interest in the property – 1,041.2 m <sup>2</sup>

# Appendix "B"

## Expropriation Plan AT4797618



### Appendix "C"

#### Location Map

