

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

TRACKING NO.: 2018-154

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:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	April 17, 2018	Phone No.:	(416) 392-8160

Purpose	<p>To consent to the partial release of the following Instruments, namely: C852297 (Development Agreement), E224419 (Development Agreement), AT2183806 (Development Agreement), AT2277167 (Development Agreement), AT2897002 (Site Plan Agreement), AT3761573 (Site Plan Agreement), TB917048 (Site Plan Agreement) and TR36479 (Site Plan Agreement) (collectively the "Agreements") from the lands described as:</p> <ul style="list-style-type: none"> Part of Lot 18, Concession 2, Scarborough, designated as Part 1 on Plan 66R-28894, being part of PIN 06181-0541 (LT); Part of Lots 17 and 18, Concession 2, Scarborough, designated as Part 7 on Plan 66R-28894, being part of PIN 06181-0541 (LT); Part of Lot 17, Concession 2, Scarborough, designated at Part 9 on Plan 66R-28894, being part of PIN 06181-0008 (LT); Part of Lot 18, Concession 2, Scarborough, designated as Part 1 on Plan 64R-14727, being part of PIN 06181-0007 (LT); and Part of Lot 18, Concession 2, Scarborough, designated as Part 2 on Plan 66R-28157, save and except Part 1 on Plan 66R-17089, being part of PIN 06181-0541 (LT) <p>(collectively, the "401 Interchange Lands").</p>
Property	Part of 941 Progress Avenue, Toronto (former Scarborough)
Actions	1. Authority be granted to consent to the release of the Agreements from title to the 401 Interchange Lands.
Financial Impact	<p>There is no financial impact resulting from this DAF.</p> <p>The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>Pursuant to DAF No. 2017-238, the City is authorized to complete a land exchange transaction with Centennial College of Applied Arts and Technology ("Centennial"), which will result in the City acquiring ownership of certain lands that form part of Progress Avenue. On the same date that the land exchange is scheduled to close, Centennial has agreed to convey the 401 Interchange Lands to Her Majesty the Queen in Right of Ontario, as represented by the Minister of Transportation ("MTO"), for use as part of the Highway 401/Progress Avenue interchange. Once MTO acquires ownership of the 401 Interchange Lands, MTO has agreed to release the City from its obligations under a 1995 Interchange Agreement, pursuant to which the City agreed to construct the 401/Progress Avenue interchange and convey the necessary lands for the interchange to MTO.</p> <p>Centennial and MTO have requested that the City consent to the release of the Agreements from title to the 401 Interchange Lands so that Centennial can convey clear title to the 401 Interchange Lands to MTO.</p> <p>Kelly Dynes, Senior Planner, Community Planning, Scarborough District, has confirmed by e-mail dated April 3, 2018, that City Planning has no objection to the release of the Agreements from title to the 401 Interchange Lands. The Agreements will remain on title to the balance of the lands being retained by Centennial.</p>

Property Details	Ward:	38 – Scarborough Centre
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	401 Interchange Lands- 5,785.7 m ² ± (1.4 acres ±)
	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:</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 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 checked="" 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.

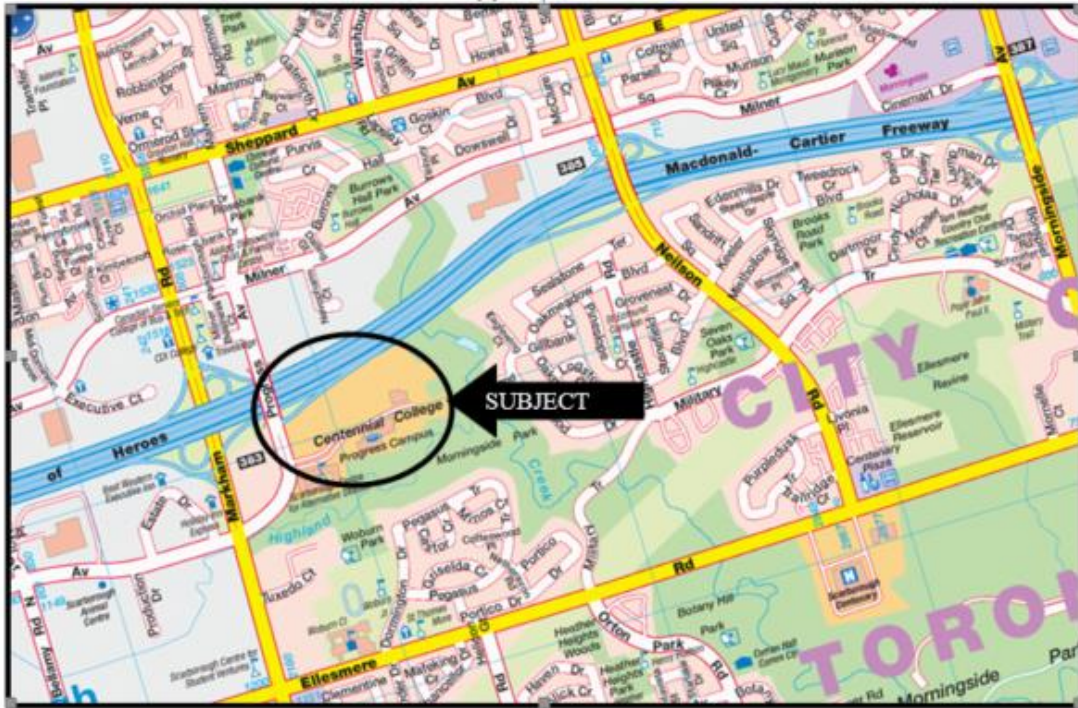
Consultation with Councillor(s)											
Councillor:	Glenn De Baeremaeker					Councillor:					
Contact Name:	Glenn De Baeremaeker					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	Phone		E-mail	Memo	Other
Comments:	Incorporated into DAF (December 7, 2017)					Comments:					
Consultation with Divisions and/or Agencies											
Division:	City Planning					Division:	Financial Planning				
Contact Name:	Kelly Dynes					Contact Name:	Patricia Libardo				
Comments:	Incorporated into DAF (April 13, 2018)					Comments:	Incorporated into DAF (April 16, 2018)				
Legal Division Contact											
Contact Name:	Jacqueline Vettorel (7-4056) (April 10, 2018)										

DAF Tracking No.: 2018-154	Date	Signature
Recommended by: Melanie Hale-Carter	Apr. 17, 2018	Signed by Melanie HaleCarter
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services <input type="checkbox"/> Approved by: Nick Simos	Apr. 17, 2018	Signed by Nick Simos
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore	Apr. 17, 2018	Signed by David Jollimore

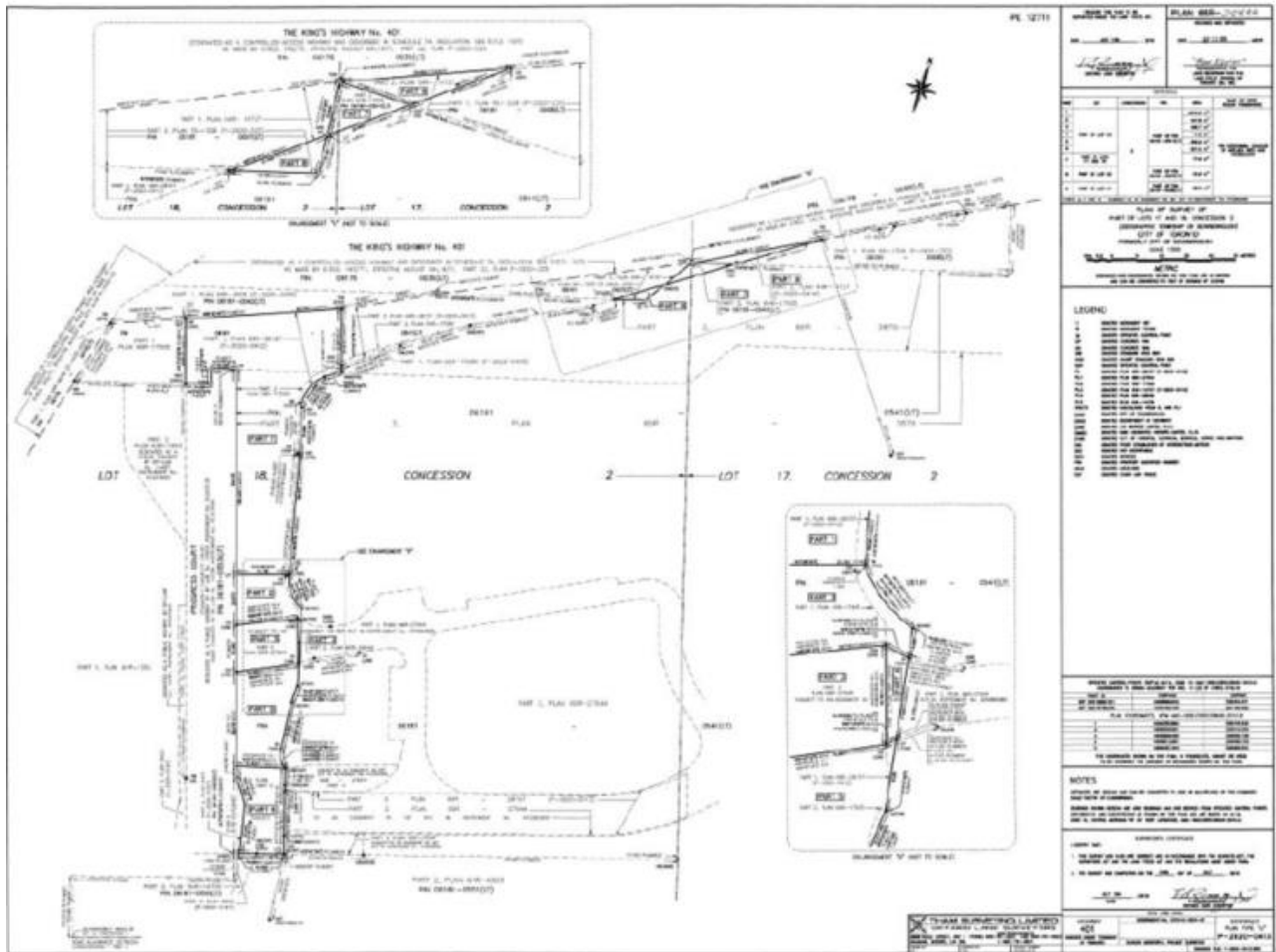
General Conditions ("GC")

- (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"



64R-28894



<p>DATE: 11/15/17 DRAWN BY: [Signature] CHECKED BY: [Signature]</p>	
<p>PROJECT: [Project Name] SHEET: [Sheet Number]</p>	
<p>LEGEND</p> <ul style="list-style-type: none"> 1. [Symbol] [Description] 2. [Symbol] [Description] 3. [Symbol] [Description] 4. [Symbol] [Description] 5. [Symbol] [Description] 6. [Symbol] [Description] 7. [Symbol] [Description] 8. [Symbol] [Description] 9. [Symbol] [Description] 10. [Symbol] [Description] 11. [Symbol] [Description] 12. [Symbol] [Description] 13. [Symbol] [Description] 14. [Symbol] [Description] 15. [Symbol] [Description] 16. [Symbol] [Description] 17. [Symbol] [Description] 18. [Symbol] [Description] 19. [Symbol] [Description] 20. [Symbol] [Description] 	
<p>NOTES</p> <ol style="list-style-type: none"> 1. [Note 1] 2. [Note 2] 3. [Note 3] 	
<p>DATE: 11/15/17 DRAWN BY: [Signature] CHECKED BY: [Signature]</p>	

64R-14727

