

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

TRACKING NO.: 2018-213

Approved pursuant to the Delegated Authority contained in Item EX27.12, as adopted by City Council on October 2, 3 & 4, 2017, as amended by Item GM27.12, adopted by City Council on May 22, 23 & 24, 2018 or, where applicable, in Item EX28.8, as adopted by City Council on November 7, 8 & 9, 2017.

Prepared By:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	June 12, 2018	Phone No.:	(416) 392-8160

Purpose	To obtain the authority to enter into a temporary licence (the "Licence") with Evelyn Longworth and Robert Longworth (the "Licensors"), the owners of 289 Rushton Road, to facilitate the construction of a retaining wall on the City's lands at 287 Rushton Road (the "City Lands"), and to carry out improvements on both properties.
Property	The lands municipally known as 289 Rushton Road, being Part of Lot 70 on Plan D1365, also shown as Part 1 on Sketch No PS-2017-102 (the "Property") in Appendix "A".
Actions	<ol style="list-style-type: none"> To enter into a Licence with the Licensors, for a term of nine (9) months commencing March 1, 2018, to facilitate the construction of a retaining wall on City Lands and works ancillary thereto, and for carrying out improvements to existing walkways, drainage, landscaping, replacing existing fences and gates, enlarging and repaving the existing driveway, and installing "No Parking" signs on the Property. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The Licence be provided for nominal consideration, with the City providing reimbursement of up to \$2,000 for the Licensor's reasonable legal costs. Funding is available in the 2018 – 2027 Council Approved Capital Budget and Plan for Toronto Parking Authority under project #CPK050-02 for the new parking lot at 287 Rushton Rd.</p> <p>The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>At its meeting held on May 5, 6 and 7, 2015, City Council adopted GM 3.13 which authorized the acquisition of 287 Rushton Road by the Toronto Parking Authority (the "TPA") and the expenditure of funds to construct a municipal parking lot to be managed by the TPA. As part of the redevelopment of 287 Rushton Road, a new retaining wall needs to be built along the northern end of new parking lot. To construct the wall, the TPA contractor requires access over part of the Longworth's adjacent property at 289 Rushton Road.</p> <p>The Licensors are prepared to enter into the Licence to facilitate the TPA construction work, provided that the TPA re-pave, improve and enlarge their existing driveway, and make improvements to existing walkways, drainage, landscaping, replace existing fences and gates, and install "No Parking" signs on the Property to preserve their privacy. The value of the improvements to be provided by the TPA to the Licensors does not exceed the value of the access rights to the City.</p>
Terms	<p>Major Provisions:</p> <ol style="list-style-type: none"> Term: Nine (9) months, commencing March 1, 2018 and expiring on November 30, 2018 or on such an earlier date on which the work is completed; Legal Fee: Not exceeding Two Thousand Dollars (\$2,000), including applicable taxes

Property Details	Ward:	12 – St. Paul's
	Assessment Roll No.:	Part of 1904-05-3-700-01500
	Approximate Size:	
	Approximate Area:	157.4 m ² ± (1,694 ft ² ±)
	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/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 & 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 checked="" 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/REOIs.</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 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:

- 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:

- 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)

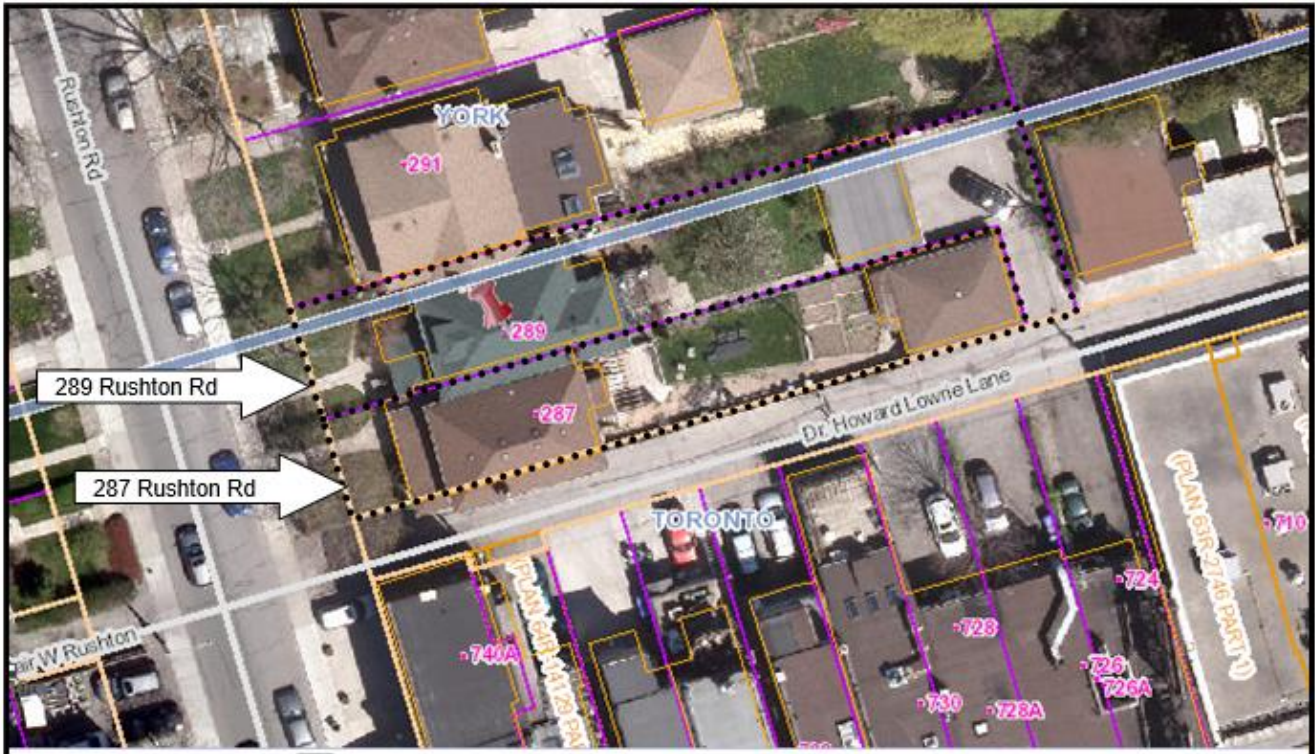
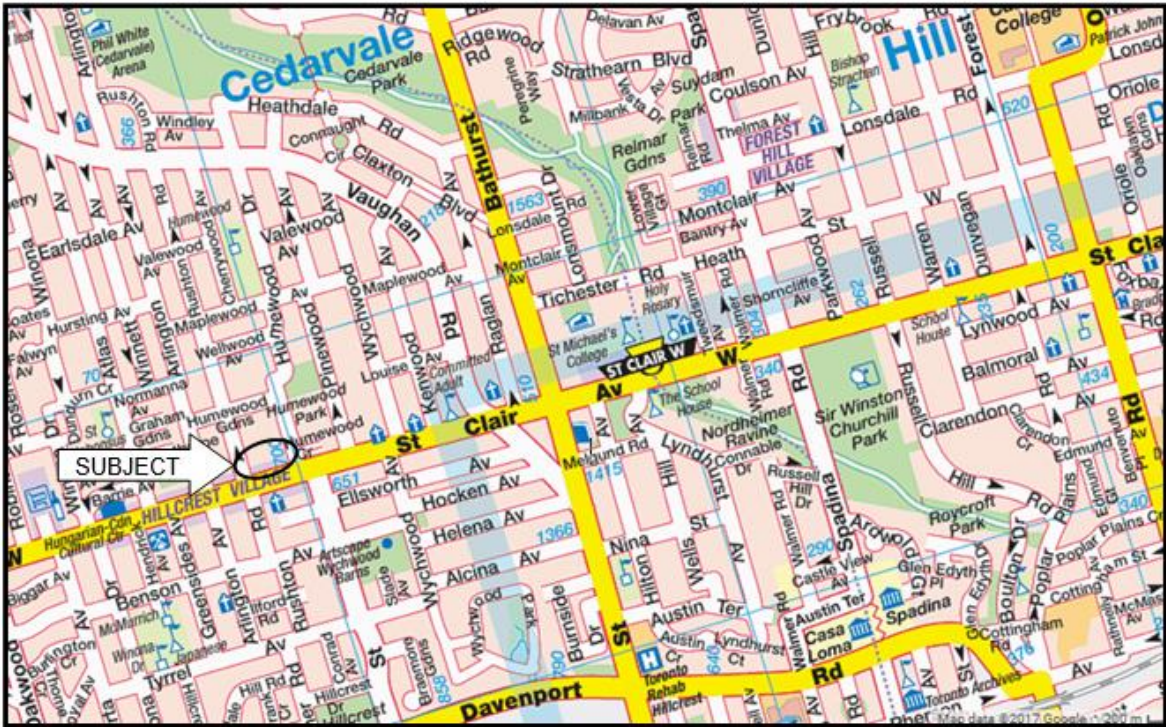
Councillor:	Frank Di Giorgio	Councillor:	
Contact Name:	Frank Di Giorgio	Contact Name:	
Contacted by:	Phone X E-Mail Memo Other	Contacted by:	Phone E-mail Memo Other
Comments:	Notified May 30, 2018	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Toronto Parking Authority	Division:	Financial Planning
Contact Name:	Patricia Pearsall-Mills	Contact Name:	Patricia Libardo
Comments:	Incorporated into DAF (June 8, 2018)	Comments:	Incorporated into DAF (June 7, 2018)
Legal Division Contact			
Contact Name:	Vanessa Bacher (February 26, 2018)		

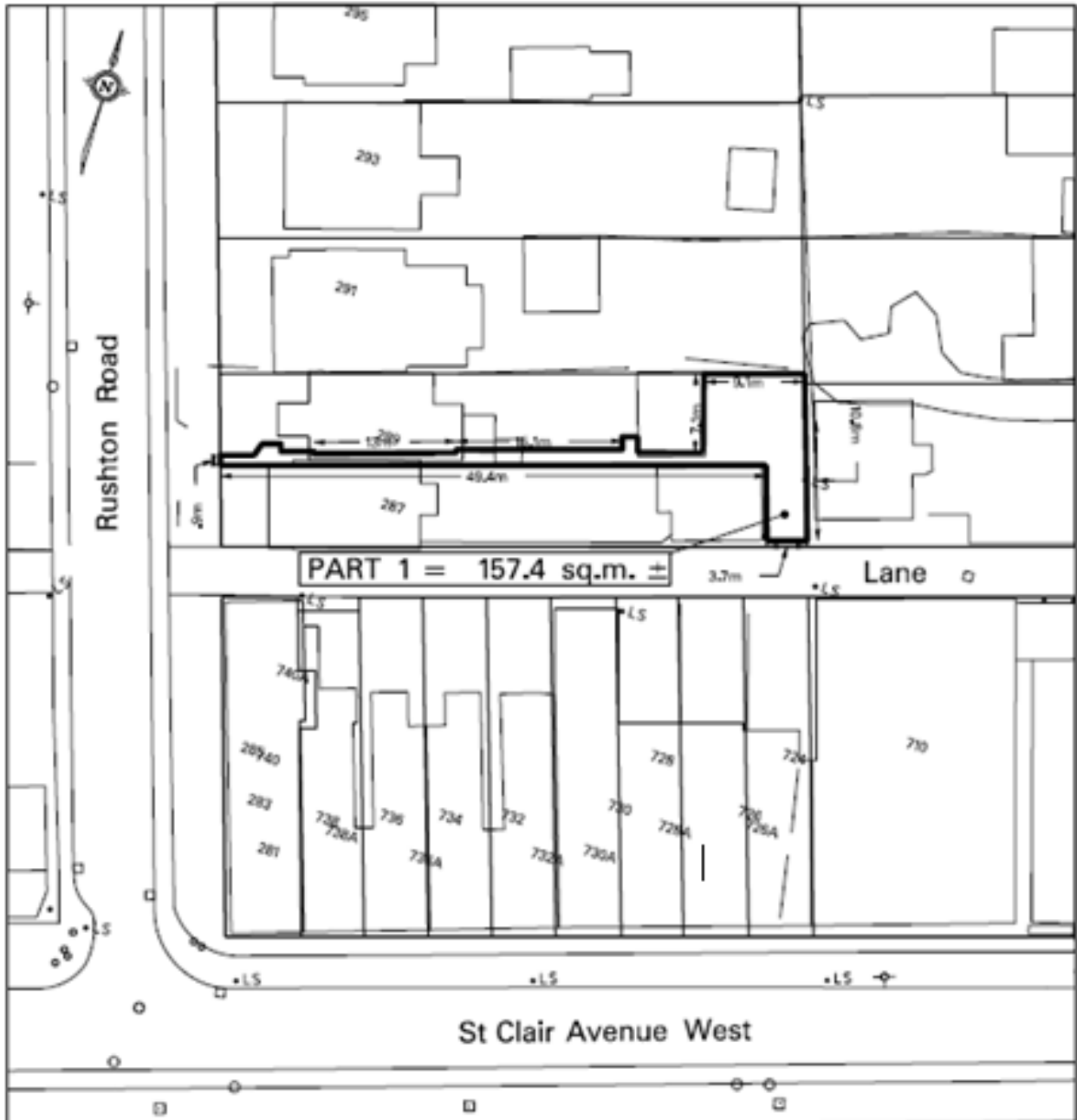
DAF Tracking No.: 2018-213	Date	Signature
Concurred with by: Manager, Real Estate Services Tim Park	June 13, 2018	Signed by Tim Park
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Nick Simos	June 15, 2018	Signed by Nick Simos
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore		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. 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.
- (dd) Where the City is transacting with a public agency, and such agency requires that an unqualified environmental indemnity be granted by the City, the authority to acquire property includes authority to grant such an indemnity, provided that the Phase I and Phase II environmental site assessments undertaken on behalf of the City have identified no significant environmental impacts or human health threats, with no, or minor action required ("Low Risk").

APPENDIX "A": LOCATION MAP & SKETCH





NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS, MEASUREMENTS
AND APPROPRIATE

CHECK BY JOHN HOUSE
PREPARED BY: DWAYNE JETT

PROPERTY INFORMATION SHEET
SKETCH FOR LICENSED AREA
NOS. 287 & 289 RUSHTON ROAD

WARD 12 - ST. PAUL'S
DATE: JANUARY 17, 2018

SKETCH No. PS-2017-102



msla
 CONSULTING
 1000 SHEPPARD AVENUE EAST
 SUITE 1000
 SCARBOROUGH, ONTARIO M1B 2Y1
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 FAX: (416) 291-1112
 WWW.MSLA.CA



firp
 FIRE PREVENTION
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 TORONTO, ONTARIO M5X 1C5
 TEL: (416) 392-3111
 FAX: (416) 392-3112
 WWW.TORONTO.CA

Project Name: [Blank]
Project No.: [Blank]
Client: [Blank]
Scale: [Blank]
Date: [Blank]

Project Description: [Blank]
Project Location: [Blank]
Project Status: [Blank]

Project Manager: [Blank]
Project Engineer: [Blank]
Project Designer: [Blank]

Project Architect: [Blank]
Project Contractor: [Blank]
Project Consultant: [Blank]

Project Inspector: [Blank]
Project Approver: [Blank]
Project Reviewer: [Blank]

Project Date: [Blank]
Project Version: [Blank]
Project Status: [Blank]

Project Location: [Blank]
Project Address: [Blank]
Project City: [Blank]

Project Province: [Blank]
Project Country: [Blank]
Project Continent: [Blank]

Project Latitude: [Blank]
Project Longitude: [Blank]
Project Elevation: [Blank]

Project Area: [Blank]
Project Volume: [Blank]
Project Weight: [Blank]

Project Cost: [Blank]
Project Budget: [Blank]
Project Revenue: [Blank]

Project Profit: [Blank]
Project Loss: [Blank]
Project Break-Even: [Blank]



Legend

	Proposed Plant Material Key		Proposed Pavements & Driveways
	Solid Reference Key		20% Slope Key
	Property Line		Concrete Pavers
	Licensed Lane		Asphalt to be Replaced

Proposed Plant Material List

SP	SPRT	SPRTCK	SPRTM	SPRTS	SPRTD	SPRTW	SPRTL	SPRTB	SPRTT
1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10

