

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

**TRACKING NO.: 2018-229**

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:	Joe Corigliano	Division:	Real Estate Services
Date Prepared:	June 12, 2018	Phone No.:	2-1167

**Purpose**  
 To obtain authority to acquire both a permanent easement interest and temporary construction licence (approximately seven months) (the "Agreements") in lands owned by The Rosedale Golf Association Limited (the "Owner") located on the Rosedale Golf and Country Club, legally described, in respect of the permanent easement interests as Part of PIN 10356-0223 (LT), being Part of Lot 8, Concession 1 EYS; Block A and B, Plan 717E; Block A, Plan 696E, City of Toronto (formerly North York) being Part 1 on a draft reference plan (Plan No. 1; Job Number 2017-000007, Design File 2017-00007/DGM dated August 15, 2017, the "Draft Plan") and in respect of the construction licence, access over Parts 2, 3, and 4 on the Draft Plan, the area shown on the attached Appendix "B" together with the cart paths and driveways on the Owner's property. These interests are required for the purpose of installing storm water sewer and outfall infrastructure together with opposite bank erosion control regrading (the "Green Valley Project"). The temporary licence will be used for the purpose of vehicle and equipment access, storage of vehicles and/or equipment, erecting construction hoarding, together with the ancillary regrading works and other requirements of the Green Valley Project.

**Property**  
 1901 Mt Pleasant Rd, Toronto, ON M4N 2W3 (See "Appendix A")

**Actions**  
 It is recommended that:

1. authority be granted to acquire the permanent easement interest and temporary access and construction licence and to enter into the required Agreements with the Owner on the terms and conditions outlined herein, and any such other terms and conditions deemed appropriate by the Director of Real Estate Services and the General Manager of Toronto Water, the Executive Director of Engineering & Construction Services, and in a form acceptable to the City Solicitor;
2. the Director of Real Estate Services, or his designate, administer and manage the Agreements including the provision of any consents, approvals, waivers, notices and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction; and,
3. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto

**Financial Impact**  
 The following costs will be incurred by the City in connection with this transaction:

- a. The Owner has agreed to grant the required permanent easement interest for \$6,750.00 (inclusive of HST) in compensation;
- b. The Owner has agreed to grant the required temporary licence for nominal value together with such erosion control measures and planting costs as are necessarily involved with the project;
- c. Registration fees of no more than \$200.00; and
- d. Legal fees up to a maximum of \$11,000.00 plus HST; and

Funds are available in the 2018 - 2027 Council Approved Capital Budget for Toronto Water account number CWW470-02.

The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

**Comments**  
 City Council approved a Toronto Water Capital project involving the installation of new storm sewer and outfall infrastructure located inside Rosedale Golf Club at 1901 Mount Pleasant Road, Toronto, Ontario. Toronto Water has identified this project through a needs assessment. A permanent easement interest must be acquired from the current Owner to proceed with the Green Valley Project.

City staff have negotiated Agreements with the Owner.

City staff consider the terms to be fair and reasonable to both parties.

**Terms**  
*[For additional space, use page 4]*

<b>Property Details</b>	<b>Ward:</b>	25-Don Valley West
	<b>Assessment Roll No.:</b>	
	<b>Approximate Size:</b>	
	<b>Approximate Area:</b>	
	<b>Other Information:</b>	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input checked="" type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.
3. Issuance of RFPs/REOs:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Issuance of RFPs/REOs.
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 Divisions and Agencies:	<b>Delegated to a more senior position.</b>	<b>Delegated to a more senior position.</b>
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<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 \$50,000.	<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 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.
	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>	<b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million.
	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$50,000.	<input type="checkbox"/> Where total compensation does not exceed \$1 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<b>Delegated to a more senior position.</b>	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences
		<input type="checkbox"/> (b) Releases/Discharges
		<input type="checkbox"/> (c) Surrenders/Abandonments
		<input type="checkbox"/> (d) Enforcements/Terminations
		<input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates
		<input type="checkbox"/> (f) Objections/Waivers/Caution
		<input type="checkbox"/> (g) Notices of Lease and Sublease
		<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"/> (j) Documentation relating to Land Titles applications
		<input type="checkbox"/> (k) Correcting/Quit Claim Transfer/Deeds

**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:	J. Robinson					Councillor:									
Contact Name:	R, Van Fraassen					Contact Name:									
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	conkurs					Comments:									
Consultation with Divisions and/or Agencies															
Division:	Engineering and Construction Services					Division:	Financial Planning								
Contact Name:	Luis De Jesus					Contact Name:	Patricia Libardo								
Comments:	Conkurs					Comments:	Conkurs								
Legal Division Contact															
Contact Name:	Jennifer Davidson														

DAF Tracking No.: 2018- 229	Date	Signature
Concurred with by: Manager, Real Estate Services Denise Gendron	June 12, 2018	Signed by Denise Gendron
<input type="checkbox"/> Recommended by: Manager, Real Estate Services [TIM PARK] <input checked="" type="checkbox"/> Approved by:	June 12, 2018	Signed by Tim Park
<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 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.
- (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").

**TREMS SHEET DAF: 2018-229****Owner / Transferor:** Rosedale Golf Association Limited**Transferee:** The City of Toronto (the `City`)**Consideration for:** **Permanent easement:** \$6,750.00 (inclusive of HST)**Temporary Licence:** nominal plus regrading/planting costs**Legal fees:** to a maximum of \$11,000.00 plus HST**Property:** Part of 1901 Mount Pleasant Road, Toronto are defined as follows:**Temporary Licence Lands:**

Part of PIN 10356-0223(LT) being Part of Lot 8, Concession 1 EYS; Block A and B, Plan 717E; Plan 696E, City of Toronto (formerly North York) being Parts 2, 3, and 4 on draft plan (Plan No. 1; Job Number 2017-000007, Design File 2017-00007/DGM dated August 15, 2017, the "Draft Plan"), the area shown on the attached Appendix "B" and all cart paths and access driveways on the Property

**Significant Terms of Temporary Licence:**

- Temporary licence term commences on October 12th, 2018 and ends on March 1<sup>st</sup>, 2019. Access between October 12<sup>th</sup>, 2018 and November 1<sup>st</sup>, 2018 shall be across lands not subject to golf play. The owner agrees that landscape restoration and planting may be undertaken between March 1<sup>st</sup>, and April 15<sup>th</sup>, 2019. The term may be amended upon mutual agreement of the parties. The City, either itself or through its contractor, shall contact the Owner no later than fourteen (14) calendar days prior to commencement so as to minimize disruption to the Owner's golf course operations.
- Upon completion of the project and any related installation, works, restoration, and or entry, the City shall restore any lands disturbed by the City to their condition immediately preceding entry, to the extent reasonably possible upon consultation with the Owner or in the alternative, the City agrees to that the Owner may cause all or part of the restoration work and the City agrees to compensate the Owner for reasonable costs incurred on the basis of submitted invoices to the City. As part of the works to be completed under the Green Valley Project, the City will be undertaking bank regrading and planting work on the bank directly opposite the area where the outfall work shall occur which will be the maintenance and warranty obligation of the Owner post-construction.

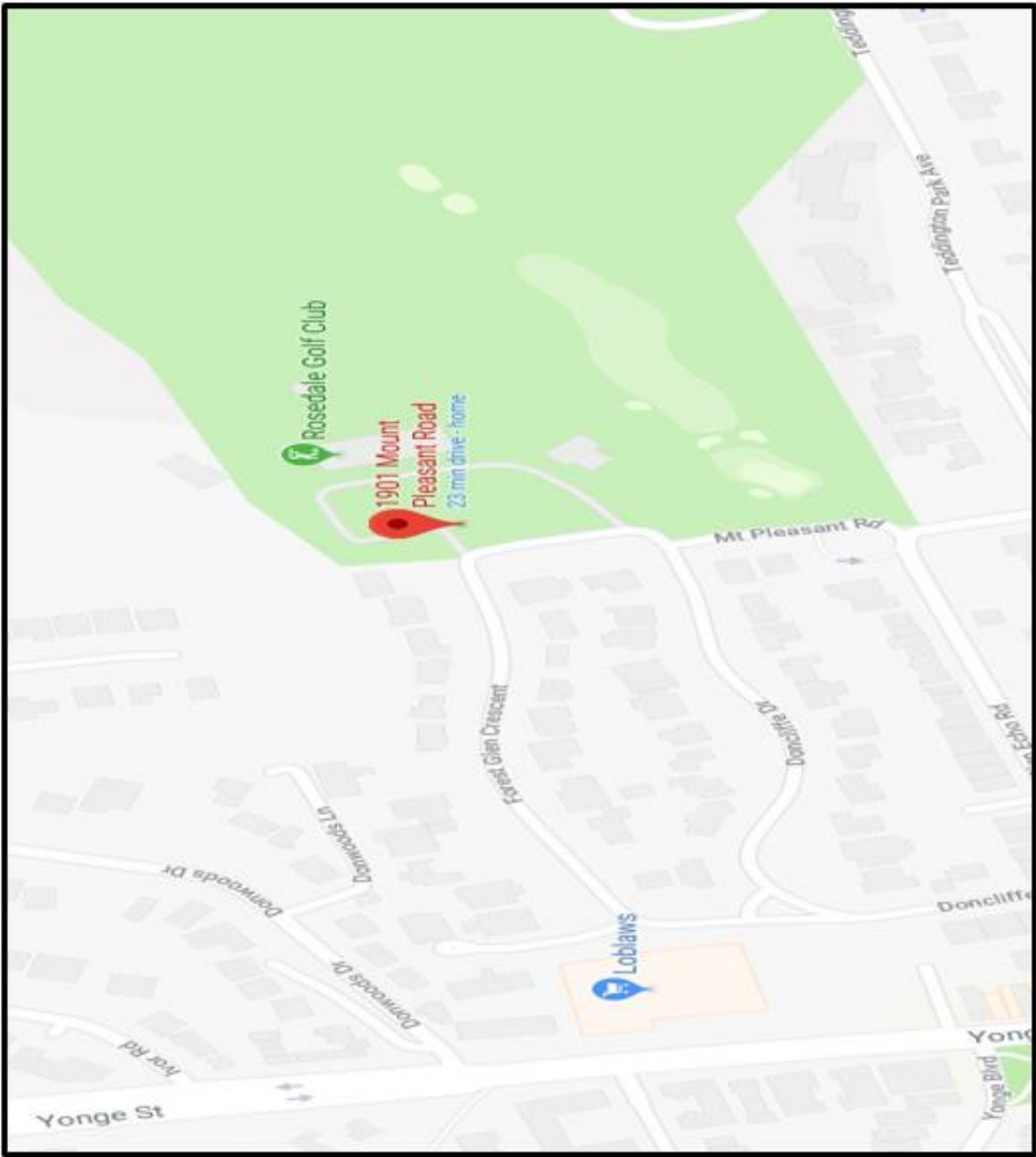
**Permanent Easement Lands:**

Part of PIN 10356-0223 (LT) being Part of Lot 8, Concession 1 EYS (North York); Part of Block A and B, Plan 717E,; Block A, Plan 696E; Toronto/North York, City of Toronto more particularly described as Part 1 on the Draft Plan and as depicted on Appendix "B"

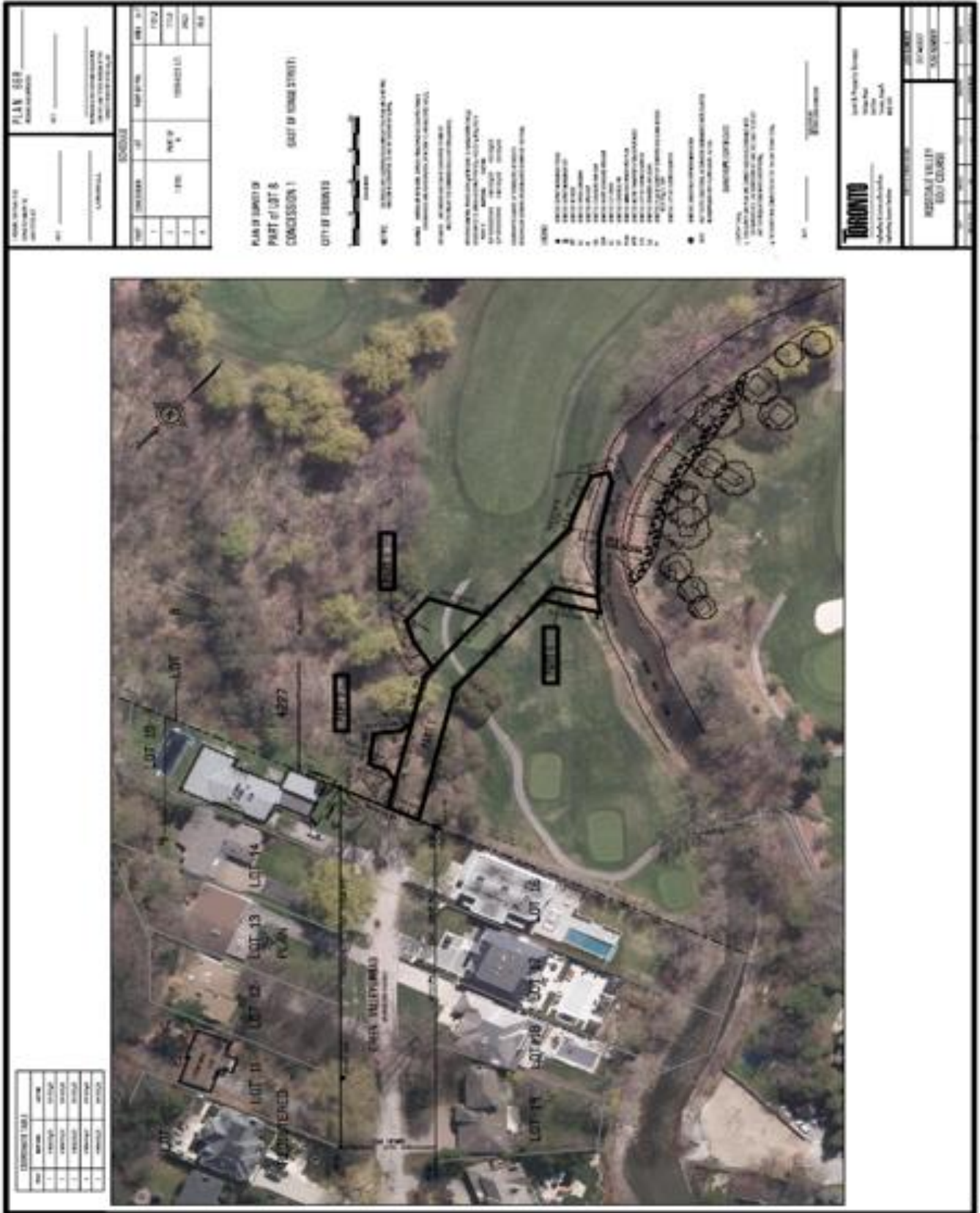
**Significant Terms of Permanent Easement Agreement:**

- Permanent Easement interest permitting the construction and installation of a storm water sewer from Green Valley Drive beneath the Owner's Property to an outfall situate on the bank of the Don River together with future rights of access for maintenance and repair.
- Initial work to occur between October 12<sup>th</sup>, 2018 and March 1<sup>st</sup>, 2019, unless otherwise agreed to in writing by the Owner. It is understood and agreed that work occurring between October 12<sup>th</sup>, 2018 and November 1<sup>st</sup>, 2018 shall occur in areas agreed to by the Owner which are not subject to golf play. It is further understood and agreed that landscape restoration and planting to be undertaken may be completed between March 1, 2019 and April 15, 2019
- Otherwise access to occur between November 1<sup>st</sup> and March 1<sup>st</sup>, emergencies excepted
- City to monitor for a five year period post-construction, through its consultant and that of the Owner, the stormwater outfall and in the event of erosion damage to adjacent Transferor-owned crib wall to, upon consultant review, assist in necessary repair, restoration, or replacement to a maximum amount of \$80,000.00 and on the basis of a proportional sliding scale commencing at 100% in year 1 and ending at 20% in year 5, resulting in a potential contingent liability to be funded by Toronto Water to which the division has agreed.
- Standard obligations to cause property restoration after the completion of the works or reimburse the Owner's reasonable costs to do so

The terms of both the Permanent Easement Agreement and the Temporary Licence Agreement are acceptable to the staff of Toronto Water, Engineering & Construction Services, Real Estate Services, and Legal Services.



Appendix B- DAF: 2018-229



SYMBOL	DESCRIPTION
(Symbol)	LOT
(Symbol)	CONCESSION
(Symbol)	PARKING LOT
(Symbol)	STREET
(Symbol)	PROPERTY LINE
(Symbol)	ADJACENT PROPERTY
(Symbol)	EXISTING ROADWAY
(Symbol)	PROPOSED ROADWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	PROPOSED SIDEWALK
(Symbol)	PROPOSED CURB
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY

SCHEDULE		DATE	BY
1	CONCESSION	1992	UNDEVELOPED
2	LOT 11	1992	UNDEVELOPED
3	LOT 12	1992	UNDEVELOPED
4	LOT 13	1992	UNDEVELOPED
5	LOT 14	1992	UNDEVELOPED
6	LOT 15	1992	UNDEVELOPED

PLAN IN SUPPORT OF  
PART OF LOT 8  
CONCESSION 1  
GOLF OF TORONTO STREET

CITY OF TORONTO

DATE: 2018-03-28

SCALE: 1:1000

PROJECT: 2018-229

DATE: 2018-03-28

SCALE: 1:1000

PROJECT: 2018-229

DATE: 2018-03-28

SCALE: 1:1000

PROJECT: 2018-229

DATE: 2018-03-28

**Toronto**  
City of Toronto  
Planning Department  
400 Queen Street West  
Toronto, Ontario M5H 2M2  
416-392-3111

Plan 488  
2018-229  
2018-03-28

REGISTRATION NUMBER: 2018-229  
DATE OF REGISTRATION: 2018-03-28