

DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER, INTERNAL CORPORATE SERVICES

TRACKING NO.: 2018-151

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:	Alma Agoviku	Division:	Real Estate Services
Date Prepared:	April 13, 2018	Phone No.:	416-392-7214

Purpose	To obtain authority to amend Item No.GM23.12 approved by City Council at its meeting on December 5, 2017 (the "Original Authority") which granted authority to the City to receive the donation of 107 Comrie Terrace in Toronto (the "Property") from Clearwater Equity Leaseholds Limited (the "Donor") in accordance with the Policy on Donations to the City for Community Benefits and enter into an Offer to Donate with the Donor. The amendment is to increase the legal fees payable by the City at closing from a maximum of \$1,000.00 (plus HST) to a maximum of \$2,000.00 (plus HST) and to amend the amount of the tax receipt to be provided to the Donor after closing..
Property	Legally described as Parcel Plan-3, Section 66M2113, Block 28, Plan 66M2113, Scarborough, City of Toronto, PIN 07624-0027-LT as shown on the attached map and reference plan in Schedules "A" and "B" respectively.
Actions	Authority be granted to amend the Original Authority to: <ol style="list-style-type: none"> 1. increase the maximum legal fees payable by the City at closing from \$1,000.00 (plus HST) to \$2,000.00 (plus HST). 2. reduce the dollar amount of the income tax receipt to be provided to the Donor at closing from \$46,000.00 to \$44,000.00.
Financial Impact	The total maximum legal fees payable to the Donor at closing will be \$2,000.00. Funding for the legal costs for the receive this Property has been included in the Parks, Forestry and Recreation 2018-2027 Capital Budget and Plan (CPR115-46-01). Accounting Services has advised that the income tax receipt to be provided to the Donor at closing must be in the amount of \$44,000.00 and not \$46,000.00 as approved in the Original Authority. The \$44,000 tax receipt represents the appraised value of the land less the payment by the City of the Donor's legal fees, exclusive of any taxes. The Acting Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
Comments	On December 5, 2017, City Council adopted Item No. GM23.12 which authorized the City to pay legal fees to the Donor up to a maximum of \$1,000.00 (plus HST). This amending DAF modifies the maximum amount of legal fees payable to \$2,000.00 (plus HST). In order to prove its legal expenses the Donor will provide the City with copies of applicable invoices at closing.
Terms	Accounting services has advised that in accordance with Canada Revenue Agency requirements, the income tax receipt to be provided to the Donor at closing must represent the amount of the appraised value of the land less the advantage of the City's payment of the Donor's legal fees paid to the Donor's lawyer, exclusive of any taxes. Given that the appraised value of the land is \$46,000.00 and the legal fees paid to the Donor will be \$2,000.00 (plus HST), the tax receipt must be in the amount of \$44,000.00

Property Details	Ward:	Ward 36 – Scarborough – Southwest
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	242.8 m ²

A.	Deputy City Manager, Internal Corporate Services has approval authority for:	City Manager has approval authority for:
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
2. Expropriations:	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.
3. Issuance of RFPs/REOs:	<input type="checkbox"/> Issuance of RFPs/REOs.	Delegated to a less senior position.
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	Delegated to a less senior position.
5. Transfer of Operational Management to Divisions and Agencies:	<input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.	Delegated to a less senior position.
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	Delegated to a less senior position.
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
	<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.	Delegated to a less senior position.
	<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.	Delegated to a less senior position.
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.
11. Easements (City as Grantor):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.
13. Revisions to Council Decisions in Real Estate Matters:	<input checked="" type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences	Delegated to a less senior position.
	<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/Cautions	
	<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. City Manager and Deputy Manager, Internal Corporate 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. 		
Deputy City Manager, Internal Corporate 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. 		
<ul style="list-style-type: none"> Expropriation Applications and Notices following Council approval of expropriation. 		

Consultation with Councillor(s)											
Councillor:					Councillor:						
Contact Name:					Contact Name:						
Contacted by:		Phone	E-Mail	Memo	Other	Contacted by:		Phone	E-mail	Memo	Other
Comments:					Comments:						
Consultation with Divisions and/or Agencies											
Division:					Division:						
Contact Name:					Contact Name:						
Comments:					Comments:						
Legal Division Contact											
Contact Name:					Jacqueline Kiggundu						

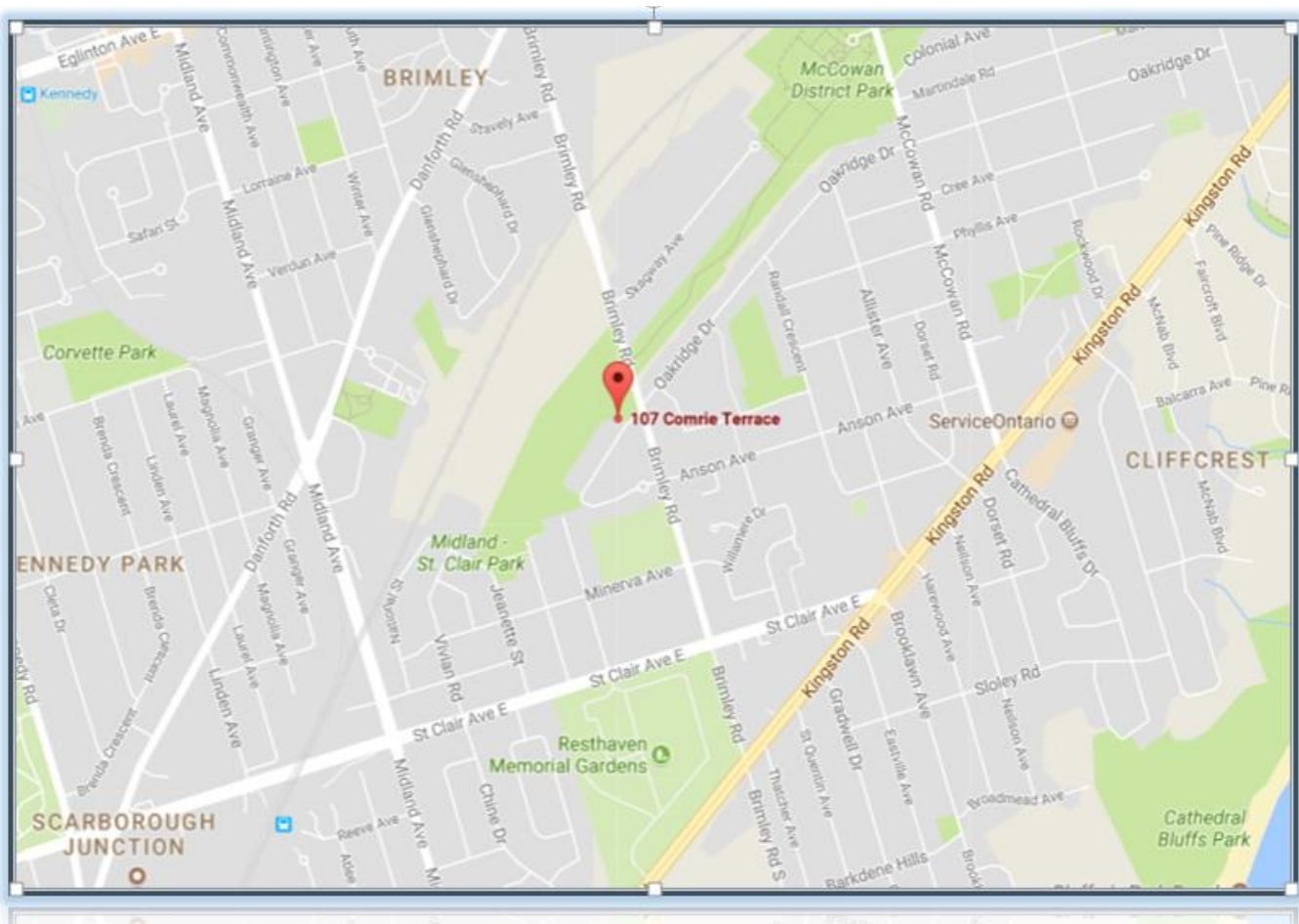
DAF Tracking No.: 2018- 151	Date	Signature
Recommended by: Manager, Real Estate Services	Apr. 16, 2018	Tim Park
Recommended by: Director, Real Estate Services		
<input type="checkbox"/> Recommended by: Deputy City Manager, Internal Corporate Services <input checked="" type="checkbox"/> Approved by: Josie Scioli	Apr. 16, 2018	Josie Scioli
<input type="checkbox"/> Approved by: City Manager, Peter Wallace		

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"

LOCATION MAP



Appendix "B"

Close up donation area from R-Plan 66M2113 BLK 28

