

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

TRACKING NO.: 2018-170

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 7, 2018 | Phone No.: | (416) 392-8160 |

| | |
|-------------------------|---|
| Purpose | To obtain authority to release any interest the City has in the properties municipally known as 290 Eastwood Road and 568 Woodbine Avenue pursuant to certain restrictive covenants (the " Original Restrictive Covenants ") contained in Instrument No. CT528462 registered on April 20, 1982. |
| Property | 290 Eastwood Road, legally described as Part of Lot 8, Plan 658-E and Part of Lot 6, Concession 1 From the Bay, designated as Part 2 on 66R-27791, Township of York; and 568 Woodbine Avenue, legally described as Part of Lot 8, Plan 658-E and Part of Lot 6, Concession 1 From the Bay, Township of York, designated as Part 1 on 66R-27791 (collectively, the " Properties "). |
| Actions | <ol style="list-style-type: none"> Authority be granted to release any interest the City may have in the Properties under the Original Restrictive Covenants. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. |
| Financial Impact | There is no financial impact resulting from this approval. The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information. |
| Comments | <p>When the former Corporation of the City of Toronto transferred the lands now municipally known as 290 Eastwood Road ("290 Eastwood") on April 6, 1982, by Instrument No. CT528462 (the "Deed"), to the then-owner (the "Grantee") of the northerly abutting property municipally known as 568 Woodbine Avenue ("568 Woodbine"), it included the Original Restrictive Covenants as terms of the transfer. The Original Restrictive Covenants provide as follows:</p> <p>"1. That the Grantee will not erect or cause to be erected any building or structure on [290 Eastwood] save and except as an addition to the building presently erected on [568 Woodbine]... and save and except for a garage or garages provided that the City of Toronto Zoning By-Law 20623, as amended permits the erection of such addition, garage or garages.</p> <p>2. That the Grantee will not make an application to The Committee of Adjustment for the City of Toronto under the Planning Act for a severance of [290 Eastwood] from [568 Woodbine].</p> <p>3. The Grantee will obtain from any subsequent purchaser or mortgagee from him covenants similar to or to the same effect as the covenants herein set out."</p> <p>In 1997, the Properties were conveyed by the then-owners (collectively, the "Subsequent Owners") in a single Transfer/Deed of Land registered as Instrument No. CA448875. Presumably in order to comply with paragraph 3 of the Original Restrictive Covenants, the Subsequent Owners added the restrictive covenants contained in the Original Restrictive Covenants to the Transfer/Deed of Land and those covenants were recorded on title to the Properties as Instrument No. CA448875Z (the "Present Restrictive Covenants"). In 2015, a subsequent owner (the "Vendor") of the Properties obtained a consent (the "Consent") under the <i>Planning Act</i> (Ontario) from the Committee of Adjustment to sever 290 Eastwood from 568 Woodbine (with a minor adjustment in the boundary between the two properties). The Consent was registered on title to 290 Eastwood on November 23, 2016 as Instrument No. AT4409337. The City also issued a Building Permit in 2016 authorizing the construction of a new 3-storey residential dwelling on 290 Eastwood.</p> <p>When 568 Woodbine was sold in 2017, the solicitor for the purchaser requested that the City release the Original Restrictive Covenants from title to 568 Woodbine and the solicitor for the Vendor requested that the City release the Present Restrictive Covenants from title to 568 Woodbine. While the City has no authority to release the Present Restrictive Covenants and the Original Restrictive Covenants in favour of the City are no longer registered on title, as the City consented to the severance of 290 Eastwood from 568 Woodbine and issued a building permit for the construction of a new dwelling on 290 Eastwood, the Original Restrictive Covenants are no longer required and it is therefore appropriate for the City to release any interest in the Properties that is has pursuant to the Original Restrictive Covenants.</p> |

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|-------------------------|-----------------------------|--|
| Property Details | Ward: | 32 – Beaches-East York |
| | Assessment Roll No.: | 1904-09-4-080-02701 & 1904-09-4-080-02702 |
| | Approximate Size: | |
| | Approximate Area: | 404 m ² ± (4,348.6 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/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. |

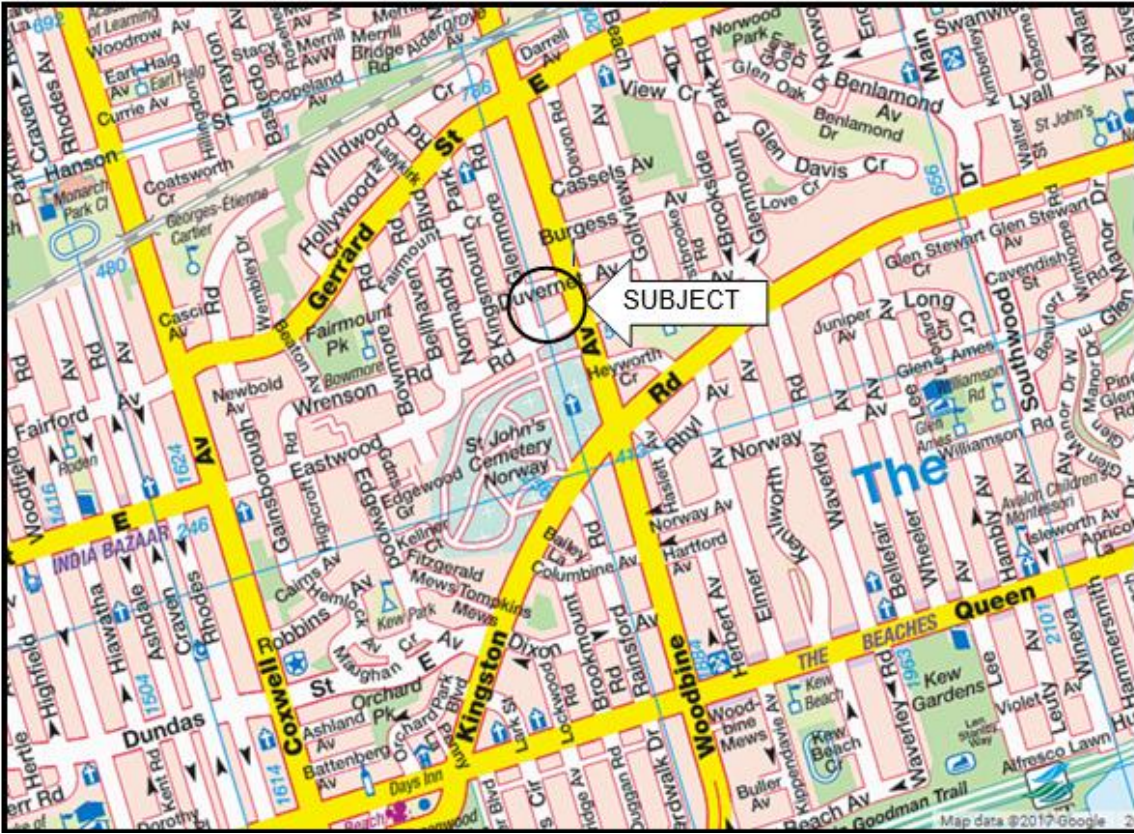
| Consultation with Councillor(s) | | | | | | | | | | | |
|---|--------------------------------------|---|--------|--|------|---------------|--------------------------------------|--|--------|------|-------|
| Councillor: | Mary-Margaret McMahon | | | | | Councillor: | | | | | |
| Contact Name: | Peter Woodcock | | | | | Contact Name: | | | | | |
| Contacted by: | Phone | X | E-Mail | | Memo | Contacted by: | Phone | | E-mail | Memo | Other |
| Comments: | No objections (June 7, 2018) | | | | | Comments: | | | | | |
| Consultation with Divisions and/or Agencies | | | | | | | | | | | |
| Division: | | | | | | Division: | Financial Planning | | | | |
| Contact Name: | | | | | | Contact Name: | Patricia Libardo | | | | |
| Comments: | | | | | | Comments: | Incorporated into DAF (June 7, 2018) | | | | |
| Legal Division Contact | | | | | | | | | | | |
| Contact Name: | Mark Zwegers (7-4055) (May 30, 2018) | | | | | | | | | | |

| DAF Tracking No.: 2018-170 | Date | Signature |
|---|---------------|-------------------------------|
| Concurred with by: Melanie Hale-Carter | June 15, 2018 | Signed by Melanie Hale-Carter |
| <input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Nick Simos | June 15, 2018 | Signed by Nick Simos |
| <input type="checkbox"/> Approved by: | | |
| <input checked="" type="checkbox"/> Approved by: Deputy City Manager, ICS Josie Scioli | June 18, 2018 | Signed by Josie Scioli |

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



**PLAN OF SURVEY OF
PART OF LOT 8
REGISTERED PLAN 658E AND
PART OF YORK TOWNS LOT 6
CONCESSION 1, FROM THE BAY
CITY OF TORONTO
SCALE 1:200
VLADIMIR DOSEN SURVEYING, O.L.S.**

PE-11527

I require this plan to be deposited
under the Land Titles Act.

Date DECEMBER 11, 2014

V. Dosen
VLADIMIR DOSEN B.Sc., O.L.S.

METRIC
DIMENSIONS AND COORDINATES SHOWN
ON THIS PLAN ARE IN METERS AND
SHALL BE CONSIDERED TO FEET BY
DIVISION BY 3.048

PLAN 66R-27791

RECEIVED AND DEPOSITED

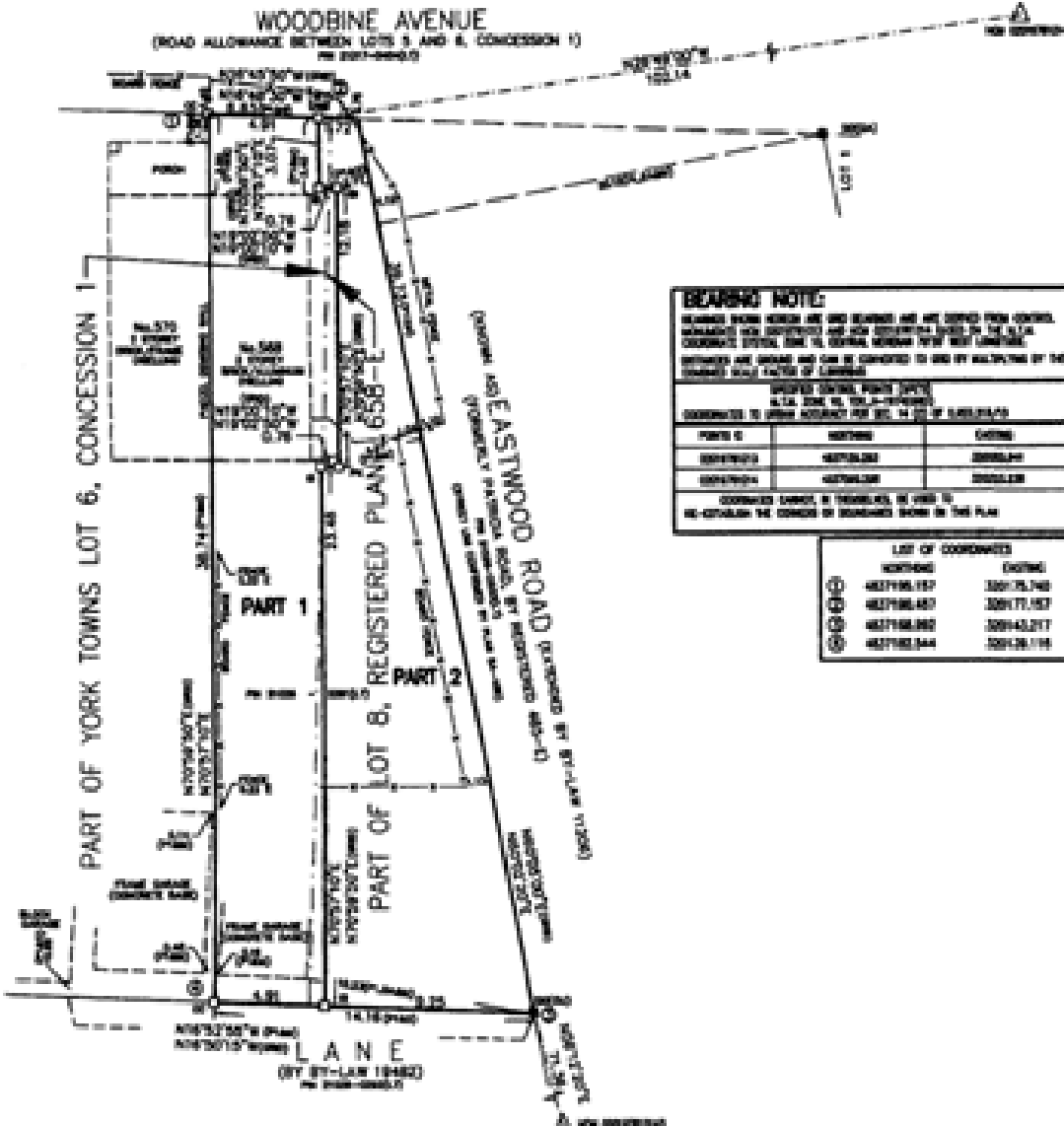
Date DEC. 16, 2014

Shawn O. Szarowicz

Representative for Land Registry
for the Land Titles Division of
TORONTO REGISTRY OFFICE (M-46)

SCHEDULE

| Part | Part of Lot | Registered Plan | Part of York Towns Lot | Concession | Area |
|------|----------------|--------------------|---------------------------|--------------|---------------------|
| 1 | 8 | 658E | 8 | FROM THE BAY | ALL OF 2188-66R(10) |
| 2 | 6 | 658E | 6 | FROM THE BAY | ALL OF 2188-66R(10) |



BEARING NOTE:
BEARINGS FROM STATION 100 AND STATION 101 ARE LISTED FROM CONTROL
STATION 100 BEARING 100° 00' 00" N 100° 00' 00" W TO BE 100° 00' 00" N
STATION 101 BEARING 101° 00' 00" N 101° 00' 00" W TO BE 101° 00' 00" N

| STATION | BEARING | DATE |
|-------------|----------------|------------|
| STATION 100 | 100° 00' 00" N | 2008-04-11 |
| STATION 101 | 101° 00' 00" N | 2008-04-11 |

COORDINATES SHOWN IN THIS PLAN, IN CASE OF
RE-CALCULATION, ARE BASED ON DATUM OF 1984

LIST OF COORDINATES

| NORTHING | EASTING |
|-------------|------------|
| 4827188.157 | 328171.740 |
| 4827188.457 | 328171.157 |
| 4827188.280 | 328142.217 |
| 4827188.344 | 328126.178 |

NOTES AND LEGEND

1. THIS PLAN IS A PLAN OF SURVEY AND IS NOT A PLAN OF RECORD.

2. THIS PLAN IS A PLAN OF SURVEY AND IS NOT A PLAN OF RECORD.

3. THIS PLAN IS A PLAN OF SURVEY AND IS NOT A PLAN OF RECORD.

4. THIS PLAN IS A PLAN OF SURVEY AND IS NOT A PLAN OF RECORD.

SURVEYOR'S CERTIFICATE

1. I, the undersigned, being a duly qualified and licensed surveyor, have surveyed the above described land and have caused the same to be laid out and shown on this plan.

2. I, the undersigned, being a duly qualified and licensed surveyor, have surveyed the above described land and have caused the same to be laid out and shown on this plan.

3. I, the undersigned, being a duly qualified and licensed surveyor, have surveyed the above described land and have caused the same to be laid out and shown on this plan.

4. I, the undersigned, being a duly qualified and licensed surveyor, have surveyed the above described land and have caused the same to be laid out and shown on this plan.

DECEMBER 11, 2014
DATE

V. Dosen
VLADIMIR DOSEN, B.Sc.
ONTARIO LAND SURVEYOR

VLADIMIR DOSEN SURVEYING
ONTARIO LAND SURVEYORS

555 DAVENPORT AVENUE
TORONTO, ONTARIO M4S 1J2
PHONE: (416) 527-0408 FAX: vlad@dosensurveying.com

CAD FILE: 555 WOODBINE AVENUE BY PLAN
DRAWN BY: V.D. FIELD PUNCH: FILE: 13-142
CHECKED BY: V.D. JOB NO: 13328