

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

TRACKING NO.: 2018-228

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:	Irina Fofanova	Division:	Real Estate Services
Date Prepared:	June 12, 2018	Phone No.:	416-397-0806

Purpose	To initiate the process to permanently close, and to authorize the General Manager of Transportation Services to give notice of a proposed by-law to close, a surplus portion of the Dowry Street at the Agincourt Go station, and to authorize the sale of the closed highway to Metrolinx, conditional upon City Council authorizing the permanent closure and Metrolinx obtaining a permit for the improvement of the adjoining portion of Dowry Street.
Property	A portion of Dowry Street, Registered Plan 3666, being Part of PIN 06104-0281(LT), designated as Part 5 on Plan 66R-29349, Toronto; also shown as Part 1 on Sketch No. PS-2017-107 attached on Page 6 (the "Highway").
Actions	<ol style="list-style-type: none"> 1. The General Manager of Transportation Services (the "GMTS") is authorized to give notice to the public of a proposed by-law to permanently close the Highway in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Public Works and Infrastructure Committee ("PWIC") to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law. 2. The GMTS is authorized to advise the public of the proposed closure of the Highway prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Web site for at least five working days prior to PWIC meeting at which the proposed by-law to close the Highway will be considered. 3. The City accept the Offer to Purchase from Metrolinx to purchase the Highway for the sum of \$460,000.00 subject to Toronto Water easements in favour of the City, and utility easements in favour of Enbridge Gas, Toronto Hydro and Bell Canada, substantially on the terms and conditions outlined herein and any other or amended terms and conditions deemed appropriate by the Director of Real Estate Services and in form satisfactory to the City Solicitor. 4. A portion of the proceeds of closing be directed to fund the outstanding expenses related to the Highway and the completion of the sale transaction. 5. The City Solicitor is authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable. 6. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>Consideration in the amount of \$460,000.00 (exclusive of HST) will be paid to the City for the Highway. Adjustments for all realty taxes and all other items normally adjusted in a sale of similar property shall be made as of the closing date as appropriate.</p> <p>The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Highway was declared surplus on April 11, 2018 (DAF No. 2018-145) with the intended manner of disposal Metrolinx in order to facilitate parking expansion and station infrastructure initiatives (the "Project") at Agincourt GO Station.</p> <p>Part 2 on Sketch No. PS-2017-107 (the "Retained Lands"), will be closed to vehicular traffic and developed as a pedestrian entrance to the Agincourt GO station by Metrolinx in accordance with a permit to be obtained by Metrolinx from Transportation Services. The City will retain the Retained Lands. A separate report will be submitted to Scarborough Community Council to close the Retained Lands in early 2019.</p> <p>Transportation Services has reviewed the feasibility of permanently closing the Highway and advises that it has no objection to the proposed closing, subject to City Council approving the permanent closure of the Highway.</p> <p>All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>The Offer to Purchase submitted by Metrolinx is considered fair, reasonable and reflective of market value. It is recommended for acceptance substantially on the terms and conditions outlined below.</p>
Terms	See page 4

Property Details	Ward:	39 – Scarborough-Agincourt
	Assessment Roll No.:	
	Approximate Size:	67 m x 3.0 m ± (219.8 ft x 9.84 ft ±)
	Approximate Area:	306.6 m ² ± (3,000 ft ² ±)
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
1. Acquisitions:	<input 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:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
4. Permanent Highway Closures:	Delegated to a more senior position.	<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:	Delegated to a more senior position.	Delegated to a more senior position.
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 checked="" 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:	Delegated to a more senior position.	<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.
	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.
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.
	Delegated to a more senior position.	<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:	Delegated to a more senior position.	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).
14. Miscellaneous:	Delegated to a more senior position.	<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:	Jim Karygiannis – June 12, 2018					Councillor:			
Contact Name:						Contact Name:			
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No objections					Comments:			
Consultation with Divisions and/or Agencies									
Division:	Transportation Services					Division:	Financial Planning		
Contact Name:	Laurie Robertson – June 12, 2018					Contact Name:	Patricia Libardo – June 12, 2018		
Comments:	Included					Comments:	Included		
Legal Division Contact									
Contact Name:	Bronwyn Atkinson – June 12, 2018								

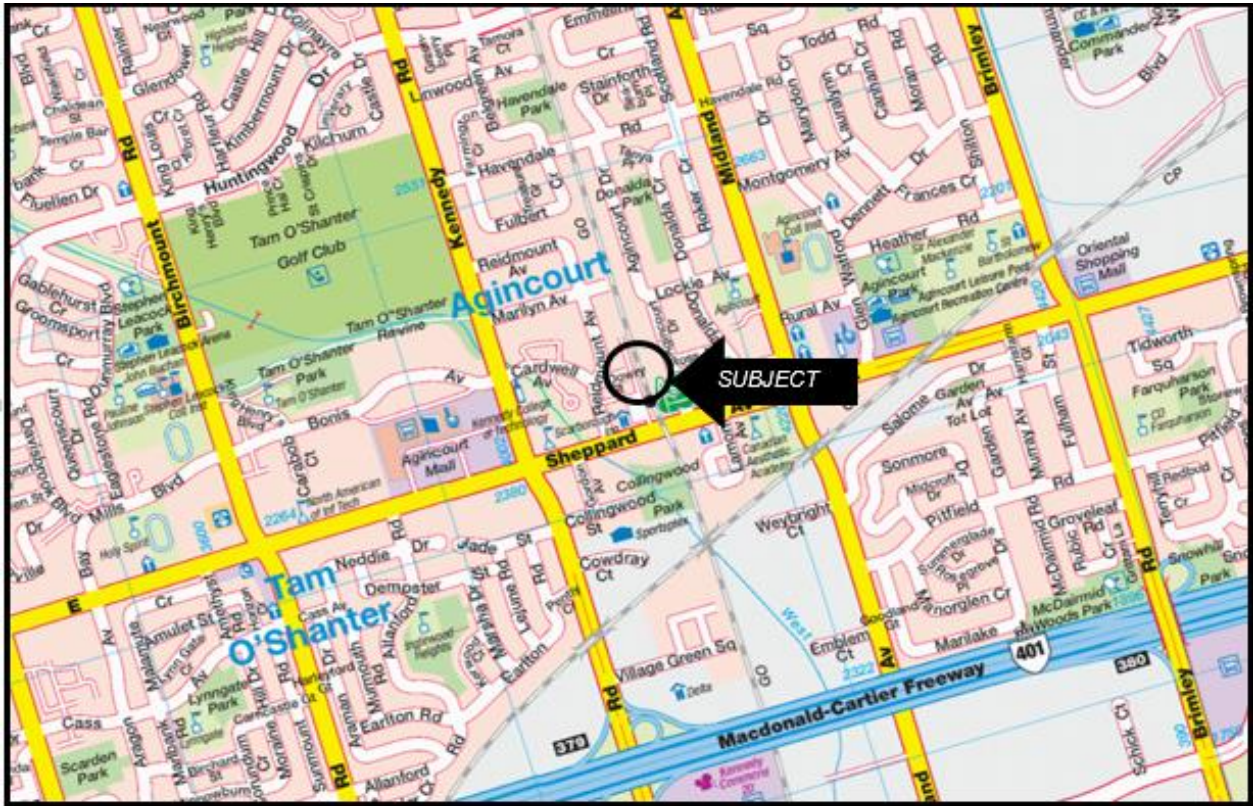
DAF Tracking No.: 2018- 228	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services <input type="checkbox"/> Approved by: Tim Park	June 13, 2018	Signed by Tim Park
<input checked="" type="checkbox"/> Approved by: Deputy City Manager, ICS Josie Scioli	June 14, 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").

Terms:	<p>Purchase Price: \$460,000.00 by certified cheque or bank draft on closing</p> <p>Deposit: None</p> <p>Easement Requirements: An easement to be reserved on Closing in favour of the City for Toronto Water Infrastructure, and easement to be granted in favour of Enbridge Gas, Toronto Hydro and Bell Canada.</p> <p>Irrevocable Date: N/A</p> <p>Closing Date: July 30, 2018 or any earlier or later date as mutually may be agreed by the parties in writing.</p> <p>Other Terms: After closing, the Property shall be entirely at the risk of the Purchaser, and the Purchaser shall assume any and all responsibilities and liabilities arising out of or in any way connected with the Property.</p> <p>The Purchaser agrees to release and discharge the City, its officers, employees, agents, representatives, and elected and appointed officials from every claim of any kind that the Purchaser may make, suffer, sustain or incur in regard to any pre-existing hazardous substance located in, on or under the Property.</p> <p>As a condition of closing, Metrolinx will obtain a Street Occupation Permit in respect of the modification works required by the City on Dowry Street.</p>
---------------	--

SCHEDULE "A" - LOCATION MAP & AERIAL PICTURE



SCHEDULE "B" – PS SKETCH

