

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

TRACKING NO.: 2018-297

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:	August 13, 2018	Phone No.:	(416) 392-8160

Purpose	To obtain authority to grant an Omnibus Permission To Enter (the "OPTE") in favour of Metrolinx, over parts of City properties that have been identified as required for the Regional Express Rail Program (the "RER"), for the purpose of due diligence work.
Property	City properties along the RER lines shown in Appendix "A"
Actions	<ol style="list-style-type: none"> 1. Authority be granted to enter into the OPTE in favour of Metrolinx for the due diligence work (the "Works") as detailed in Appendix "B", on terms and conditions as set out herein and as deemed appropriate by the Director, Real Estate Services, or designate, and in a form satisfactory to the City Solicitor; 2. Authority be granted for the Director, Real Estate Services, to administer and manage the OPTE including the provision of any amendments, consent, approvals, waivers, notices and notices of termination provided that the Director, Real Estate Services may, at any time, refer consideration of such matters to City Council for its determination and direction; 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	There is no financial impact. The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.
Comments	As part of the RER Program, Metrolinx has requested for Permission to Enter over multiple City-owned properties in order to undertake its due diligence work. The City and Metrolinx will enter into the OPTE to allow for the staggered delivery of properties as they are identified by Metrolinx.

Property Details	Ward:	Multiple
	Assessment Roll No.:	
	Approximate Size:	TBD
	Approximate Area:	TBD
	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 checked="" 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/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:		Councillor:	
Contact Name:		Contact Name:	
Contacted by:	Phone	E-Mail	Memo
			Other
Comments:		Comments:	
Consultation with Divisions and/or Agencies			
Division:	PF&R	Division:	Financial Planning
Contact Name:	Mark Filice	Contact Name:	Patricia Libardo
Comments:	Incorporated into DAF (July 16, 2018)	Comments:	Incorporated into DAF (August 13, 2018)
Legal Division Contact			
Contact Name:	Lisa Davies (2-7070) August 2, 2018		

DAF Tracking No.: 2018-297	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler		
<input type="checkbox"/> Recommended by: Manager, Real Estate Services		X
<input checked="" type="checkbox"/> Approved by: Tim Park		
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore	Aug. 22, 2018	Signed by David Jollimore

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"

Property No.	PIN	Property Address	Corridor	Area (m ²)	Ward #	Nearest Main Intersection
1	065240266	105 Bridgend Street	LSE	11728	44	Bridgend Street & Shoalhaven Drive
2	065250924	East of 51 Beechgrove Drive	LSE	1613	44	Lakeridge Drive & Rockport Drive
3	104870110	South of 150 Bronoco Avenue	Barrie	3093	12	Bronoco Avenue & Alessia Circle
4	104870669	504 Gilbert Avenue	Barrie	1621	17	Eglinton Avenue West & Gilbert Avenue
5	104870685	400 Caledonia Drive	Barrie	22704	17	Caledonia Road & Kitchener Avenue

Appendix "B"

THE WORKS

- A. Phase I Environmental Site Assessment
- Undertake a Phase I Environmental Site Assessment (ESA) in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z68-01, as determined by Metrolinx
 - Activities may include, but are not limited to, site visits, interviews with people familiar with the City Properties, records reviews, contacting government agencies, etc.
 - All Work shall be conducted in accordance with applicable law and industry best practices
- B. Phase II Environmental Site Assessment
- Undertake a Phase II Environmental Site Assessment (ESA) in accordance with either Ontario Regulation 153/04, as amended or Canadian Standards Association Z69-02, as determined by Metrolinx
 - Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
 - All monitoring wells shall be decommissioned upon completion of project activities in accordance with Ontario Regulation 903.
 - All Work shall be conducted in accordance with applicable law and industry best practices
 - Geophysical assessment may be completed as part of the project activities, including magnetometer, electromagnetometer, ground penetrating radar and seismic surveys as appropriate.
 - A work plan depicting sampling locations shall be submitted to the City for review prior to the implementation of intrusive site activities
- C. Geotechnical and Hydrogeological Investigations
- Undertake geotechnical investigations and/or hydrogeological investigations in accordance with applicable law and industry best practices.
 - Activities may include, but are not limited to, site visits, utility locates, intrusive investigative activities (drilling of boreholes and/or excavation of test pits, installation of monitoring wells), collection of soil and/or groundwater samples for laboratory analysis, etc.
 - All monitoring wells shall be decommissioned upon completion of project activities in accordance with Ontario Regulation 903.
 - Geophysical assessment may be completed as part of the project activities, including magnetometer, electromagnetometer, ground penetrating radar and seismic surveys as appropriate.
 - All Work shall be conducted in accordance with applicable law and industry best practices
 - A work plan depicting sampling locations shall be submitted to the City for review prior to the implementation of intrusive site activities.
- D. Designated Substances and Hazardous Material Survey
- Undertake a survey of site buildings and structures to determine the presence of designated substances, mould and polychlorinated biphenyls
 - All Work shall be done in accordance with applicable law and industry best practices and shall provide sufficient detail to satisfy the requirements of the Occupational Health and Safety Act, Ontario Regulation 278/05
 - The collection and analysis of samples for asbestos containing materials, lead and mould shall be completed as required
- E. Archaeological Studies
- Stage 2 Archaeological Assessments are undertaken in accordance with the Ontario Heritage Act, the 2011 Ministry of Tourism, Culture and Sport Standards and Guidelines for Consultant Archaeologists and industry best practices.
 - Activities include manually excavating 30 cm deep test-pits and surveying at 5 metre intervals, screening of test-pit material for archaeological resources, and backfilling of test-pits.
 - In the event artifacts are found, additional test-pitting will be undertaken at 1 metre intervals, which are immediately backfilled.

- F. Cultural Heritage Evaluations
- Undertake Cultural Heritage Evaluations in accordance with the Ontario Heritage Act, the Standards and Guidelines for Conservation of Provincial Heritage Properties and the Metrolinx Interim Heritage Management Process
 - Activities may include, but are not limited to, site visits, records review, historical research, consultation with relevant stakeholders and government authorities
- G. Noise and Vibration Monitoring
- Undertake Noise and/or Vibration Monitoring Studies to determine existing, baseline conditions in accordance with the MOEE/GO Transit Noise and Vibration Draft Protocol, December 1994, all applicable law and industry best practices.
 - Activities may include the placement and retrieval of monitoring equipment and the installation of supports (stakes, posts, etc) to secure the equipment.
- H. Tree Study/Bat Survey