

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

TRACKING NO.: 2018-288
With Confidential Attachment

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:	Bruno Iozzo	Division:	Real Estate Services
Date Prepared:	August 7, 2018	Phone No.:	(416) 392-8151

Purpose
 To authorize the service of Offers of Compensation pursuant to Section 25 of the *Expropriations Act* for the expropriated permanent easements identified on the attached Appendix "A" in the properties located at 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue (the "Properties"). The easements are required to complete the Easier Access Phase III Program (the "Project") to construct three (3) new elevators at Lansdowne Subway Station as part of the TTC Accessibility Plan (the "Plan"). The Plan's objective is to fulfill the provincially-legislated requirements in the Accessibility for Ontarians with Disabilities Act, 2005 (the "AODA").

Property
 The properties are municipally known as 685 Lansdowne Avenue, 699 Lansdowne Avenue and 478 St. Clarens Avenue, within the City of Toronto and are legally described in the chart displayed in Appendix "A", displayed in the Location Map attached hereto in Appendix "B" and shown on the Expropriation Plan AT4849332 as Parts 1, 2 and 3 attached hereto as Appendix "C".

- Actions**
- To authorize the preparation and service of Offers of Compensation in the amounts set out in the Confidential Attachment on the respective owners of the Properties, together with supporting appraisal reports, in accordance with Section 25 of the *Expropriations Act* (the "Act").
 - To authorize payment of the compensation offered, plus any applicable HST, upon acceptance of the Offers of Compensation.
 - Where an Offer of Compensation is accepted in full compensation for the owner's interest in the land, to authorize the payment of statutory interest, and all reasonable legal, appraisal and other costs in accordance with the Act, to be agreed upon or assessed by the City Solicitor.
 - The Confidential Attachment, setting out the amount of the compensation offered, shall remain confidential until there has been a final determination of the compensation payable to all of the owners, by arbitration or appeal or, if settled, in the discretion of the City Solicitor.

Financial Impact
 Funding for the Section 25 Offers of Compensation, as set out in the Confidential Attachment, is available in the 2018-2027 Council Approved Capital Budget and Plan for the Toronto Transit Commission under account CTT028-1. The Interim Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.

Comments
 On February 1, 2018, by the enactment of By-Law No. 101-2018, City Council authorized the expropriation of the Properties for the proposed Project. Expropriation Plan AT4849332 was registered on April 25, 2018 and Notices of Expropriation were served on the owners of the Properties. Expropriation is required to construct 3 new elevators at Lansdowne Subway Station as part of the TTC's Plan which will fulfill the provincially-legislated requirements in the AODA.

Each compensation amount set out in the Confidential Attachment is based upon an appraisal commissioned by the City, prepared by CBRE Limited, with an effective date of April 25, 2018. The Act requires that the Expropriating Authority serve Offers of Compensation with copies of the appraisal on the affected property owners, including mortgagees and other encumbrancers, after the registration of the Plan of Expropriation and before taking possession of the expropriated land.

Upon acceptance of the Offers of Compensation, the compensation will be apportioned among and paid to the relevant owners according to their entitlements under the Act. Releases of owners' claims resulting from the expropriations, in a form satisfactory to the City Solicitor, will be obtained where appropriate.

Terms
 Compensation will be offered in accordance with the Act for the property interests outlined in Appendix "A", in the amounts set out in the Confidential Attachment.

Property Details	Ward:	18 – Davenport
	Assessment Roll No.:	19 04 031 190 001 50 + 19 04 031 190 005 00 + 19 04 031 190 055 00
	Approximate Size:	N/A
	Approximate Area:	31m ² + 44 m ² + 60m ² = 135m ²
	Other Information:	N/A

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 checked="" 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 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:	Ana Bailão					Councillor:				
Contact Name:	Robert Cerjanec – Chief of Staff					Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other			
Comments:	No issues (Aug/7/2018)					Comments:				
Consultation with Divisions and/or Agencies										
Division:	Toronto Transit Commission					Division:	Financial Planning			
Contact Name:	Duane Lovelace					Contact Name:	Patricia Libardo			
Comments:	Fine to proceed (Aug/3/2018)					Comments:	No issues (Aug/7/2018)			
Legal Division Contact										
Contact Name:	Dale Mellor (Aug/3/2018)									

DAF Tracking No.: 2018-288	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Tim Park	Aug. 8, 2018	Signed by Tim Park
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore	Aug. 9, 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 Address	Legal Description	Property Interest Expropriated and Area of Property
685 Lansdowne Avenue	BLK D PL 920 CITY WEST; LT 3 PL 920 CITY WEST; LT 30-32 PL 1049 TORONTO; PT BLK A PL 1049 TORONTO; PT LT 4 PL 920 CITY WEST AS IN CA525414; S/T EW2226 SUBJECT TO AN EASEMENT OVER PART 3 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO	Permanent Easement interest in the land labelled as "Part 3" in the Expropriation Plan located in Appendix "C" – total area of 31m ²
699 Lansdowne Avenue	PART LOT 6 PL 920 CITY WEST AS IN CA187486 SUBJECT TO AN EASEMENT OVER PART 1 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO	Permanent Easement interest in the land labelled as "Part 1" in the Expropriation Plan located in Appendix "C" – total area of 44m ²
478 St. Clarens Avenue	PT LT 27 PL 1049 TORONTO AS IN CT810033; S/T EW2226; S/T EXECUTION 94-013414, IF ENFORCEABLE SUBJECT TO AN EASEMENT OVER PART 2 ON EXPROPRIATION PLAN AT4849332 AS IN AT4849332 CITY OF TORONTO	Permanent Easement interest in the land labelled as "Part 2" in the Expropriation Plan located in Appendix "C" – total area of 60m ²

Appendix "B" – Location Map



