

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

TRACKING NO.: 2018-320

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:	Loretta Ramadhin	Division:	Real Estate Services
Date Prepared:	September 17, 2018	Phone No.:	416-392-7169

Purpose	To obtain authority to enter into a licence agreement (the "Licence Agreement") with Grant Thornton Limited as receiver over Virk Hospitality Corp. (the "Licensor") for the purpose of undertaking a building condition survey, designated substance survey testing, and environmental investigation, testing and monitoring including invasive borehole testing (the "Works"), required as part of the City's due diligence prior to entering into an agreement to purchase the subject lands at 1677 Wilson Avenue ("Property").
Property	The property municipally known as 1677 Wilson Avenue, Toronto, Ontario, being Part 1 on Plan 66R-15726 as shown in Appendix "A" and the Location Map in Appendix "B".
Actions	<ol style="list-style-type: none"> 1. Authority is granted to enter into the Licence Agreement with the Licensor to acquire access to the Property for four (4) months, on the terms and conditions set out below and any other or amended terms and conditions as may be determined as reasonably necessary by the Manager, Transaction Services (the "Manager") and in a form acceptable to the City Solicitor; 2. Authority is granted to authorize the Manager or her designate to administer and manage the Licence Agreement including the provision of any consents, approvals, waivers, notices, and notices of termination, provided that the Manager may, at any time, refer consideration of such matters to City Council for its determination and direction; 3. Authority is granted to authorize the City Solicitor to complete the transaction on behalf of the City, including payment of any necessary expenses; and 4. The appropriate City officials are authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>There is no financial impact.</p> <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The City is seeking to acquire the Property, which consists of a hotel with 199 rooms and 7 acres of land, for municipal initiatives.</p> <p>The owner of the Property had attempted the sell the property earlier this year and the City had submitted an Offer to Sell. During the negotiations, Grant Thornton Limited became a court appointed receiver for the Property and will be making a court application to list the Property for sale. Real Estate Services is recommending that the required due diligence for acquiring the Property be completed prior to any open-market offer due dates in order to strengthen the City's offer.</p>
Terms	<p>Licensor: Grant Thornton Limited as receiver over Virk Hospitality Corp.</p> <p>Consideration: Nominal</p> <p>Use: To undertake a building condition survey, designated substance survey testing, and environmental investigation, testing and monitoring including invasive borehole testing.</p> <p>Term: Commencing on the date that both parties have executed the Licence Agreement (currently anticipated to be September, 2018) and expiring the earlier of (i) four (4) months' after the commencement date or (ii) when the City determines that the Works are completed.</p> <p>Termination: The City can terminate the Licence Agreement on 5 days' notice.</p> <p>Indemnity: The City shall indemnify and save the Licensor harmless from and against costs, expenses and claims, brought against the Licensor in respect of loss, damage or injury to persons or property, arising out of the Works by the City, except to the extent caused and/or contributed to by the negligence or wilful misconduct of the Licensor.</p> <p>Restoration: The City shall restore the Property after the Works are completed</p>

Property Details	Ward:	7 – York West
	Assessment Roll No.:	19 08 011 020 003 00
	Approximate Size:	13,722.06 m ² +/- (147,703 sq ft +/-)
	Approximate Area:	6.99 acres +/-
	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 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 checked="" 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:	Councillor Mammoliti			Councillor:	
Contact Name:	Mike Makrigiorgos			Contact Name:	
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Other
Comments:	Emailed Sept 13, 2018			Comments:	
Consultation with Divisions and/or Agencies					
Division:	Shelter, Support and Housing Administration			Division:	Financial Planning
Contact Name:	Irene Gryniowski			Contact Name:	Patricia Libardo
Comments:	concurs			Comments:	concurs
Legal Division Contact					
Contact Name:	Rebecca Hartley				

DAF Tracking No.: 2018-320	Date	Signature
Concurred with by: Manager, Real Estate Services Nick Simos	Sept. 18, 2018	Signed by Nick Simos
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Tim Park	Sept. 17, 2018	Signed by Tim Park
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Director, Real Estate Services David Jollimore		X

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"

Plan 66R-15726

66R-15726

66R-15726

66R-15726

66R-15726

FILE NO - 6684	PLAN 66R-15726
I HEREBY THIS PLAN TO BE REGISTERED UNDER THE LAND REGISTRY ACT	RECEIVED AND DEPOSITED
DATE 27th Nov 1957	DATE 27th Nov 1957
J. D. BARNES	J. D. BARNES
CHARTERED LAND SURVEYOR	CHARTERED LAND SURVEYOR
1000 SHEPPARD AVENUE EAST	1000 SHEPPARD AVENUE EAST
TORONTO, ONTARIO	TORONTO, ONTARIO

PART 1 - ALL OF REGD. PLAN 2372

PLAN OF SURVEY OF
 PART OF LOT 10, CONCESSION 5
 WEST OF YONGE STREET
 (FORMERLY TOWNSHIP OF NORTH YORK)
 AND
 PART OF LOT 1, REGISTERED PLAN 2372
 CITY OF NORTH YORK
 MUNICIPALITY OF METROPOLITAN TORONTO
 SCALE 1 INCH = 30 FEET
 J. D. BARNES LIMITED, Toronto - 1957

- NOTES:
- 1. THIS PLAN IS A PLAN OF SURVEY AND NOT A PLAN OF SUBDIVISION.
 - 2. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 3. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 4. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 5. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 6. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 7. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 8. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 9. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.
 - 10. THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.

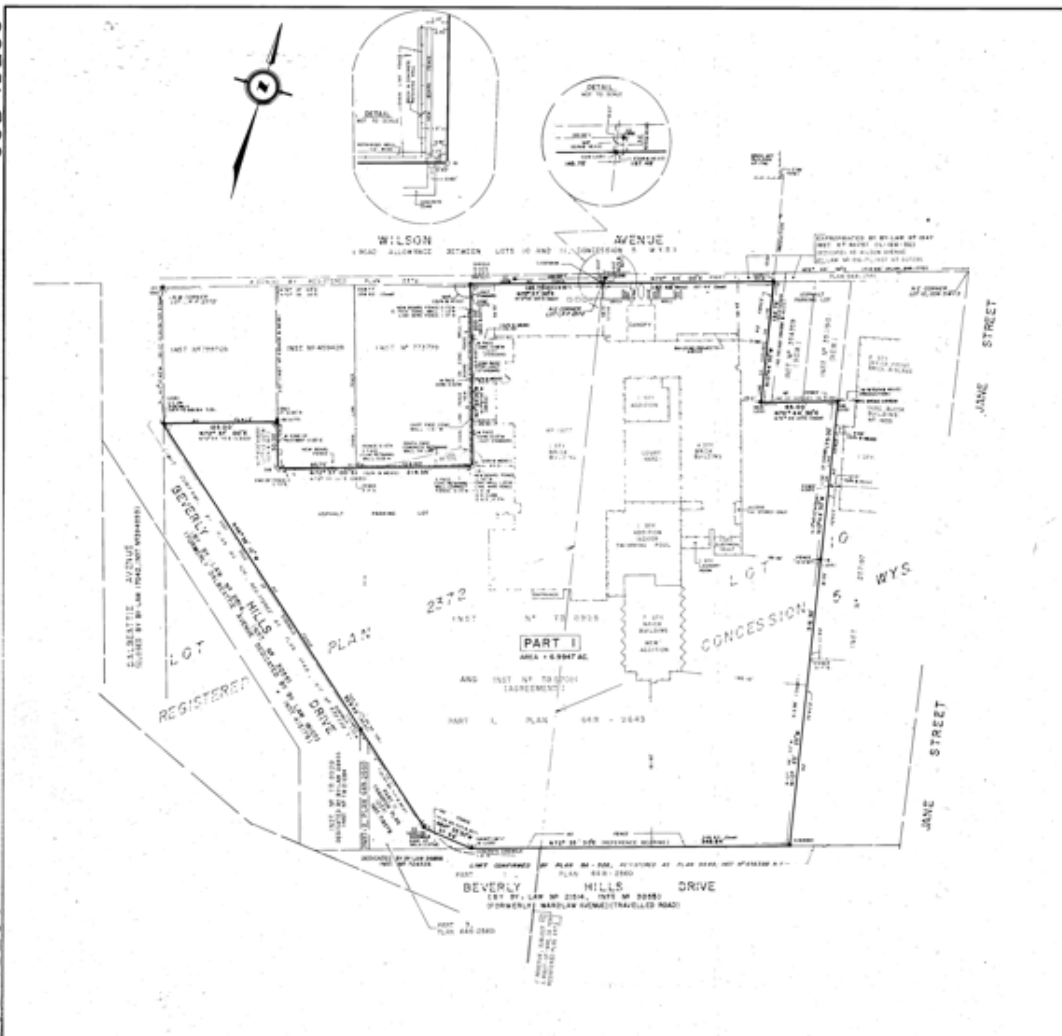
CAUTION - THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE

I, J. D. BARNES, CHARTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS SUBMITTED TO ME AND THAT THE SURVEY WAS CONDUCTED ON THE 27th DAY OF NOVEMBER 1957.

J. D. BARNES
 CHARTERED LAND SURVEYOR

J. D. BARNES LIMITED, Surveyors
 1000 SHEPPARD AVENUE EAST
 TORONTO, ONTARIO M2X 1K7
 Telephone: 361-1111
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Appendix "B"

Location Map

