

DELEGATED APPROVAL FORM

DIRECTOR, REAL ESTATE SERVICES

MANAGER, REAL ESTATE SERVICES

TRACKING NO.: 2018-375

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: | November 22, 2018 | Phone No.: | 416-397-0806 |
| Purpose | To obtain authority to grant a permanent easement interest and a temporary easement interest in the City-owned parcel of land located at 80 Carl Hall Road, being Downsview Park Subway Station shown on the map attached in Schedule "B", to Enbridge Gas Distribution (" Enbridge "). The permanent easement interest and temporary easement interest are shown respectively as Part 1 and Part 2 on Sketch No. PS-2017-083 attached in Schedule "A" for the purpose of construction/installation of a gas service line and gas meter pad for Toronto Transit Commission (" TTC ") & Metrolinx uses. | | |
| Property | <p>The permanent easement interest being Part of Lot 17, Concession 3, W.Y.S., (Township of N. York), designated as Part 1 on Plan 66R-30302; City of Toronto; being part of PIN: 10233-1721 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division; and</p> <p>The temporary easement interest being Part of Lot 17, Concession 3, W.Y.S., (Township of N. York), designated as Part 2 on Sketch No. PS-2017-083; City of Toronto; being part of PIN: 10233-1721 (LT) in the Land Registry Office of Toronto (No. 66) in Land Titles Division (collectively the "Property").</p> | | |
| Actions | <ol style="list-style-type: none"> 1. The City grant the permanent and temporary easements to Enbridge, substantially on the terms and conditions outlined herein, and on such amended and/or other terms as may be acceptable to the Director, Real Estate Services, and in a form satisfactory to the City Solicitor. 2. A portion of the proceeds of closing be directed to fund the outstanding expenses related to completion of the sale transaction. 3. The City Solicitor be 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. 4. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto. | | |
| Financial Impact | <p>The City will receive revenue in the amount of \$5,382.00 (exclusive of HST and applicable taxes and fees), less closing costs and usual adjustments. Proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.</p> <p>The Chief Financial Officer has reviewed this DAF and agrees with the financial impact information.</p> | | |
| Comments | <p>In May 2011, the City acquired portions of the Downsview Park lands south of Sheppard Avenue West between Keele and Allen Road for the construction of the new Downsview Park Subway Station and tunnel structures, including the connection to the TTC's Wilson Yard and Bakersfield Road south of Sheppard Avenue West. The station was to be constructed in collaboration with Metrolinx integrating the GO station with the subway system. Enbridge has requested a permanent easement for installation, access and maintenance of a pipeline and gas meter pad, as well as a temporary easement for a period of 2 weeks for the purpose of facilitating of the construction/installation, on the Property.</p> | | |
| Terms | <p>Easements Purchase Price: \$5,382.00</p> <p>Commencement of permanent easement: Upon the registration of the easement agreement in the Land Titles Division of the Toronto Registry Office.</p> <p>Commencement and duration of temporary easement: 48 hours prior written notice to commence the two (2) week period.</p> <p>Access: Access to easement lands with vehicles or large equipment and any construction works with 20 business days prior written notice to Director of Real Estate Services.</p> <p>Insurance: \$5,000,000 per occurrence of Commercial General Liability Insurance to be maintained by Enbridge.</p> | | |
| Property Details | Ward: | 9 – York Centre | |
| | Assessment Roll No.: | Part of 1908-03-1-580-01600 | |
| | Approximate Size: | 3m (9.84 ft) wide and 0.3m (0.98 ft) below grade | |
| | Approximate Area: | Part 1 – 24.4 m ² (262.64 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/REOLs:</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 checked="" 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/REOLs.</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: | | |
| <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, Transaction Services 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, Corporate Services and any related documents. | | |

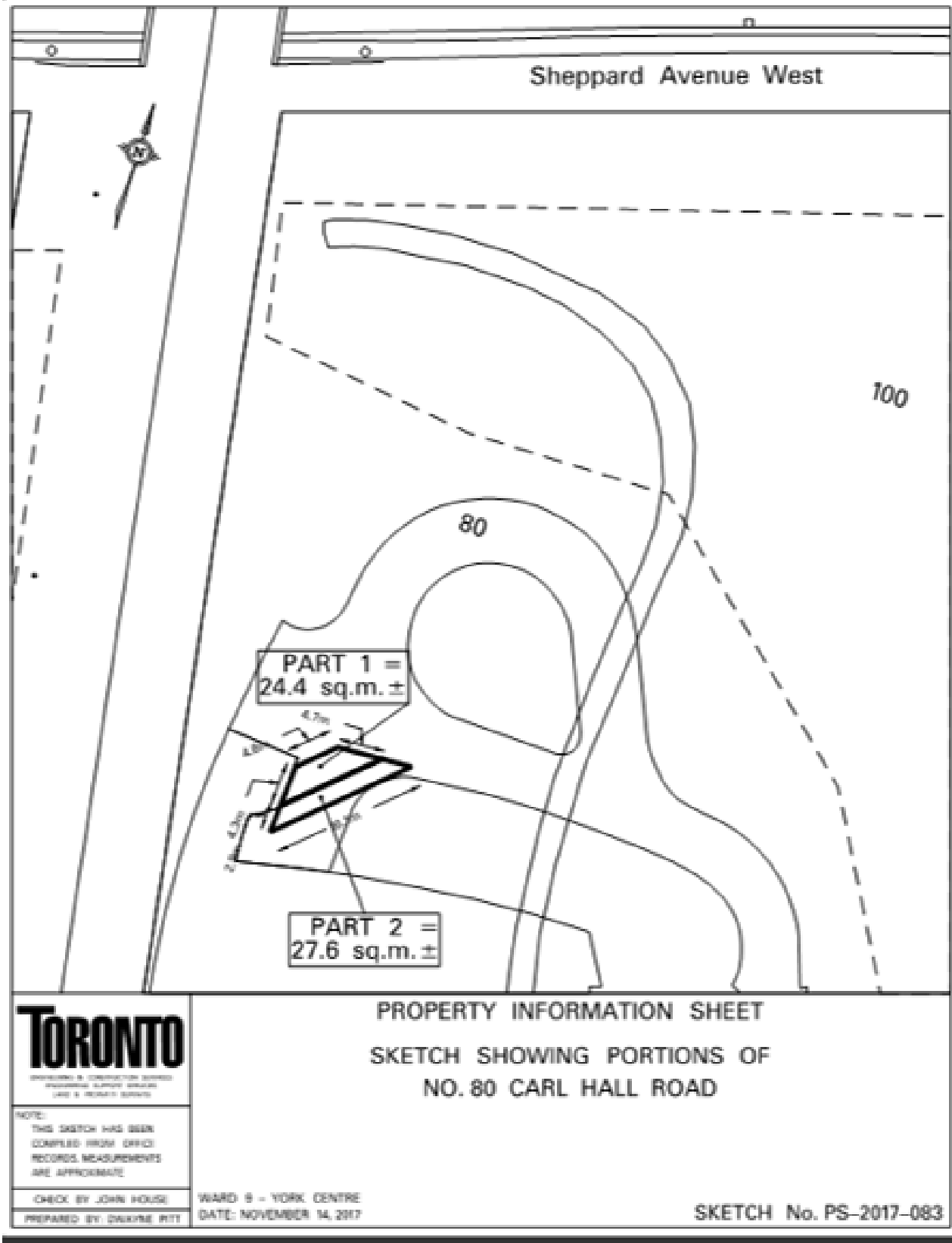
| Consultation with Councillor(s) | | | | | | | | | |
|---|------------------------------------|---|--------|--|------|---------------|--------------------------------------|--|--|
| Councillor: | Maria Augimeri - November 12, 2018 | | | | | Councillor: | | | |
| Contact Name: | | | | | | Contact Name: | | | |
| Contacted by: | Phone | X | E-Mail | | Memo | | Other | | |
| Comments: | No comments - November 22, 2018 | | | | | Comments: | | | |
| Consultation with Divisions and/or Agencies | | | | | | | | | |
| Division: | | | | | | Division: | Financial Planning | | |
| Contact Name: | | | | | | Contact Name: | Patricia Libardo - November 21, 2018 | | |
| Comments: | | | | | | Comments: | | | |
| Legal Division Contact | | | | | | | | | |
| Contact Name: | Dale Mellor - November 7, 2018 | | | | | | | | |

| DAF Tracking No.: 2018-375 | Date | Signature |
|--|---------------|-----------------------|
| Concurred with by: Manager, Real Estate Services Nick Simos | Nov. 26, 2018 | Signed by Nick Simos |
| <input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Daran Somas | Nov. 26, 2018 | Signed by Daran Somas |
| <input checked="" type="checkbox"/> Approved by: | | |
| <input type="checkbox"/> Approved by: Acting Director, Real Estate Services Tim Park | | |

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, 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 – SKETCH No. PS 2017-083



APPENDIX B - LOCATION MAP & AERIAL VIEW

