

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

**TRACKING NO.: 2019-068**

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: | March 1, 2019  | Phone No.: | 416-397-0806         |

|                         |   |
|-------------------------|---|
| <b>Purpose</b>          | To obtain authority to amend the licence agreement dated June 27, 2017 (the "Licence") between the City of Toronto (the "City") and the Regional Municipality of York (the "Licensee"), to allow the Licensee to continue to use a portion of a City-owned property at 8127 Bayview Ave. for construction staging for an additional twelve (12) months.   |
| <b>Property</b>         | Portion of the City owned property known as the Bayview Reservoir, municipally known as 8127 Bayview Avenue, legally described as part of Lots 8 & 9, Concession 2, Markham, shown as Part 2 on Plan 65R-35633, included as Appendix "B" on page 5 (the "Licensed Area").   |
| <b>Actions</b>          | <ol style="list-style-type: none"> <li>The City be authorized to enter into an agreement with the Licensee to amend the Licence, substantially on the terms set out below and on such other or amended terms as may be satisfactory to the Director, Real Estate Services and in a form satisfactory to the City Solicitor.</li> <li>The Director of Real Estate Services (the "Director"), or his/her successor or designate, shall administer and manage the Licence, as amended, including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director may, at any time, refer consideration of such matters to City Council for its determination and direction.</li> <li>The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>   |
| <b>Financial Impact</b> | <p>The City will receive an additional amount of \$27,700.00 (exclusive of HST) for the extension of the term of the Licence plus additional \$409 (exclusive of HST) if the Licensee exercises their right to extend the term.</p> <p>The Chief Financial Officer &amp; Treasurer has reviewed this DAF and agrees with the financial impact information.</p>  |
| <b>Comments</b>         | <p>The former Municipality of Metropolitan Toronto Council, by adoption of By-law 2638 on March 22, 1966, expropriated the Property for the Metro Works Department to construct a reservoir. The reservoir was constructed in 1973, and provides water to York Region. York Region is currently in the process of improving its existing facility located to the north of the Bayview reservoir, and requested to use the Licensed Area as a construction lay down area.</p> <p>By DAF 2015-148 and amending DAF 2017-109, authority has been given to the City to grant a 2-year temporary licence to the Licensee with right to extend the term by one (1) month intervals up to a maximum of six (6) months for the above-noted purpose. The original term of the Licence terminates on July 31, 2019. The Licensee is now requesting to extend the Licence term for one (1) more year.</p> <p>Toronto Water has reviewed York Region's request and advised that there are no issues or concerns with granting an extension period to the Licence agreement.</p> |
| <b>Terms</b>            | <p>The Licence to be amended as follows:</p> <ol style="list-style-type: none"> <li>Termination date – to be changed to August 1, 2020</li> <li>Additional Licence Fee- \$27,700 plus HST for the extended period of one (1) year</li> <li>Licence fee in case of monthly extensions - \$2,342.46 per month instead of \$2,274.24.</li> </ol>   |

|                         |                             |  |
|-------------------------|-----------------------------|--|
| <b>Property Details</b> | <b>Ward:</b>                | 00 – Outside City                                    |
|                         | <b>Assessment Roll No.:</b> | Part of 1936-02-0-112-06000                          |
|                         | <b>Approximate Size:</b>    | 33.5 m x 33.5 m (110 ft x 110 ft)                    |
|                         | <b>Approximate Area:</b>    | 1,122.25 m <sup>2</sup> ± (12,080 ft <sup>2</sup> ±) |
|                         | <b>Other Information:</b>   |  |

| 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:  | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> Issuance of RFPs/REOs.   |
| 4. Permanent Highway Closures:   | <b>Delegated to a more senior position.</b>  | <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:                       | <b>Delegated to a more senior position.</b>  | <b>Delegated to a more senior position.</b>   |
| 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: | <b>Delegated to a more senior position.</b>  | <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 checked="" 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.  |
|  | <b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>  | <b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b>   |
| 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.  |
|  | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.   |
| 12. Easements (City as Grantee):   | <input checked="" 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:                             | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).   |
| 14. Miscellaneous:   | <b>Delegated to a more senior position.</b>  | <input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences<br><input type="checkbox"/> (b) Releases/Discharges<br><input type="checkbox"/> (c) Surrenders/Abandonments<br><input type="checkbox"/> (d) Enforcements/Terminations<br><input type="checkbox"/> (e) Consents/Non-Disturbance Agreements/Acknowledgements/Estoppels/Certificates<br><input type="checkbox"/> (f) Objections/Waivers/Caution<br><input type="checkbox"/> (g) Notices of Lease and Sublease<br><input type="checkbox"/> (h) Consent to regulatory applications by City, as owner<br><input type="checkbox"/> (i) Consent to assignment of Agreement of Purchase/Sale; Direction re Title<br><input type="checkbox"/> (j) Documentation relating to Land Titles applications<br><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, Transaction Services 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, Corporate Services and any related documents.

| Consultation with Councillor(s)             |                                      |        |      |       |               |                                  |        |      |       |
|---|--------------------------------------|--------|------|-------|---------------|----------------------------------|--------|------|-------|
| Councillor:                                 | N/A                                  |        |      |       | Councillor:   |                                  |        |      |       |
| Contact Name:                               | N/A                                  |        |      |       | Contact Name: |                                  |        |      |       |
| Contacted by:                               | Phone                                | E-Mail | Memo | Other | Contacted by: | Phone                            | E-mail | Memo | Other |
| Comments:                                   | No objections                        |        |      |       | Comments:     |                                  |        |      |       |
| Consultation with Divisions and/or Agencies |                                      |        |      |       |               |                                  |        |      |       |
| Division:                                   | Toronto Water                        |        |      |       | Division:     | Financial Planning               |        |      |       |
| Contact Name:                               | Gary Thompson - October 31, 2018     |        |      |       | Contact Name: | Lauren Birch - February 27, 2019 |        |      |       |
| Comments:                                   | No Objections                        |        |      |       | Comments:     |                                  |        |      |       |
| Legal Division Contact                      |                                      |        |      |       |               |                                  |        |      |       |
| Contact Name:                               | Catherine Thomas - February 19, 2019 |        |      |       |               |                                  |        |      |       |

| DAF Tracking No.: 2019-068   | Date           | Signature             |
|--|----------------|-----------------------|
| Concurred with by: Manager, Real Estate Services<br>Tim Park                                 | March 11, 2019 | Signed by Tim Park    |
| <input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services<br>Daran Somas | March 11, 2019 | Signed by Daran Somas |
| <input checked="" type="checkbox"/> Approved by:   |                |                       |
| <input type="checkbox"/> Approved by: Acting Director, Real Estate Services<br>Nick Simos    |                |                       |

#### 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 50M<sup>2</sup> 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").

