

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

TRACKING NO.: 2019-077

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:	March 7, 2019	Phone No.:	(416) 392-8151

Purpose	To obtain authority to acquire a non-exclusive easement in gross (the "Access Easement") in favour of the City of Toronto (the "City") for the purpose of ingress and egress to and from the water meter chambers and the sanitary/storm control manholes for municipal water monitoring and testing purposes as well as perform ongoing repairs and maintenance of the municipally owned water infrastructure.
Property	Portions of the property municipally known as 5390 Steeles Avenue West, Vaughan, Ontario; PIN 03222-0968 (LT). The property location is displayed on the map attached hereto as Appendix "B" and displayed as Parts 1-3 on Plan 65R-38128 and Parts 1-4 on Plan 65R-38205 attached hereto as Appendix "C" (the "Easement Lands").
Actions	<ol style="list-style-type: none"> 1. Authority is granted for the City to acquire the Access Easement on the Easement Lands on the terms and conditions set out below, and in a form acceptable to the City Solicitor. 2. The Director of Real Estate Services shall administer and manage the Access Easement, including the provision of any consents, approvals, waivers, notices and notices of termination provided that the Deputy City Manager, Corporate Services may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction. 3. The City Solicitor is authorized to complete the transaction on behalf of the City, including payment of any necessary expenses as well as amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable. 4. The appropriate City Officials are authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The City of Toronto will acquire the Access Easement for nominal consideration. As such, there is no financial impact.</p> <p>The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>The City of Vaughan and the property owner of 5390 Steeles Avenue West have requested water and sewage services from the City's Toronto Water Division for the development site located within the municipality of Vaughan. The City of Vaughan has advised that it is not feasible for it to provide water and sewage servicing to the site due to the distance from existing municipal services and existing impediments such as Highway 407 and rail corridors.</p> <p>The <i>City of Toronto Act, 2006</i> requires that prior to the provision of a service in another municipality, that one of the purposes for doing so is for its own purposes and that the consent of the applicable lower and upper tier municipalities be obtained. The Engineering Construction Services and Toronto Water Division staff have reviewed the development proposal and have concluded that water and sewage services could be provided by the City of Toronto, subject to a multi-party agreement being negotiated to provide these services on terms and conditions acceptable to the City of Toronto. Accordingly, a multi-party service agreement (dated August 8, 2018) between the City of Toronto, the Regional Municipality of York, the City of Vaughan, and the property owner was executed between all parties for the provision of water and sewage services from the City of Toronto.</p> <p>The subject property has sanitary and storm control manholes that will be accessible by Toronto Water staff for monitoring and testing as is currently required through the sewer by-law for sites located in the City of Toronto. It also has water meter chambers that will be accessible by Toronto Water staff for testing, repair, operation and maintenance as is required through the City's Water Servicing and Metering Manual.</p>
Terms	Refer to Appendix "A" for Terms and Conditions

Property Details	Ward:	Not Applicable – Property is located within the City of Vaughan
	Assessment Roll No.:	
	Approximate Size:	
	Approximate Area:	
	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 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 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:	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, 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:	Michael Ford				Councillor:					
Contact Name:	Jonathan Kent – Executive Assistant				Contact Name:					
Contacted by:	Phone	X	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	Property not located in the City of Toronto No issues (Mar/12/2019)				Comments:					
Consultation with Divisions and/or Agencies										
Division:	Engineering & Construction Services / Toronto Water				Division:	Financial Planning				
Contact Name:	Giovanni Baldesarra / Vicky Shi				Contact Name:	Lauren Birch				
Comments:	Requires easement to provide water services (Mar/7/2019)				Comments:	No concerns (Mar/11/2019)				
Legal Division Contact										
Contact Name:	Kellan Moulton (Feb/22/2019)									

DAF Tracking No.: 2019-077	Date	Signature
Concurred with by: Acting Manager, Program & Policy Management, Real Estate Services Tim Park	March 13, 2019	Signed by Tim Park
<input type="checkbox"/> Recommended by: Acting Manager, Transaction Services, Real Estate Services <input checked="" type="checkbox"/> Approved by: Daran Somas	March 18, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services 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 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" – Terms and Conditions

Topic	Easement Term
Owner/Transferor	Woodbridge Park Limited
Transferee	City of Toronto
Consideration	Nominal
Term	The Access Easement is not time limited.
Owner's Property	<p>PART LOT 1 CON 8(VGN) PTS 1,2,3 65R35308; . S/T EASEMENT IN GROSS AS IN YR1004725. S/T EASEMENT OVER PTS 2 AND 3 ON 65R35308 AS IN YR395532, YR395533, YR451944.; SUBJECT TO AN EASEMENT OVER PARTS 1,2,3 PLAN 65R35308 AS IN YR2783071; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 1,2,3 PLAN 65R35308 AS IN YR2783349; SUBJECT TO AN EASEMENT OVER PARTS 1,2,3 PLAN 65R35308 AS IN YR2787250; SUBJECT TO AN EASEMENT AS IN YR2835121; SUBJECT TO AN EASEMENT IN FAVOUR OF PART OF LOT 1, CONCESSION 8 ASIN VA48658 EXCEPT R683960 & R448462 & LOT 28, REGISTRARS COMPILED PLAN 9691 EXCEPT PART 1, PLAN 64R4920 AS IN YR2881889; CITY OF VAUGHAN</p> <p>Being all of PIN 03222-0968 (LT).</p>
Easement Rights	(i) Ingress and egress to and from the water meter chambers and the sanitary and storm control manholes for municipal water monitoring and testing purposes, and (ii) constructing, installing, erecting, operating, using, maintaining, inspecting, altering, removing, replacing and repairing its water meter chambers and water monitoring infrastructure including, without limiting the generality of the foregoing, municipal water infrastructure owned by the City of Toronto.
Indemnity	The City of Toronto shall fully indemnify and save harmless the Owner from and against all claims whatsoever which may be brought against the property owner arising from the City of Toronto's use, except to the extent such claims are caused or contributed to by the Owner's negligence.
Successors and Assigns	The Access Easement shall enure to the benefit of and be binding upon all successors and assigns. The Access Easement will be registered on title to the Owner's Property.
Easement in Gross	The Access Easement is an easement in gross under Section 72 of the <i>City of Toronto Act, 2006</i> .

Appendix "B" – Location Map



Appendix "C" – Easement Lands Parts 1, 2, 3 and 4 on Plan 65R38205

