

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

TRACKING NO.: 2019-064

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:	February 28, 2019	Phone No.:	(416) 392-8151

Purpose
 To obtain authority for the City of Toronto (the "City") to enter into a licence agreement (the "Licence") together with an ancillary letter agreement setting out additional, site specific terms and conditions (the "Letter") with Her Majesty the Queen in Right of Ontario as represented by The Minister of Infrastructure (the "Licensor") to permit the City to enter on a portion of the Licensor's property to complete the proposed rehabilitation of the South Mimico Sanitary Trunk Sewer and associated works including road access, temporary bypass pipe and temporary bridge.

Property
 A portion of the Licensor's lands within an existing Hydro corridor, located west of Park Lawn Road, on the north and south sides of The Queensway, with a legal description of Part of Parcel 2-1, Section M171, Lots 2-13 on Plan M171, as shown on the maps attached hereto as Appendix "A" and on the property sketches displayed in Appendix "B" (the "Licensed Area").

- Actions**
1. Authority is granted to enter into the Licence and Letter with the Licensor, substantially on the terms and conditions set out below, and any other or amended terms and conditions as determined by the Acting Director of Real Estate Services, and in a form acceptable to the City Solicitor.
 2. The Deputy City Manager, Corporate Services or their designate shall administer and manage the Agreement including the provision of any consents, approvals, waivers, and notices provided that the Deputy City Manager, Internal Corporate Services may, at any time, refer consideration of such matters to City Council for its determination and direction.
 3. The City Solicitor is authorized to complete the transaction on behalf of the City, including paying any necessary expenses, if any, 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
 The City will incur a one-time licence fee of \$32,664.00 plus applicable taxes (or \$33,238.89 net of HST recoveries) for the Agreement. Funding is available in the 2019 Interim Capital Budget for Toronto Water under project budget number CWW014-16-08.

The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

Comments
 Assessment of the South Mimico Sanitary Trunk Sewer has revealed moderate to heavy corrosion, loss of concrete, exposed and damaged reinforcing steel, damaged joints and exposed gaskets. The condition of the sewer is such that a complete rehabilitation is required.

The City requires access to the Licensor's Property for the purpose of establishing a staging area to be utilized during the construction project. Throughout the term of the project, trucks will be stationed in the staging areas while the work is being undertaken. The project will require the removal of trees, which will be replaced at a ratio of 3:1. CH2M has been attained as consultant on the project.

The City began work involving the South Mimico Sanitary Trunk Sewer on the Property on March 1, 2018. The current 1-year licence agreement with the Licensor was authorized by DAF 2018-007. The City requires an additional 1-year licence with the Licensor to complete the project. The Licensor has agreed to grant the City an additional licence agreement under the same terms and conditions as the initial agreement.

City staff deem that the terms of the proposed licence agreement to be fair and reasonable to both parties.

Terms

Licensor – Her Majesty the Queen in Right of Ontario as represented by The Minister of Infrastructure
Term – Twelve (12) Months to commence on March 1, 2019 and conclude on February 29, 2020
Insurance – Liability insurance in the amount of \$5,000,000.00
Use – Sanitary trunk sewer / manhole rehabilitation work and associated temporary access pathways
Indemnity – The City will indemnify the Licensor against and will release the Licensor from any claims (including environmental) arising from the Licence. This is a stringent indemnity in the Licensor's favor, and has been authorized by Report GM 20.8 adopted by Council on April 3 and 4, 2013
Environmental – The City shall only allow environmental contaminants in or on the Property if required for the City's use, and only if the City strictly complies with all environmental laws
Site Specific Conditions – Terms as specified in the "Letter" from the Licensor dated February 22, 2019

Property Details	Ward:	3 – Etobicoke-Lakeshore
	Assessment Roll No.:	19 19 018 980 001 00
	Approximate Size:	N/A
	Approximate Area:	0.67 Acres
	Other Information:	N/A

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/REOs:</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 checked="" type="checkbox"/> Where total compensation (including options/renewals) 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"/> 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/REOs.</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>
<p>B. Director, Real Estate Services and Manager, Real Estate Services each has signing authority on behalf of the City for:</p>		
<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, Acquisitions & Expropriations is only Manager with such signing authority). 		
<p>Director, Real Estate Services also has signing authority on behalf of the City for:</p>		
<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, Internal Corporal Services and any related documents. 		

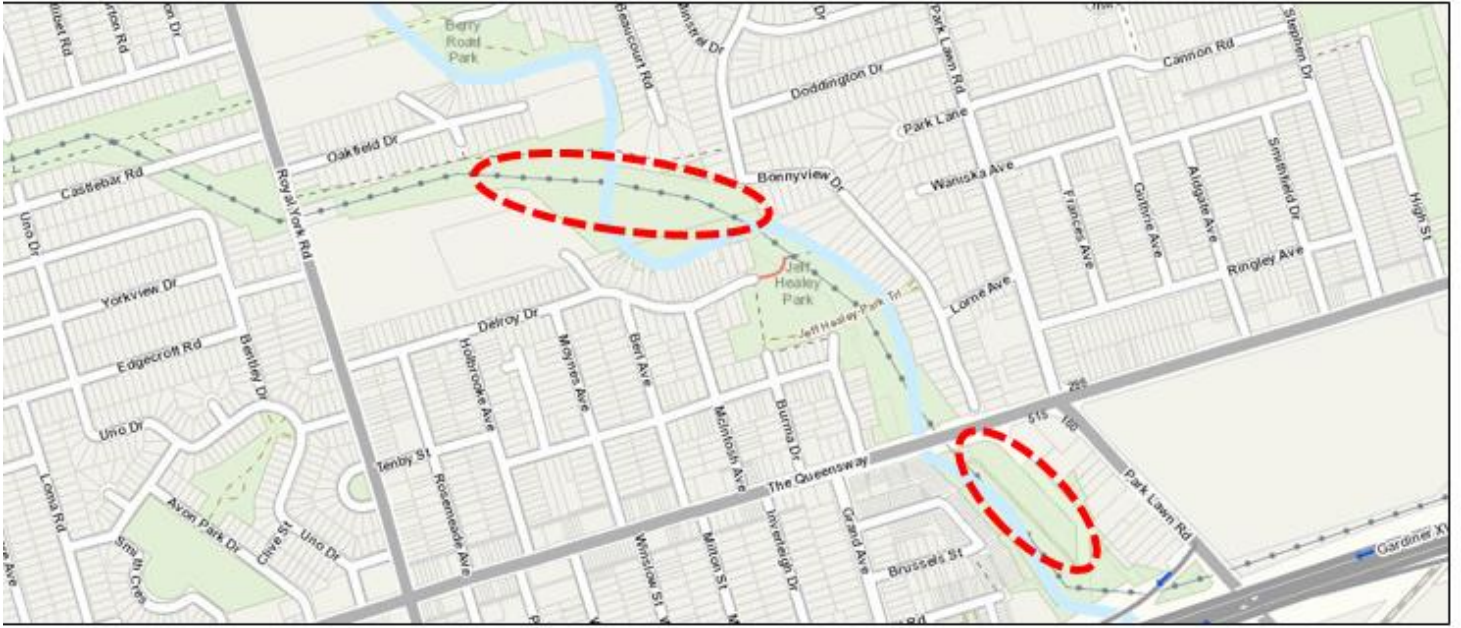
Consultation with Councillor(s)											
Councillor:	Mark Grimes					Councillor:					
Contact Name:	Kim Edgar – Chief of Staff					Contact Name:					
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	Phone		E-mail	Memo	Other
Comments:	No concerns (Feb/27/2019)					Comments:					
Consultation with Divisions and/or Agencies											
Division:	Engineering & Construction Services					Division:	Financial Planning				
Contact Name:	Mariana Balaban					Contact Name:	Lauren Birch				
Comments:	Please proceed (Feb/26/2019)					Comments:	Revision included (Feb/27/2019)				
Legal Division Contact											
Contact Name:	David Eveline (Feb/27/2019)										

DAF Tracking No.: 2019-064	Date	Signature
Concurred with by: Manager, Real Estate Services Denise Gendron	Feb. 28, 2019	Signed by Denise Gendron
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Peter Cheng	Feb. 28, 2019	Signed by Peter Cheng
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos		

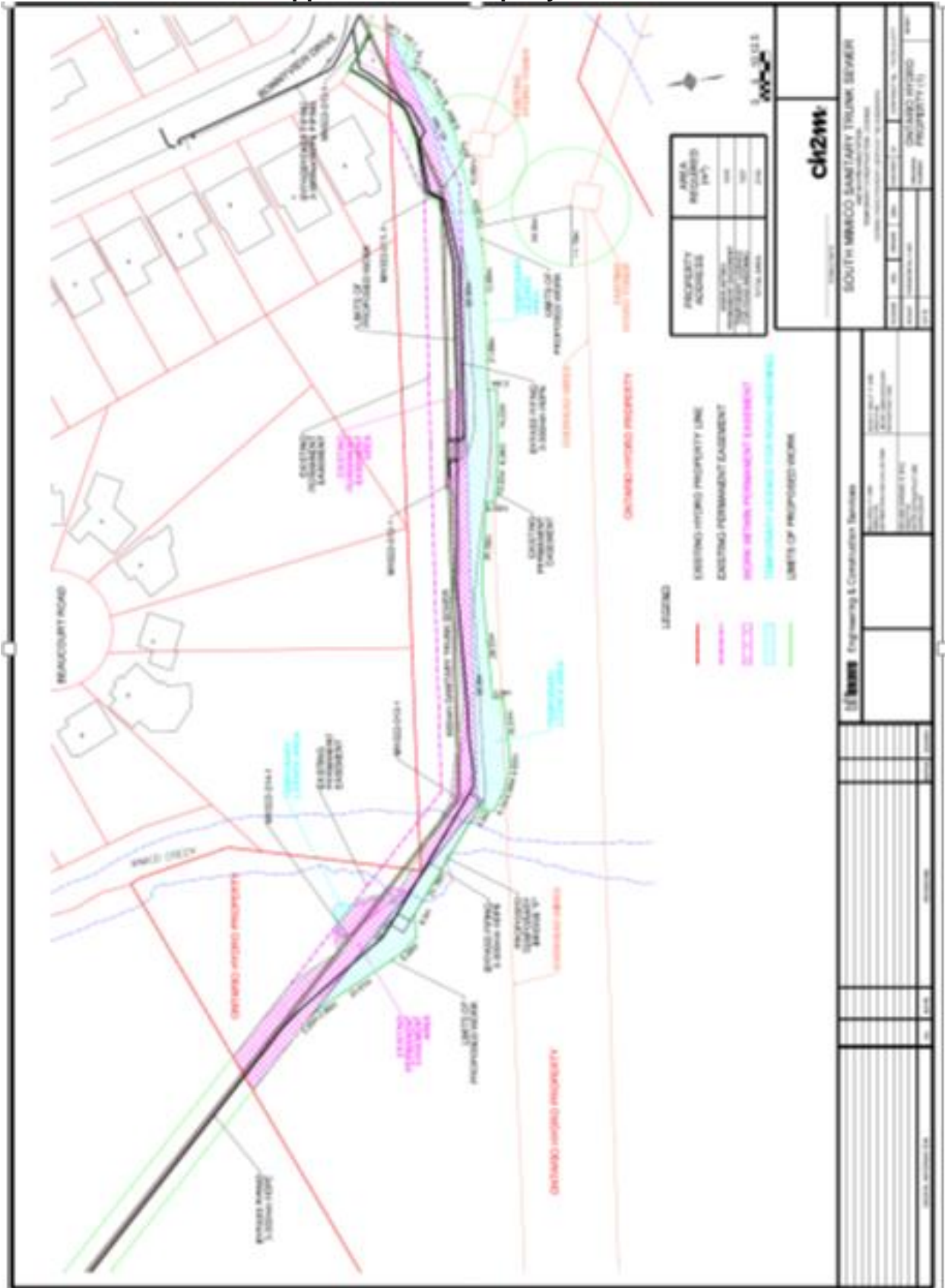
General Conditions (“GC”)

- (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, 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" – Location Map



Appendix "B" – Property Sketches



PROPERTY ADDRESS	AREA REQUIRED (sq ft)
10000 S. MARICO RD.	1000
10001 S. MARICO RD.	1000
10002 S. MARICO RD.	1000
10003 S. MARICO RD.	1000
10004 S. MARICO RD.	1000
10005 S. MARICO RD.	1000
10006 S. MARICO RD.	1000
10007 S. MARICO RD.	1000
10008 S. MARICO RD.	1000
10009 S. MARICO RD.	1000
10010 S. MARICO RD.	1000

ch2m	
SOUTH MARICO SANITARY TRUNK SEWER	
DATE	10/15/2014
BY	J. SMITH
CHECKED BY	J. SMITH
SCALE	AS SHOWN
PROJECT NO.	10000000000000000000
PROPERTY (1)	10000 S. MARICO RD.
PROPERTY (2)	10001 S. MARICO RD.
PROPERTY (3)	10002 S. MARICO RD.
PROPERTY (4)	10003 S. MARICO RD.
PROPERTY (5)	10004 S. MARICO RD.
PROPERTY (6)	10005 S. MARICO RD.
PROPERTY (7)	10006 S. MARICO RD.
PROPERTY (8)	10007 S. MARICO RD.
PROPERTY (9)	10008 S. MARICO RD.
PROPERTY (10)	10009 S. MARICO RD.
PROPERTY (11)	10010 S. MARICO RD.

- LEGEND**
- EXISTING UTILITY PROPERTY LINE
 - EXISTING PERMANENT EASEMENT
 - AREA WITHIN PERMANENT EASEMENT
 - EASEMENTS NEEDED FOR PROPOSED WORK
 - LIMITS OF PROPOSED WORK

ch2m	
Engineering & Construction Services	
DATE	10/15/2014
BY	J. SMITH
CHECKED BY	J. SMITH
SCALE	AS SHOWN
PROJECT NO.	10000000000000000000
PROPERTY (1)	10000 S. MARICO RD.
PROPERTY (2)	10001 S. MARICO RD.
PROPERTY (3)	10002 S. MARICO RD.
PROPERTY (4)	10003 S. MARICO RD.
PROPERTY (5)	10004 S. MARICO RD.
PROPERTY (6)	10005 S. MARICO RD.
PROPERTY (7)	10006 S. MARICO RD.
PROPERTY (8)	10007 S. MARICO RD.
PROPERTY (9)	10008 S. MARICO RD.
PROPERTY (10)	10009 S. MARICO RD.
PROPERTY (11)	10010 S. MARICO RD.

DATE	10/15/2014
BY	J. SMITH
CHECKED BY	J. SMITH
SCALE	AS SHOWN
PROJECT NO.	10000000000000000000
PROPERTY (1)	10000 S. MARICO RD.
PROPERTY (2)	10001 S. MARICO RD.
PROPERTY (3)	10002 S. MARICO RD.
PROPERTY (4)	10003 S. MARICO RD.
PROPERTY (5)	10004 S. MARICO RD.
PROPERTY (6)	10005 S. MARICO RD.
PROPERTY (7)	10006 S. MARICO RD.
PROPERTY (8)	10007 S. MARICO RD.
PROPERTY (9)	10008 S. MARICO RD.
PROPERTY (10)	10009 S. MARICO RD.
PROPERTY (11)	10010 S. MARICO RD.



PROPERTY ADDRESS	AREA REQUIRED (S.F.)
1000 10th St	100
1000 11th St	100
1000 12th St	100
1000 13th St	100

chr2m

SOUTH HANCOCK SANITARY TRUNK SEWER

1000 10th St

1000 11th St

1000 12th St

1000 13th St

NO.	DATE	REVISION	BY	CHECKED	APPROVED

chr2m Engineering & Construction Services