

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

TRACKING NO.: 2019-074

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:	Quang Pham	Division:	Real Estate Services
Date Prepared:	March 15 th , 2019	Phone No.:	(416) 397-7214

Purpose
 To obtain authority to enter into a Licence Agreement (the "**License**") with the Greater Toronto Airports Authority (the "**Licensee**") for the purpose of amalgamating, under a single agreement, the City-owned locations used as Licensed Areas for the purpose of monitoring aircraft noise from installed pole-mounted sound recording equipment.

Property
 Licensed Properties include the following six (6) locations:
 1) Lands municipally known as 0 Eriksdale Road and legally described as PCL Plan—i, Section M1359; Eriksdale Road, Plan M1359 Etobicoke, City of Toronto, being all of PIN 07555-0244 in Land Titles Division in the Land Registry Office of Toronto (No.66) (the "**Eriksdale Lands**");
 2) Lands municipally known as Blackfriar Park, and legally described as Parcel J-1, Section M787 Block J Plan M787 Etobicoke, City of Toronto, being all of PIN 07413-0119 in Land Titles Division in the Land Registry Office of Toronto (No.66) (the "**Blackfriar Lands**");
 3) Lands municipally known as 555 Martin Grove Road, at the Richview Park Reservoir, and legally described as Part of Lot 17, Concession 1 Fronting the Humber, Parts 1, 2 and 3, RS847, Etobicoke, City of Toronto being all of PIN 07405-0056 in Land Titles Division in the Land Registry Office of Toronto (No.66) (the "**Martin Grove Lands**");
 4) Lands municipally known as 0 Acacia Avenue, and legally described as Part of Lot 12, Concession 6 West of Yonge, Parts 2, 3 and 4 on Plan 64R-4386, North York, City of Toronto, being all of PIN 07328-0019 in Land Titles Division in the Land Registry Office of Toronto (No.66) (the "**Acacia Lands**");
 5) Lands municipally known as 201 Oriole Parkway, and legally described as Lot 52-54 Plan 489E Toronto Except EN8I 523; Blk D, E Plan 489E Toronto except EN7654; Pt Blk C, H PL 489E Toronto as in EN631 82 except EN64083; Pt Lawton Av P1 489E Toronto (Aka Lascelles Blvd) closed by EN68619, as in EN68619; City of Toronto (the "**Oriole Lands**"); and
 6) Lands municipally known as 39 Robert Hicks Drive, and legally described as Parcel A-I, Section M1823 Blk A Plan 66M1823 Township of York, North York, City of Toronto (the "**Robert Hicks Lands**")

Actions
 It is recommended that:

1. Authority be granted to enter into the Licence Agreement with the Licensee for the Property for a term of three (3) years, commencing January 1, 2018 and ending December 31, 2020 on the terms and conditions in the Appendix "A" attached hereto, and on such other or amended terms as may be satisfactory to the Chief Corporate Officer and in a form acceptable to the City Solicitor.
2. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
3. The Deputy City Manager, Corporate Services (the "DCM, CS"), or their designate, shall administer and manage the agreement, including the provision of any amendments, consents, approvals, waivers, notices, and notices of termination, provided that the DCM, CS, at any time, may refer consideration of such matter to City Council for its determination and direction.

Financial Impact
 The total revenue to the City for the three (3) year term will be \$22,922.11 plus Harmonized Sales Tax (the "HST") or \$23,325.54 net of HST recoveries.

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

Comments
 The License Agreement, dated February 18th, 2016, between the City and the Licensee was authorized by Delegated Approval Form 2014-284.

 The License Amending Agreement, dated August 14th, 2017, between the City and the Licensee was authorized by Delegated Approval Form 2017-190.

Terms
 See Appendix "A" or page 4.

Property Details	Ward:	Various (Ward 1, 2, 6, and 12)
	Assessment Roll No.:	Various
	Approximate Size:	4 feet x 4 feet per location
	Approximate Area:	16 sq. ft. per location
	Other Information:	N/A

Revised: November 1, 2018

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/REOIs:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOIs.
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 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.
	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 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:	Stephen Holyday		
Contact Name:	EA - Jonathan Kent			Contact Name:	Stephen Holyday, EA – Sheila Henderson		
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail	Memo	Other	Contacted by:	<input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Memo <input type="checkbox"/> Other
Comments:	No concerns.			Comments:	No concerns.		
Consultation with Divisions and/or Agencies							
Division:				Division:	Financial Planning		
Contact Name:				Contact Name:	Lauren Birch		
Comments:				Comments:	No concerns.		
Legal Division Contact							
Contact Name:	David Eveline						

DAF Tracking No.: 2019-074	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	March 20, 2019	Signed by Alex Schuler
<input checked="" type="checkbox"/> Recommended by: Daran Somas, Mgr., Real Estate Services	March 19, 2019	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos		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, 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" – Major Terms & Conditions

- Licensor:** City of Toronto.
- Licensee:** Greater Toronto Airports Authority.
- Properties:** As listed in the "Property" section on page one, and 'Appendix "B" – Location Map' below
- Licensed Area:** Collectively, all the locations of the Licensee's Chattels (under Appendix "C" below) in the Property and each location measures four (4) feet by four (4) feet.
- Term:** Three (3) years, commencing on January 1, 2018 and expiring on December 31, 2020.
- License Fee:** Throughout the Term, the Licensee shall pay to the City, a yearly licence fee in the amount below (the "**Licence Fee**"):

From January 1, 2018 to December 31, 2018: \$7,416.00 in total or \$1,236.00 per site;

From January 1, 2019 to December 31, 2019: \$7,638.48 in total or \$1,273.08 per site;

From January 1, 2020 to December 31, 2020: \$7,867.63 in total or \$1,311.27 per site;

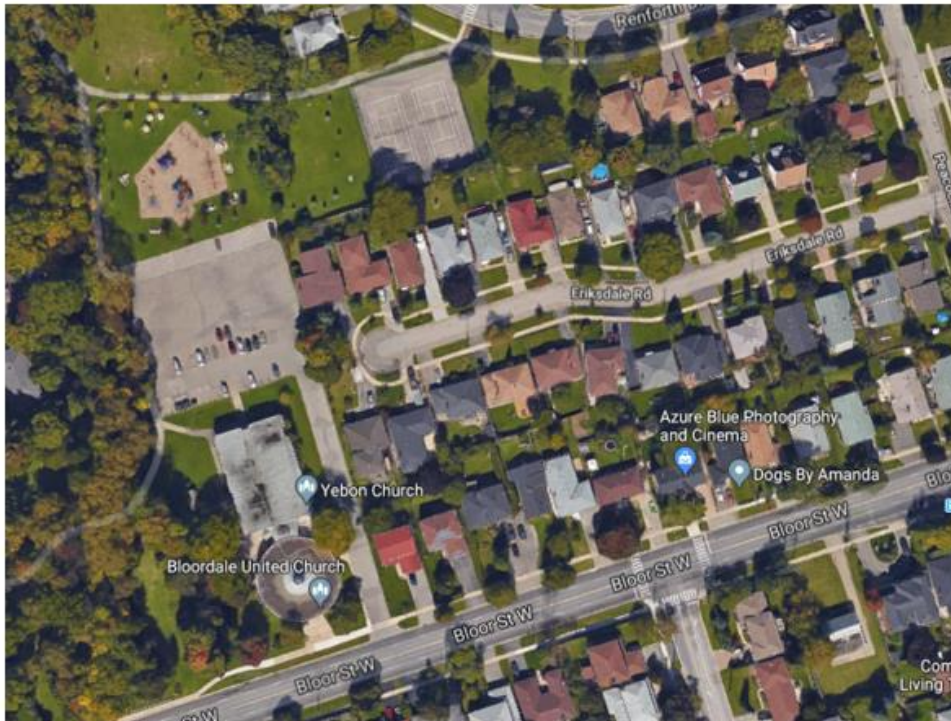
plus HST payable annually in advance, commencing on the Commencement Date.
- Insurance:** At all times during the Term of the Licence and any extension thereof, the Licensee agrees to purchase and maintain in full force at its own expense and for the duration of the Licence, Commercial General Liability provided that the policy: (i) is in the amount of not less than Five Million Dollars (\$5,000,000.00), per occurrence; (ii) adds the City of Toronto as an additional insured; (iii) has provisions for cross-liability and severability of interest, broad form contractual liability, broad form property damage, Licensee's legal liability, employers liability/contingent employer's liability, products and completed operations, non-owned automobile liability and personal injury liability; and (iv) provides for thirty (30) days' prior written notice to the City of cancellation or material change.

Appendix "B" – Location Maps

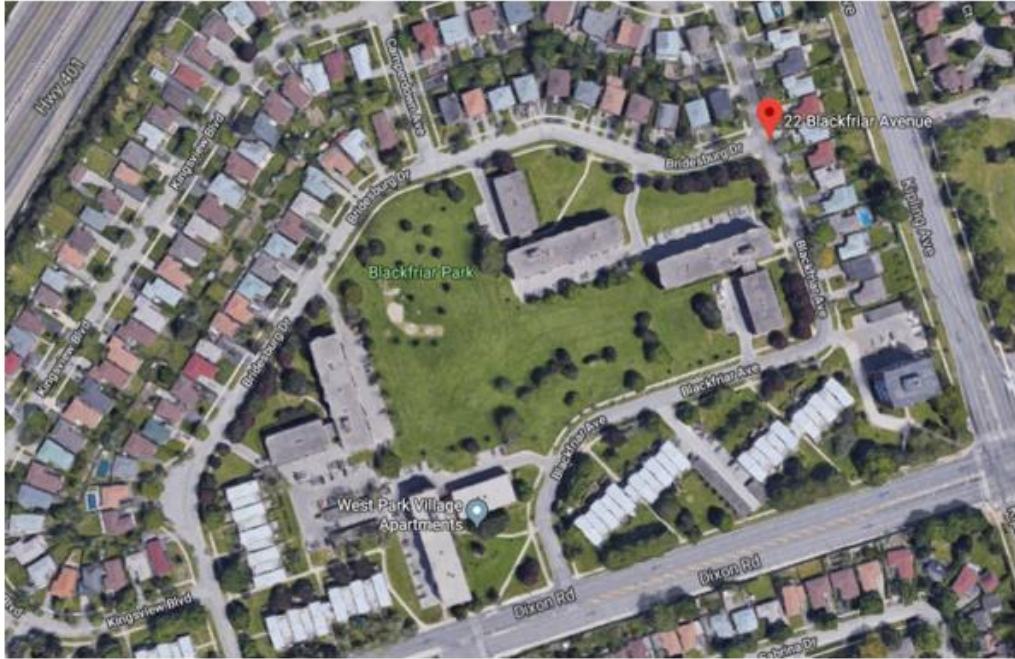
Acacia Lands (Ward 7 – York West)



Eriksdale Lands (Ward 3 - Etobicoke Centre)



Blackfriar Lands (Ward 2 - Etobicoke)



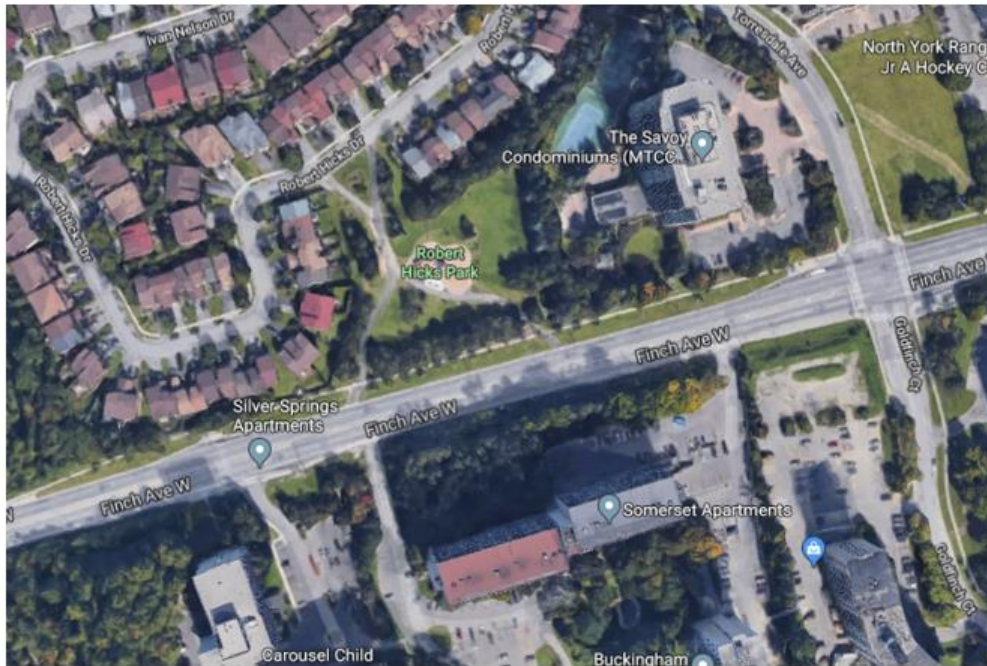
Martin Grove Lands (Ward 4 – Etobicoke Centre)



Oriole Lands (22 - St. Paul's)



Robert Hicks Lands (10 – York Centre)



Appendix "C" – Licensee's ChattelsAcacia Lands:

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 2784337
Microphone Model Number: 4952
Microphone Serial Number: 2788795
Modem Model Number: h2225e-c
Modem Serial Number: 1121630206

Blackfriar Lands

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 2818749
Microphone Model Number: 4952
Microphone Serial Number: 2788674
Modem Model Number: h2225e-c
Modem Serial Number: 1121630418

Eriksdale Lands

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 2805684
Microphone Model Number: 4952
Microphone Serial Number: 2788782
Modem Model Number: h2225e-c
Modem Serial Number: 1121630031

Martin Grove Lands

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 2818745
Microphone Model Number: 4952
Microphone Serial Number: 2788775
Modem Model Number: h2225e-c
Modem Serial Number: 1121630036

Robert Hicks Lands

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 3082820
Microphone Model Number: 4952
Microphone Serial Number: 3080370
Modem Model Number: GX400
Modem Serial Number: AI 64640539001010

Oriole Lands

Analyzer Model Number: 3639-a-i 00
Analyzer Serial Number: 3082827
Microphone Model Number: 4952
Microphone Serial Number: 3080376
Modem Model Number: GX400
Modem Serial Number: AI 64640519001010