

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

**TRACKING NO.: 2019-152**

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:	Glenn Zeta	Division:	Real Estate Services
Date Prepared:	June 19, 2019	Phone No.:	416-338-7612

**Purpose** To obtain authority to enter into a licence agreement (the "Agreement") with Bell Canada (the "Licensee") to grant the Licensee and their consultants access to the City-owned closed laneway between Empire Avenue and Booth Avenue for the purpose of clearing blockages in the Licensee's infrastructure, being a PVC conduit located below grade in the closed laneway.

**Property** Closed laneway between Empire Avenue and Booth Avenue adjacent to 835 Queen Street East, municipally known as 95 Empire Avenue, Toronto, and legally described as Lanes Plan 406E Toronto closed by ES46289; lying immediately to South limit of Lots 5 to 13 between Empire Avenue and Booth Avenue, City of Toronto, as shown in Appendix "B" (the "Property").

- Actions**
1. Authority be granted to enter into the Agreement with the Licensee on the terms and conditions set out herein and such other or amended terms and conditions satisfactory to the Director, Real Estate Services (the "Director") or designate, and in a form satisfactory to the City Solicitor;
  2. The Director or designate shall administer and manage the Agreement, including the provision of any consents, approvals, waivers, notices, and notice of termination, provided that the Director may, at any time, refer consideration of such matters to City Council for its determination and direction; and
  3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

**Financial Impact** There is no financial impact. The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

**Comments** Pursuant to Clause 11 of Report No. 20 of the Committee on Works, adopted in Council at its meeting on November 25, 1957, the Property, being a former public laneway, was stopped up and closed in 1958, and Council authorized a lease of the surface rights of the Property to the abutting owner, WoodGreen Community Centre ("Woodgreen"), at 835 Queen Street East, for a term of five (5) years. At the time of the lane closure, the Licensee had infrastructure located below grade in the Property, however, an easement was not secured to protect the Licensee's existing infrastructure. The City entered into a lease of the Property with Woodgreen in November 1957. The lease with Woodgreen was subsequently renewed for several consecutive five (5) years terms and has been in overhold since November 1992. The Licensee, believing the Property was still a public lane, installed additional works associated with its original infrastructure in 1984.

The Licensee has now requested access to the Property to service and unblock a PVC conduit. Access is required on an expedited basis in order to facilitate the widening of a City public laneway south of 875 Queen Street East. This widening is the subject of an approved development at 875 Queen Street East. The Licensee has agreed to enter into a nominal sum, two-week licence agreement to facilitate the immediate service and repair of its conduit. Thereafter, the Licensee shall enter into a permanent easement agreement at fair market value to secure ongoing rights and access to the Property. The Licensee shall be responsible, at its sole expense, for all costs related to the use of the Property, and shall restore the Property, at its expense, to as close as practical to its original condition, and to the satisfaction of the City, acting reasonably.

WoodGreen has provided the City written confirmation that they have no objections regarding the Licensee's proposed works. Real Estate Services considers the terms and conditions of the Agreement to be fair and reasonable.

**Terms** Please see Appendix "A".

<b>Property Details</b>	<b>Ward:</b>	14 – Toronto-Danforth
	<b>Assessment Roll No.:</b>	1904-071-170-04700
	<b>Approximate Size:</b>	3.5 m x 52 m ± (11.4 ft x 171 ft ±)
	<b>Approximate Area:</b>	204 m <sup>2</sup> ± ( 2196 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:
<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 &amp; Parks &amp; 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><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></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><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input checked="" 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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></p> <p><input 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><b>Delegated to a more senior position.</b></p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><b>Delegated to a more senior position.</b></p> <p><b>Delegated to a more senior position.</b></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 &amp; authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><b>Delegated to a more senior position.</b></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><b>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</b></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:**

- 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).

**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, Internal Corporal Services and any related documents.

Consultation with Councillor(s)									
Councillor:	Paula Fletcher				Councillor:				
Contact Name:	Susan Serran				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No Objections (07/02/2019)				Comments:				
Consultation with Divisions and/or Agencies									
Division:	City Planning				Division:	Financial Planning			
Contact Name:	Daniel Woolfson				Contact Name:	Lauren Birch			
Comments:	Concurs (07/04/2019)				Comments:	No Objections (06/20/2019)			
Legal Division Contact									
Contact Name:	Shirley Chow (07/03/2019)								

DAF Tracking No.: 2019- 152	Date	Signature
Concurred with by: Acting Manager, Real Estate Services Daran Somas	July 5, 2019	Signed by Daran Somas
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Melanie Hale-Carter <input checked="" type="checkbox"/> Approved by:	July 5, 2019	Signed by Melanie Hale-Carter
<input type="checkbox"/> Approved by: Director, Real Estate Services		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, 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 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").

**APPENDIX "A"**  
**MAJOR TERMS AND CONDITIONS**

**Licensor:** City of Toronto

**Licensee:** Bell Canada

**Licensed Area:** The closed laneway known municipally as 95 Empire Avenue as shown on Appendix "B"

**Term:** Two (2) weeks during the period between July 8, 2019 and on July 31, 2019

**License Fee:** \$2.00

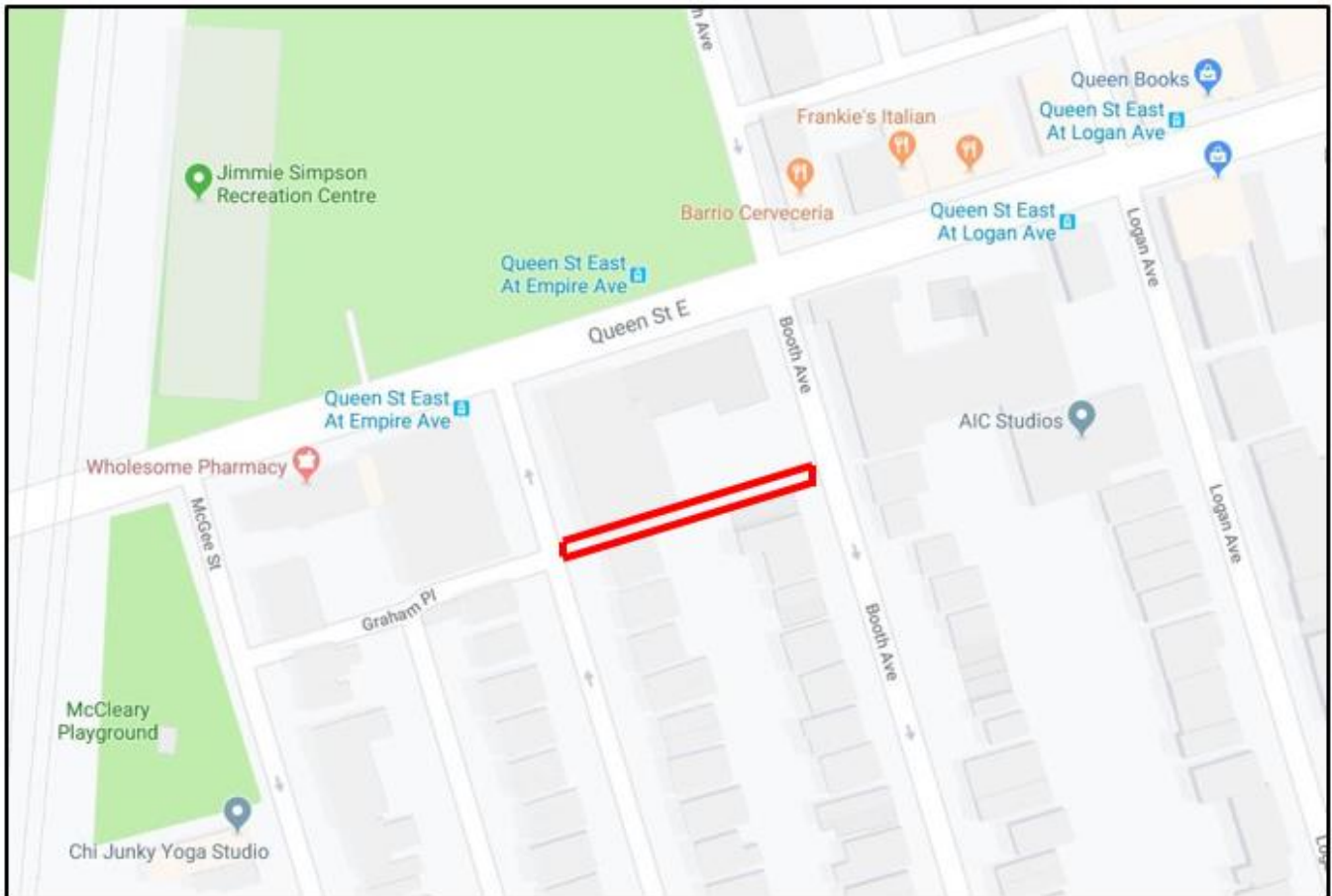
**Use:** The Licensed Areas shall only be used for the purpose of servicing and repairing the Licensee's telecommunication facilities located below grade in the *Licensed Area*, including open cut asphalt with saw, hand dig/hydrovac/machine excavate fill and digging of 2 pits (2m x 2m in diameter), as shown on the sketch attached hereto as Appendix "C", to clear blockages in the PVCD2 conduit (the "*Works*"). The City agrees that additional pit(s) may be required if there is additional blockage in the conduit, and the Licensee agrees to provide the City information on the additional pit(s), including size and location, and obtain the City's prior written consent before digging the additional pit(s). If such consent is obtained, the additional pit(s) shall be included in and form part of the *Works*.

**Restoration:** Upon expiry or termination of the Licence, the Licensee shall restore the Licensed Area in a good and workmanlike manner to as close as is practicable to its original condition immediately prior to the Licensee's occupancy with all asphalt restore to grade, at the Licensee's sole cost and expense.

**Insurance:** Commercial General Liability coverage in an amount of not less than Five Million Dollars (\$5,000,000.00) per occurrence.

**Indemnity:** The Licensee shall at all times indemnify and save harmless the City, from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on the City or its property in respect of any loss, damage or injury (including fatal injury) to any person or property arising out of or result from or sustained as a result of either the Licensee's occupation of or use of the Licensed Area.;

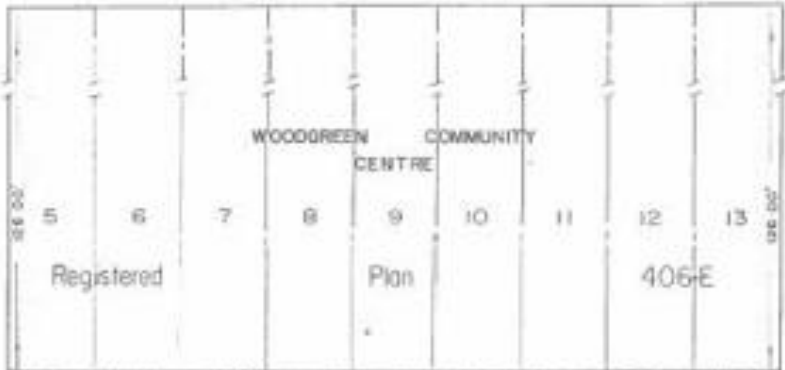
### APPENDIX "B" LOCATION MAP AND PLAN OF LICENSED AREA



SYE784

QUEEN ST E

AVE



AVE

EMPIRE



BOOTH



PROPOSED DEDICATION.....

CITY SURVEYORS DEPARTMENT  
CITY OF TORONTO

**LANE**  
 126-00' SOUTH OF QUEEN ST E  
 EMPIRE AVE TO BOOTH AVE  
**REGISTERED PLAN 406-E**  
**CITY OF TORONTO**  
 MUNICIPALITY OF METROPOLITAN TORONTO



Drawn By.....  
 Checked By.....  
 Approved By.....

FILE  
E40-LC1

PLAN SYE784

# Appendix "C"

## LOCATION OF PITS

