

**DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER, CORPORATE SERVICES**

TRACKING NO.: 2019-051

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:	Mike Saffran	Division:	Real Estate Services
Date Prepared:	June 28, 2019	Phone No.:	(416) 392-7205

Purpose	To obtain authority for the City of Toronto (the "City") to enter into a licence agreement (the "Licence") with Toronto and Region Conservation Authority, hereinafter ("TRCA"), the Licensee for the use, occupation, and access over a portion Horner Avenue West and a portion of Etobicoke Valley Park, for stockpiling of materials, installing risk mitigation measures and the passage of construction vehicles and equipment.
Property	The property municipally known as 0 Horner Avenue West, Toronto, and legally described as: Part of Horner Avenue Lying Between Centre Line of Etobicoke Creek and the Southerly Exit of the Western Limit of Westhead Road; Part of the Road Allowance Between Concession 1, Broken Front and Concession 2 Colonel Smith's Tract; Part of 10 Foot Wide Reserve on Plan 4079; Part of 10 Foot Wide Reserve on Plan 3881; City of Toronto, being all of PIN 07571-0082 (LT). And a portion of Etobicoke Valley Park and legally described as: Part of Lot 13, Concession 2 Colonel Smith's Tract, as in EB130068 except the Road Allowance therein; Part of Lot 13, Concession 2 Colonel Smith's Tract, as shown on Part 1 on 64R10017; Part of Lot 13, Concession 2 Colonel Smith's Tract, as in EB325860 (Part 7); Block A Plan 4177; Block A, Plan 4079; S/T EB199080, EB320410; EB389969 (Transferred by EB390775, being Part 1 on 64R1499), City of Toronto, being all of PIN 07571-0083(LT), collectively (the "Property") and shown as Parts 1-3 on Sketch No. PS-2019-008 on the attached Appendix "A".
Actions	<ol style="list-style-type: none"> The City enter into the Licence with TRCA to access the Property, commencing July 2, 2019 and ending June 30, 2020, on the terms and conditions set out below and any other or amended terms and conditions as may be deemed appropriate by the Director of Real Estate Services, and in a form acceptable to the City Solicitor. The Director of Real Estate Services, or his designate, shall administer and manage the Licence Agreement including the provision of any consents, approvals, waiver notices, and notices of termination provided that the Director of Real Estate Services may, at any time, refer consideration of such matter to City Council for its determination and direction. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	There are no financial implications resulting from this approval. All expenditures associated with the work will be paid by TRCA. Any alterations to the site while carrying out the work will be returned to its original condition. The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.
Comments	TRCA submitted a request to Toronto Water for temporary use of City-owned lands including a portion of Horner Avenue West and a portion of Etobicoke Valley Park for stockpiling of materials and the passage for construction vehicles and equipment related to certain erosion control works being carried out by TRCA on its adjoining lands. City staff have reviewed this request and recommend granting TRCA a licence on the above-noted terms and conditions.
Terms	See Page 4, Terms and Conditions

Property Details	Ward:	3 - Etobicoke Lakeshore
	Assessment Roll No.:	A portion of 1919 012 250 001 00
	Approximate Size:	Irregular
	Approximate Area:	899.9 m ² (9,686.8 ft ²)
	Other Information:	Parks and Open Space

A.	Deputy City Manager, Corporate Services has approval authority for:	City Manager has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOIs:</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 \$5 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOIs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p><input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$5 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 \$5 Million.</p> <p><input checked="" type="checkbox"/> (b) Where compensation is less than market value, for periods not exceeding twelve (12) months, including licences for environmental assessments and/or testing, etc.</p> <p><input type="checkbox"/> (c) Where compensation is less than market value, provided tenant and lease satisfy Community Space Tenancy Policy criteria set out in Item EX28.8, as adopted by Council on November 7, 8 and 9, 2017.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$5 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 \$5 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/Cautions</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><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p>Delegated to a less senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$10 Million.</p> <p><input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).</p> <p>Delegated to a less senior position.</p>

B. City Manager and Deputy Manager, Corporate 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.

Deputy City Manager, Corporate 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.
- Expropriation Applications and Notices following Council approval of expropriation.

Consultation with Councillor(s)																	
Councillor:	Mark Grimes				Councillor:												
Contact Name:	Ellen Grouchman				Contact Name:												
Contacted by:	<input checked="" type="checkbox"/>	Phone	<input checked="" type="checkbox"/>	E-Mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other	Contacted by:	<input type="checkbox"/>	Phone	<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Memo	<input type="checkbox"/>	Other
Comments:	No objection – June 27, 2019				Comments:												
Consultation with Divisions and/or Agencies																	
Division:	Eng Cons Services / Parks, Forestry & Recreation				Division:	Financial Planning											
Contact Name:	Lawrence Shintani / Jorge Ture				Contact Name:	Lauren Birch											
Comments:	Concurs with submission of DAF, June 27/28, 2019				Comments:	Concurs with FIS – June 27, 2019											
Legal Division Contact																	
Contact Name:	Catherine Thomas – June 24, 2019																

DAF Tracking No.: 2019-051	Date	Signature
Recommended by: Manager, Transaction Services, Daran Somas	June 28, 2019	Signed by Daran Somas
Recommended by: Acting Director, Real Estate Services, N Simos	July 2, 2019	Signed by Nick Simos
<input type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services	July 3, 2019	Signed by Josie Scioli
<input checked="" type="checkbox"/> Approved by: Josie Scioli		
<input type="checkbox"/> Approved by: City Manager Chris Murray		X

General Conditions ("GC")

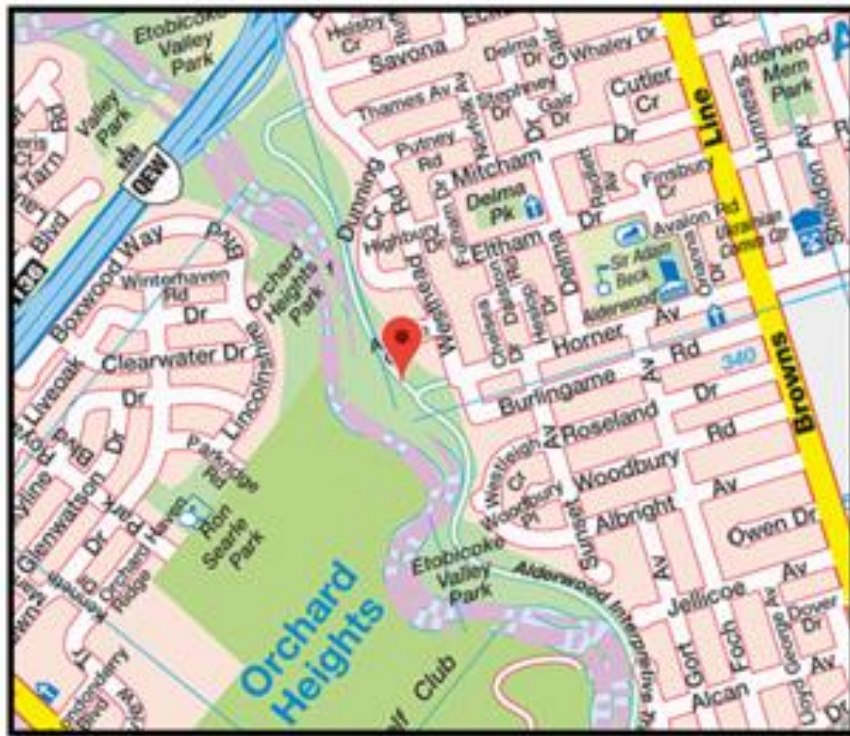
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land 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").

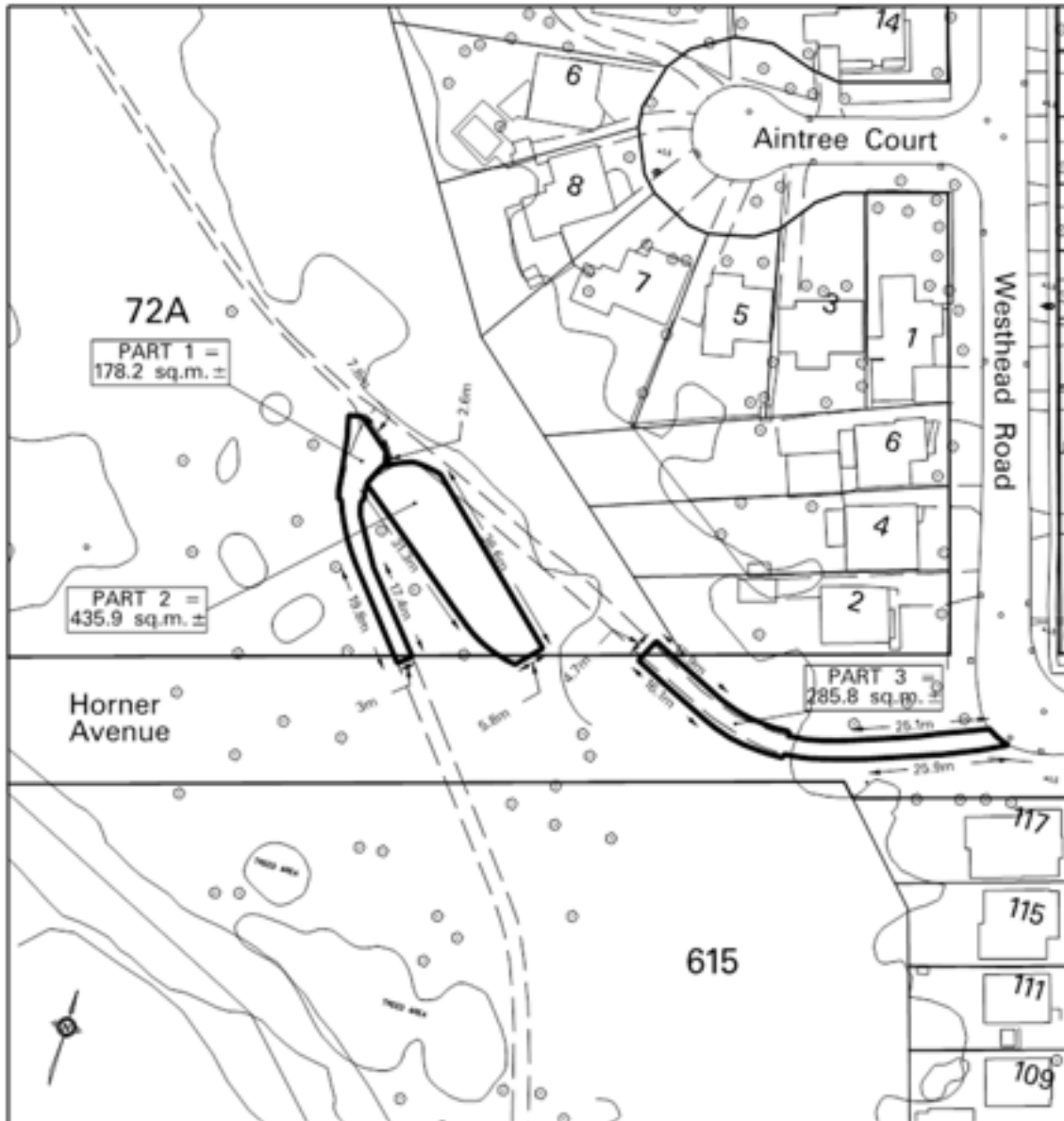
DAF 2019-051 – Major Terms and Conditions:

Owner:	City of Toronto
Licencee:	Toronto and Region Conservation Authority ("TRCA")
Licensed Area:	Approximately 899.9 square metres shown as Parts 1-3 on Sketch No. PS-2019-008 on Appendix "A"
Licence Commencement Date:	July 2, 2019
Licence Expiry:	June 30, 2020
Permitted Use:	<p>Construction related vehicular access, establishing staging and stockpiling area, erecting perimeter fencing/hoarding to secure work area from the public and to protect existing vegetation, installing risk mitigating measures to protect City sewers in vicinity.</p> <p>TRCA must conduct pre and post CCTV inspection of all buried infrastructure owned or operated by City within Licensed Area and provide General Manager of Toronto Water with results in timely manner.</p>
Indemnity & Insurance:	<p>TRCA indemnifies and holds the City harmless from and against liability and damage to the property, personal injury or death incurred by the City arising out of or due to the activities of TRCA and its agents.</p> <p>TRCA must maintain Commercial General Liability Insurance of \$5 million dollars, Contractor's Pollution Liability of \$1 million dollars and Standard Automobile Insurance of \$2 million dollars.</p>

Appendix "A"

Site Map, Aerial Map and Property Survey Sketch





NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDED MEASUREMENTS
ARE APPROXIMATE

CHECK BY JOHN HOUSE
PREPARED BY: ENAYNE PITT

PROPERTY INFORMATION SHEET
CITY OWNED LAND
SKETCH SHOWING PORTIONS OF
HORNER AVENUE AND NO. 72A WESTHEAD ROAD

WARD 3 – ETOBICOKE-LAKESHORE
DATE: JANUARY 24, 2019

SKETCH No. PS-2019-008