

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

TRACKING NO.: 2019-222

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:	Trixy Pugh	Division:	Real Estate Services
Date Prepared:	August 6, 2019	Phone No.:	(416) 392-8160

Purpose
 To initiate the process to permanently close the Road hereafter defined and to authorize the General Manager of Transportation Services to give notice of a proposed by-law to close Passmore Avenue between Rouge River and Pickering Town Line.

Property
 Road Allowance Between Concessions 4 & 5 in Scarborough; Part of Lot 7 in Concession 5 Scarborough as in SC339531 (Parcel 3); Part of Lot 8 in Concession 5 Scarborough As in SC339531 (Parcel 3); Part of Lot 12 in Concession 5 Scarborough As In SC430479 (Schedule D); Part of Lot 12 in Concession 4 Scarborough As In SC430479 (Schedule B); Being Part of Passmore Avenue Between Tapscott Road & Pickering Town Line being Part of PIN 06053-0028 (LT); Part of Lot 3 in Concession 5 Scarborough As In SC384233, SC238705 & SC150215; S/TSC238705; Scarborough being PIN 06053-0560(LT), also shown as Parts 1-5 on Sketch No. PS-2012-117, excluding the following: Part 1 on 66R-29105, being part of Road Allowance between Concession 4 and 5, being Part of PIN 06053-0028 (intersection of Passmore Avenue and Reesor Road), Part 1 on 66R-29106 and Parts 1 and 2 on 66R-30580, being Part of Road Allowance between Concession 4 and 5 (Part of PIN 0653-0028) (intersection of Passmore Avenue and Beare Road), Part 2 on 66R-29129 being part of Road Allowance between Concession 4 and 5, being Part of PIN 06053-0028 (intersection of Passmore Avenue and Sewells Road) (the "Road") illustrated as Appendix "A"

- Actions**
1. The General Manager of Transportation Services be authorized to give notice to the public of a proposed by-law to permanently close the Road in accordance with the requirements of the City of Toronto Municipal Code, Chapter 162, with the Scarborough Community Council to hear any member of the public who wishes to speak to the matter during consideration of the proposed by-law.
 2. The General Manager of Transportation Services be authorized to advise the public of the proposed closure of the Road prior to implementation, in accordance with the requirements of the Municipal Class Environmental Assessment for Schedule "A+" activities, by posting notice of the proposed closure on the notices page of the City's Web site for at least five working days prior to the Scarborough Community Council meeting at which the proposed by-law to close the Road will be considered.
 3. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Financial Impact
 The Easements, as defined below, are required to protect pre-existing infrastructure running through the Road and therefore will be granted for nominal consideration.

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

Comments
 A portion of the Road was acquired through expropriation proceedings in 1975 in which a 60 foot wide easement was granted to Interprovincial Pipe Line Limited (now Enbridge Pipelines Inc.) for an existing oil pipeline. City Council, at its meeting on May 11 and 12, 2010, authorized staff to whom authority to dispose of land is being delegated, to dispose lands acquired by expropriation without giving the owner from whom the land is expropriated the first chance to repurchase the lands because the expropriation took place ten years or more prior to the proposed disposal.

Another portion of the Road was acquired by the former Corporation of the Township of Scarborough from the Canadian National Railway Company ("CNR") in 1965 for road purposes and the final portion of the Road was acquired by the former Corporation of the Borough of Scarborough from the Golf Leaseholds Limited in 1970 for roads purposes.

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Property Details	Ward:	25 – Scarborough-Rouge Park				
		Part 1	Part 2	Part 3	Part 4	Part 5
	Approximate Area:	24,691.2 m ² (265,782.5 ft ²)	16,159 m ² (173,939.7 ft ²)	16,357.3 m ² (176,074.3 ft ²)	16,591.7 m ² (178,597.4 ft ²)	16,155.2 m ² (173,898.8 ft ²)
	Other Information:					

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/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 \$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 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/REOIs.</p> <p><input checked="" 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 checked="" 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 checked="" 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:	Jennifer McKelvie	Councillor:	
Contact Name:	Ryan Pyne	Contact Name:	
Contacted by:	Phone X E-Mail Memo Other	Contacted by:	Phone E-mail Memo Other
Comments:	No objections December 6, 2018	Comments:	
Consultation with Divisions and/or Agencies			
Division:	Transportation Services	Division:	Financial Planning
Contact Name:	Attilio Grande	Contact Name:	Filisha Jenkins
Comments:	Incorporated into DAF	Comments:	Incorporated into DAF (July 25, 2019)
Legal Division Contact			
Contact Name:	Catherine Thomas (2-3670)		

DAF Tracking No.: 2019-222	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Aug. 2, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Aug. 6, 2019	Signed by 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").

Comments

In accordance with the City's Real Estate Disposal Bylaw No. 814-2007, the Road was declared surplus on December 27, 2013 (DAF 2013-214) with the intended manner of disposal to be a nominal transfer to Her Majesty the Queen as represented by the Ministry of Environment for the purposes of Parks Canada Agency ("Parks Canada"). DAF 2019-069 was executed on March 12, 2019, to amend the manner of disposal to include Hydro One Networks Inc. ("Hydro One") and CNR as transferees of portions of the Road, as required.

City Council, at its meeting on November 27, 2012, adopted an Official Plan Amendment which exempts City-owned lands within or adjacent to lands identified in the Official Plan Amendment from certain policies in the Official Plan which prohibit the disposal of City-owned land in the Green Space System or Parks and Open Space Areas, such as the Road provided the lands are transferred to the Federal Government for the purpose of the Rouge National Urban Park.

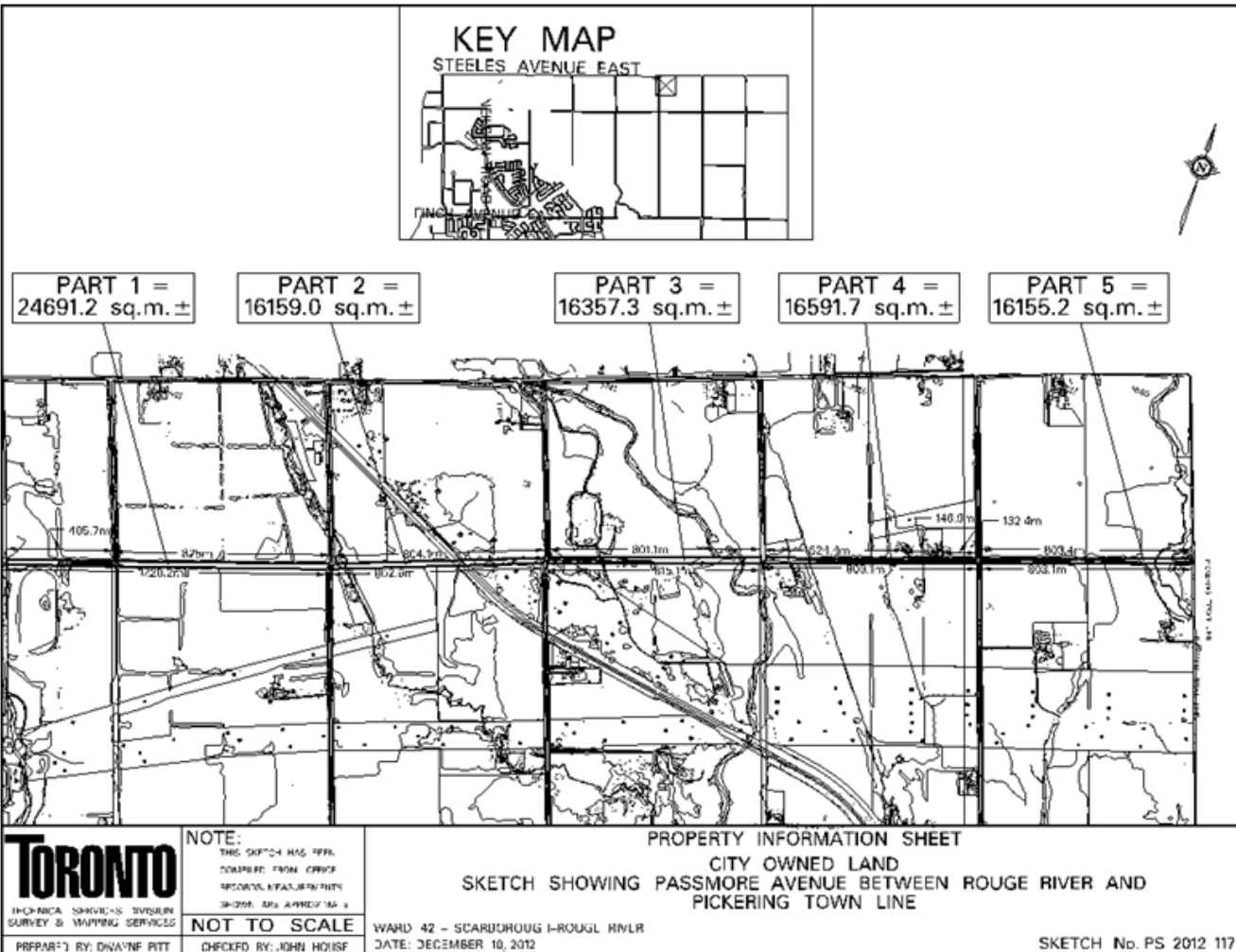
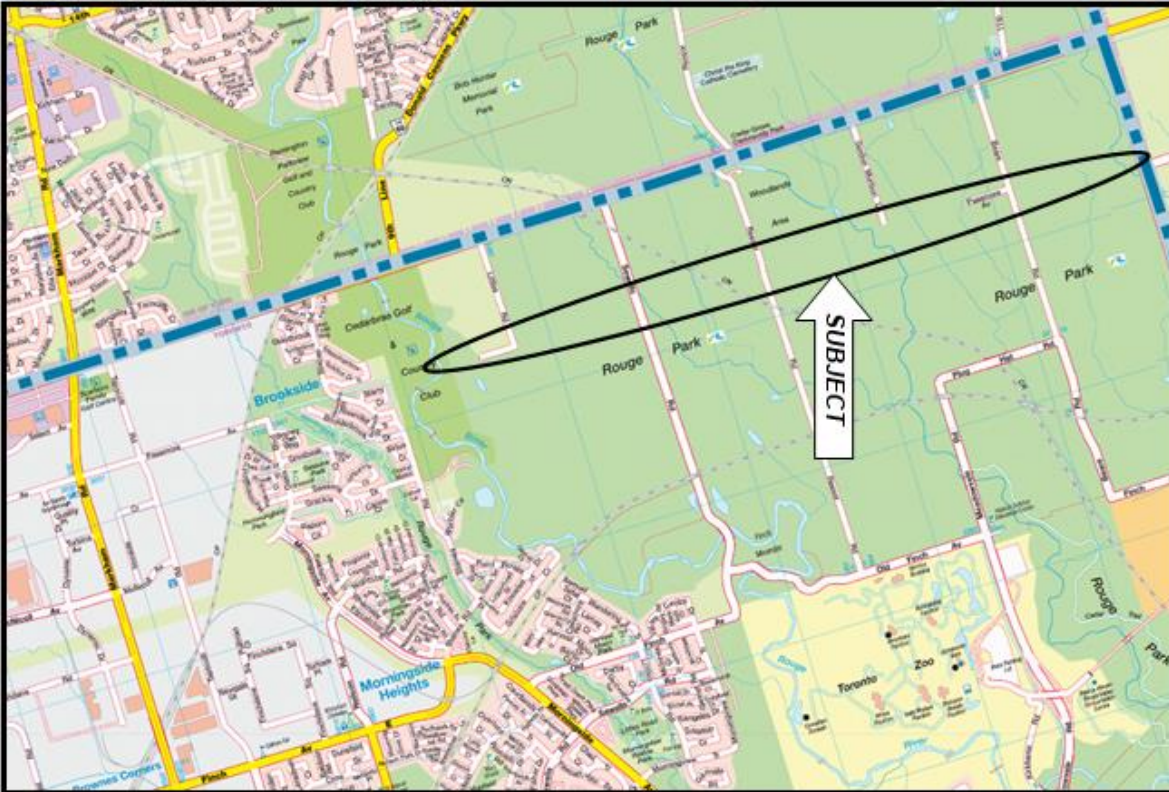
Transportation Services completed a circulation to the various utility companies and was advised that Toronto Hydro, Trans Northern Pipeline, and the MOE, will all require easements along the entire length of the Road as they have existing infrastructure running through the Road. TRCA requires access agreements for their tenants who access TRCA lands from the Road.

Under the terms of the Memorandum of Agreement dated December 12, 2014, Parks Canada will not accept rail and hydro transmission corridors for inclusion in the Park. As some of the City-owned parcels lie within existing corridors, an official plan amendment was sought to allow the City to transfer what would otherwise become orphaned parcels to the relevant infrastructure owner. This official plan amendment was adopted by City Council at its meeting on July 13, 2016.

CNR has a corridor which passes through the Road, therefore the City will transfer Part 1 on 66R-29781 to CNR, as shown in Appendix "B".

The General Manager of Transportation Services has confirmed that it is feasible to permanently close the Road and advised that it has no objection to the proposed closing subject to City Council approving the permanent closure of the Road.

Appendix "A": Location Map & Sketch



Appendix "B": CNR Corridor

