

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

TRACKING NO.: 2019-254

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:	September 10, 2019	Phone No.:	(416) 392-8151

Purpose
To obtain authority for the City of Toronto (the "City") to enter into an agreement (the "Agreement") with Urban Capital – Rosewater 1 Inc. (the "Owner") for the release of an existing easement in favour of the City (the "1951 Easement") registered as EB108704 against title to the Owner's lands more particularly described in Appendix "A" (the "Lands") and shown on the maps attached hereto as Appendix "B". The 1951 Easement is no longer required by the City given that the Owner has conveyed a new easement to the City (through a requirement in the Site Plan Agreement) which provides the City with the required access rights to repair and maintain a new/replacement storm sewer constructed by the Owner in lands owned by the City (within the City's right of way). The Owner has removed the storm sewer installed in the 1951 Easement Lands (defined below) to proceed with the proposed development on the Lands.

Property
A portion of the lands municipally known as 784 The Queensway, Toronto, Ontario, being part of PIN 07524-0127 (LT), displayed as Part 2 on Plan 66R-30649 (the "1951 Easement Lands") attached hereto as Appendix "C".

- Actions**
1. Authority is granted to enter into the Agreement with the Owner, substantially on the terms and conditions outlined below, and on such other or amended terms and conditions as may be satisfactory to the Director, Real Estate Services, and in a form acceptable to the City Solicitor.
 2. The City Solicitor is authorized to complete the transaction on behalf of the City, including the payment of any necessary expenses and amending and waiving terms and conditions, on such terms as she considers reasonable.
 3. The appropriate City Officials be authorized and directed to take the action necessary to give effect thereto.

Financial Impact
The release of the 1951 Easement will generate revenue in the amount of \$1,109,312.00 (or \$1,253,522.56 inclusive of HST). These funds will be contributed to the Land Acquisition Reserve Fund (XR1012).
The Chief Financial Officer and Treasurer has reviewed this DAF and agrees with the financial impact information.

Comments
The Owner intends to construct a new 8-storey mixed use building with 167 residential units on the Lands. The Owner entered into a site plan agreement with the City dated April 9, 2019 (the "SPA") which sets out the obligations and liabilities of the Owner concerning the proposed development.

The SPA contained several site specific conditions that the Owner must comply with in order to proceed with the proposed development on the Lands. A pre-approval condition required the Owner to convey a 2.1 meter wide easement along Smith Crescent and The Queensway to the City for nominal consideration to access the new/replacement storm sewer for future repair and maintenance purposes. The conveyance was to be at no cost to the City, free and clear of all physical and title encumbrances, to the satisfaction of various parties of the City. To satisfy this requirement, the Owner has transferred an easement in gross to the City on the lands, designated as Parts 8, 9 and 10 on Plan 66R-30649 (the "2019 Easement Lands"), which was registered on August 7, 2019 as Instrument Number AT5205391.

The Agreement shall require the Owner to provide the City with a certified cheque in the amount \$1,109,312.00 plus HST as compensation for the release of the 1951 Easement on the Lands, and to provide the City with an executed acknowledgment releasing and forever discharging the City from any and all claims, actions, and demands for compensation arising from the City's release of the 1951 Easement (the "Acknowledgement").

Terms
Transferor: City of Toronto
Transferee: Urban Capital – Rosewater 1 Inc.
Interest being released: A Transfer, Release and Abandonment of Instrument No. EB108704. The City transfers, releases and abandons the 1951 Easement, being the lands described as Part of Block D, Plan 3588, as in EB131443; Etobicoke, City of Toronto; subject to an easement as in AT5083569
Consideration for release of the 1984 Easement: \$1,109,312.00 plus applicable HST (the "Release Fee")
Conditions for releasing the 1984 Easement: The Owner shall pay the Release Fee to the City by way of certified cheque or bank draft and shall deliver to the City four executed copies of the Acknowledgement

Property Details	Ward:	3 – Etobicoke-Lakeshore
	Assessment Roll No.:	19 19 015 770 004 00
	Approximate Size:	
	Approximate Area:	633.1 m ² (1951 easement lands)
	Other Information:	

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/REOs:	Delegated to a more senior position.	<input type="checkbox"/> Issuance of RFPs/REOs.
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 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 checked="" 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:	Mark Grimes				Councillor:				
Contact Name:	Mary Campbell – Executive Assistant				Contact Name:				
Contacted by:	Phone	<input checked="" type="checkbox"/>	E-Mail		Memo		Other		
Comments:	No concerns (Sept/10/2019)				Comments:				
Consultation with Divisions and/or Agencies									
Division:	Engineering & Construction Services				Division:	Financial Planning			
Contact Name:	Sheila Gonbadi				Contact Name:	Filisha Jenkins			
Comments:	Comments included (Sept/10/2019)				Comments:	No issues (Sept/10/2019)			
Legal Division Contact									
Contact Name:	Emily Ng (Sept/13/2019)								

DAF Tracking No.: 2019-254	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Daran Somas Acting Manager, Real Estate Services	Sept. 17, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Sept. 18, 2019	Signed by Nick Simos

General Conditions ("GC")

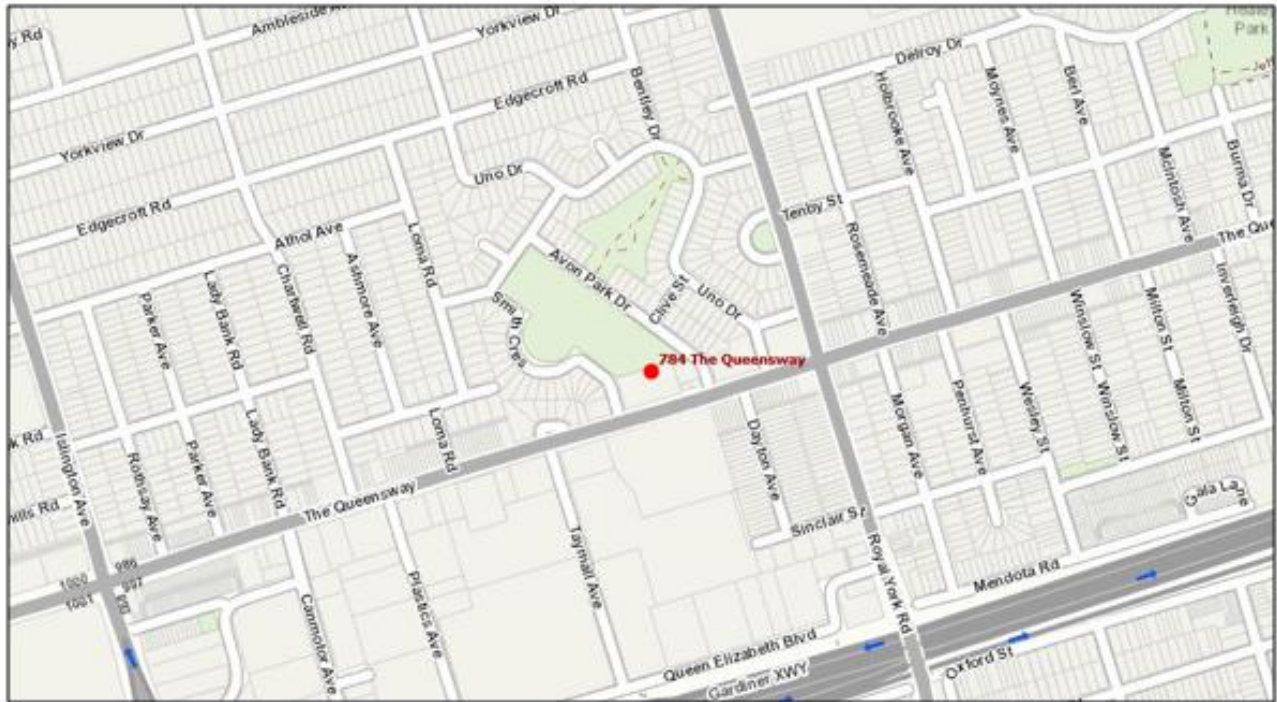
- (a) The local Councillor (or local Councillors if the subject property is located on a ward boundary or if the transaction involves an exchange of properties in more than one ward), will be consulted prior to the exercise of delegated Approving Authority by staff for all Acquisitions, Disposals, Land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

PIN 07524-0127 (LT)

PART OF BLOCK D, PLAN 3588, AS IN EB131443; ETOBICOKE, CITY OF TORONTO; SUBJECT TO AN EASEMENT AS IN AT5083569

Appendix "B" – Location Map



Appendix "C" – Reference Plan (66R-30649)

