

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

TRACKING NO.: 2019-247

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:	Irina Fofanova	Division:	Real Estate Services
Date Prepared:	August 30, 2019	Phone No.:	416-397-0806

<b>Purpose</b>	To obtain authority to waive part of the section 5.2 conditions of the Agreement of Purchase and Sale ("Agreement") between the City and CRESFORD CAPITAL CORPORATION and 33 YORKVILLE RESIDENCES INC., collectively (the "Developer") as outlined below.		
<b>Property</b>	Part of public lane located adjacent to 27, 37 Yorkville Avenue and 50 Cumberland Street, being part of PIN 21197-0172 (LT), legally described as part of Lane PL 355 Yorkville, PT LT 5, 10-11, 7 PI 355 Yorkville PT 1 63R4230, PT 1 63R1989, PT 1 63R3495, PT 1 64R15426; PT LT 21 Con 2 FTB TWP of York as in EM57810; Part Lot 21 Con 2, FTB TWP of York Parts 1 and 2 on Plan 63R3265 City of Toronto and shown as Parts 1, 2 and 3 on Sketch PS-2016-044 attached as Appendix "B" (the "Public Lane").		
<b>Actions</b>	<ol style="list-style-type: none"> <li>The City waive part of the section 5.2 conditions of the Agreement as outlined on page 4 of this DAF.</li> <li>The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.</li> </ol>		
<b>Financial Impact</b>	There is no financial impact resulting from the approval of this DAF. The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information		
<b>Comments</b>	<p>By DAF2017-268, authority was granted to enter into the Agreement with the Developer on November 1, 2017.</p> <ol style="list-style-type: none"> <li>The Agreement of Purchase and Sale ("APS") was negotiated with input from City staff of various departments and Toronto Parking Authority staff some years ago. The APS included Development Conditions requiring payment of fees and development charges, before the City-owned lane is sold to the developer, as leverage for the developer to construct 800 replacement Toronto Parking Authority parking spaces in the lower strata land retained in City ownership.</li> <li>The period for the developer to satisfy the Development Conditions in Section 5.2 (a) and (b) was initially April 30, 2019, and extended to October 31, 2019. Section 5.3 of the APS provides that if the conditions are not satisfied or waived by the City by Oct. 31, 2019, the APS shall be at an end, without any City liability.</li> <li>The developer has excavated its development lands around the City-owned lane, and has provided LCs for Base Park Improvements (\$225,011.00) and Above Base Park Improvements (\$1,594,289.09). The developer will provide a further LC for appraised value of parkland dedication (\$20,352,547.00) prior to issuance of the first above grade building permit.</li> <li>Toronto Building staff has advised that Development Charges ("DC's) are normally collected for large developments such as this, where construction has commenced under a conditional building permit, on issuance of the above grade conditional building permit. The DC calculations are based on the number of units. DCs are increased from time to time, and the next scheduled increase is set to occur on November 1st, 2019. If a conditional above grade permit is issued sometime after November 1st, the DCs would be calculated at the higher rate applicable at the time.</li> <li>City Planning advice that the Planning and Development process has built in assurances with respect to Site Plan, Development Charges and permits.</li> </ol>		
<b>Terms</b>	See page 4.		
<b>Property Details</b>	<b>Ward:</b>	11 – University - Rosedale	
	<b>Assessment Roll No.:</b>	N/A	
	<b>Approximate Size:</b>	16.4 m x 4.3 m ± (53.8 ft x 14.4 ft ±) & 21.3 m x 3.7 m ± (69.9 ft x 12.1 ft ±)	
	<b>Approximate Area:</b>	150.8 m <sup>2</sup> ± (1,623.6 ft <sup>2</sup> ±)	
	<b>Other Information:</b>		

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 &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 \$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 &amp; 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 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 checked="" 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><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></p> <p><b>Delegated to a less senior position.</b></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><b>Delegated to a less senior position.</b></p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.</p> <p><b>Delegated to a less senior position.</b></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><b>Delegated to a less senior position.</b></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><b>Delegated to a less senior position.</b></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:	Mike Layton - August 30, 2019					Councillor:				
Contact Name:						Contact Name:				
Contacted by:	Phone	x	E-Mail	Memo	Other	Contacted by:	Phone	E-mail	Memo	Other
Comments:	No objections					Comments:				
Consultation with Divisions and/or Agencies										
Division:	City Planning / Toronto Building - Aug 16, 2019					Division:	Financial Planning			
Contact Name:	Oren Tamir / Daniel Papaconstantinou					Contact Name:	Felisha Jenkins - Aug 20, 2019			
Comments:	Included					Comments:	Included			
Legal Division Contact										
Contact Name:	Soo Kim Lee - August 19, 2019									

DAF Tracking No.: 2019- 247	Date	Signature
Recommended by: Manager, Real Estate Services	Sept. 3, 2019	Signed by Melanie Hale-Carter
Recommended by: Director, Real Estate Services	Sept. 5, 2019	Signed by Nick Simos
<input type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services <input checked="" type="checkbox"/> Approved by: Josie Scioli	Sept. 10, 2019	Signed 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 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").

<p><b>Terms</b></p>	<p>The developer has submitted a building permit application, and Notice of Approval Conditions has been issued for the developer's Site Plan Approval Application. This DAF requests approval for the City to waive the balance of the conditions, as shown in "strike-out" below.</p> <p><b>Section 5.2 Development Conditions:</b> The City's obligation to complete the sale transaction contemplated herein is subject to satisfaction, or waiver by the City, of the following conditions (the "<b>Development Conditions</b>") within Eighteen (<b>18</b>) months of the Acceptance Date (the "<b>Development Conditional Period</b>"), which conditions are inserted for the City's sole benefit and which may be waived in whole or in part by the City by notice in writing delivered to the Purchaser at any time prior to the expiry of the Development Conditional Period:</p> <ul style="list-style-type: none"> <li>(a) Notice of Conditions of Site Plan Approval in respect of the Purchaser's Site Plan Approval Application for the Development has been issued by the City, and <del>in its capacity as statutory planning authority ("the <b>Approved Site Plan</b>"), and all of the conditions of site plan approval contained therein have been satisfied, including execution, but not registration on title, of the necessary Site Plan Agreement, in a form satisfactory to the City Solicitor; and</del></li> <li>(a) <b>a full and complete building permit application has been submitted.</b> <del>including all related permit and associated fees, development charges, and required security have been submitted to the Toronto Building Division and the City's Chief Building Official or his or her designate has confirmed in writing that: (A) the development for which the Purchaser has applied for a building permit in respect of the Development Site conforms to the Approved OPA/Zoning By-law Amendment and the Approved Site Plan; and (B) a full building permit for the development approved by the Approved OPA/Zoning By-law Amendment and the Approved Site Plan (the "<b>Permit</b>") can be issued immediately.</del></li> </ul>
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Appendix "A"  
LOCATION MAP & AERIAL PICTURE

