

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

TRACKING NO.: 2019-280
With Confidential Attachment

Approved pursuant to the Delegated Authority contained in Executive Committee Item EX27.12, as adopted by City Council on October 2, 3 and 4, 2017 or, where applicable, in Executive Committee Item EX28.8, as adopted by City Council on November 7, 8 and 9, 2017.

Prepared By:	Patricia Palmieri	Division:	Real Estate Services
Date Prepared:	September 23, 2019	Phone No.:	416-392-4829
Purpose	To authorize the payment of compensation under Offers of Compensation pursuant to Section 25 of the <i>Expropriations Act</i> (the "Act") for the expropriated fee simple, permanent and temporary easements (the "Property Requirements") identified on the attached Appendix "A" in the property located at 425 Bloor St East (the "Property"). The Property Requirements are essential to complete the Easier Access Phase III Program (the "Project") to construct new elevators at Sherbourne Subway Station.		
Property	See Appendix "A"		
Actions	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. To authorize the preparation and service of Offers of Compensation in the amounts set out in the Confidential Attachment to the respective owner of the Property, together with supporting appraisal reports, in accordance with Section 25 of the Act. 2. To authorize payment of the compensation offered, plus any applicable HST, upon acceptance of the Offers of Compensation. 3. Where an Offer of Compensation is accepted in full compensation for the owner's interest in the land, to authorize the payment of statutory interest, and all reasonable legal, appraisal and other costs in accordance with the Act, to be agreed upon or assessed by the City Solicitor. 4. The Confidential Attachment, setting out the amount of the compensation offered, shall remain confidential until there has been a final determination of the compensation payable to all of the owners, by arbitration or appeal or, if settled, in the discretion of the City Solicitor 		
Financial Impact	<p>Funding for the Section 25 Offers of Compensation, as set out in the Confidential Attachment, is available in the 2019-2028 Council Approved Capital Budget and Plan for the Toronto Transit Commission ("TTC") under capital account CTT028-01.</p> <p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.</p>		
Comments	<p>On March 26, 2018 City Council adopted GM25.7, authorizing the expropriation of the Property Requirements for the proposed Project. Expropriation Plan AT4884709 was registered on June 13, 2018 and Notices of Expropriation were served on the owners of the Property. Expropriation is required to construct new elevators at Sherbourne Subway Station as part of the Project.</p> <p>The compensation amount set out in the Confidential Attachment is based upon an appraisal commissioned by the City, prepared by Janterra Real Estate Advisors Inc., with an effective date of June 13, 2018. The Act requires that the Expropriating Authority serve Offers of Compensation with copies of the appraisal on the affected property owners, including mortgagees and other encumbrancers, after the registration of the Plan of Expropriation and before taking possession of the expropriated land.</p> <p>Upon acceptance of the Offers of Compensation, the compensation will be apportioned among and paid to the relevant owners according to their entitlements under the Act. Releases of owners' claims resulting from the expropriations, in a form satisfactory to the City Solicitor, will be obtained where appropriate.</p>		
Terms	Compensation will be offered in accordance with the Act for the Property Requirements outlined in Appendix "A", in the amounts set out in the Confidential Attachment.		
Property Details	Ward:	Ward 13 – Toronto Centre	
	Assessment Roll No.:	n/a	
	Approximate Area:	Irregular	

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 checked="" 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: N/A	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"/> (b) Where compensation is less than market value, for periods not exceeding three (3) months, including licences for environmental assessments and/or testing, etc. Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.	<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 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.
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. Delegated to a more senior position.	<input type="checkbox"/> (a) Where total compensation does not exceed \$1 Million. <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 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:		
<ul style="list-style-type: none"> 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:		
<ul style="list-style-type: none"> 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:	Councillor Kristyn Wong-Tam					Councillor:			
Contact Name:	Tristan Downe-Dewdney					Contact Name:			
Contacted by:	Phone	X	E-Mail		Memo		Other		
Comments:	Advised on September 17, 2019					Comments:			
Consultation with Divisions and/or Agencies									
Division:	TTC					Division:	Financial Planning		
Contact Name:	Pamela Kraft					Contact Name:	Filisha Jenkins		
Comments:	Concurred on September 17, 2019					Comments:	Concurred on September 20, 2019		
Legal Division Contact									
Contact Name:	Luxmen Aloysius								

DAF Tracking No.: 2019-280	Date	Signature
Recommended by: Peter Cheng	Sept. 26, 2019	Signed by Peter Cheng
<input checked="" type="checkbox"/> Recommended by: Manager, Real Estate Services Alex Schuler	Sept. 25, 2019	Signed by Alex Schuler
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Sept. 27, 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.

Appendix "A"
Private Property Requirements

Municipal Address	Legal Description	Required Interest	Required Area	Purpose
425 Bloor St E	Those lands described in PIN: 21086-0017 (LT) in the Land Registry Office of Toronto (No.66)	All Right Title and Interest	Parts 1, 2, 8, 26, 27 & 33 shown in red in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and operate the elevators and related transit facilities
		Permanent Easement	Parts 4, 7, 9, 10, 11, 12,13,14,21, 22, 23, 24, 25,28,29,30 & 32 shown in yellow in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct and maintain the elevator and related transit facilities
		Temporary Easement	Parts 3, 5, 6,15,16,17, 18, 19, 20, 31, 34, & 35 shown in green in Drawing Number 2215017012-001E of the Draft Plan that was completed by WSP Geomatics Ontario Ltd. attached in Schedule "A2"	To construct the elevator and related transit facilities and for construction lay down

Appendix "A1" Site Map













