

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

TRACKING NO.: 2019-324

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:	Rafael Gutierrez	Division:	Real Estate Services
Date Prepared:	November 14, 2019	Phone No.:	416-338-2995

Purpose	To obtain approval for the exchange of lands between the City of Toronto (the "City") and Summercove Estates Inc. ("Summercove") and adjustment of a support easement in favour of the City in order to correct an error in the description of a strip of land that was transferred to the City for road widening purposes as a condition to an approval of the site plan agreement and draft plan of condominium in respect of the lands municipally known as 124-128 Pears Avenue (and shown on the site plan and aerial view attached as Appendix "A").
Property	A 1.48 metre-wide strip of land abutting the west side of a public lane located west of Avenue Road and running north from Pears Avenue a distance of 33.53 metres to a below grade depth of 2.12 metres, designated as PART 1 on Plan 66R-30182 (the "Property").
Actions	<ol style="list-style-type: none"> The City transfer the Property to Summercove and accept a Transfer back from Summercove of part of the Property to a below grade depth of 1.2 metres designated as PART 1 on Plan 66R-30204 (the "Strip"), substantially on the terms and conditions set out below and on such other amended terms as may be satisfactory to the Director, Real Estate Services. The City release an existing easement for support over the lands immediately below the Property and accept a new easement for support from Summercove over the lands immediately below the Strip.
Financial Impact	There are no financial implications resulting from this approval.
Comments	<p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.</p> <p>Under Approval Number 18 133881 STE 20 CD (the "Approval"), the City approved a Draft Plan of Standard Condominium to be constructed on the lands municipally known as 124-128 Pears Avenue, subject to certain conditions, including the following:</p> <ol style="list-style-type: none"> Summercove was to convey the Strip to the City for road widening purposes, reserving a right-of-way over the Strip for access purposes in favour of Summercove until such time as the Strip is laid out and dedicated by the City as a public highway. The depth of the Strip was limited to no less than 1.2 metres below grade in order to accommodate an underground parking garage forming part of the proposed condominium that is partly located under the Strip. Summercove was to convey to the City an easement for support over the lands immediately below the Strip. <p>Due to inadvertence, the Transfer (the "Lane Widening") from Summercove to the City incorrectly described the Strip as PART 1 of 66R-30182, which PART has a below grade depth of 2.12 metres. The Transfer Easement similarly incorrectly described the lands subject to the support easement (the "Servient Lands") as being PART 2, 66R-30182, which have an upper vertical limit of 2.12 metres below grade. The Transfer was registered on June 6, 2019 as instrument number AT5154058 and the Transfer Easement (the "Easement") was registered on June 6, 2019 as instrument number AT5154059. Plans 66R-30182 and 66R-30204 are hereinafter collectively referred to as the "R-Plans" and individually as an "R-Plan", and are attached as Appendix "B".</p> <p>During review of the condominium application and the R-Plans, it was determined that both the Lane Widening and the Easement referenced the wrong R-Plan which resulted in more land being conveyed to the City than was required, as it included a portion of land that forms part of the underground parking garage of the condominium. In order to correct the misdescription of the Strip in the Transfer and the misdescription of the Servient Lands in the Transfer Easement, Summercove and the City have agreed that the City shall transfer the Property back to Summercove and execute a Transfer, Release and Abandonment of the Easement to and in favour of Summercove. Summercove will then make an application to the Land Registry Office to combine the Parcel Pages for the Strip and the Property as a single Parcel Page so that the Strip can then be transferred to the City. Once the Parcel Pages have been combined, Summercove will transfer the Strip to the City and grant a new support easement over the lands immediately below the Strip to the City on the same terms and conditions as in the Easement, all at Summercove's expense.</p>
Terms	The Transfer from the City to Summercove shall be on an as-is, where-is basis and Summercove shall cause its solicitors to deliver to the City an opinion on the title to the Strip on the same terms as contained in the title opinion delivered to the City in connection with the Transfer of the Property to the City.

Property Details	Ward:	11 – University-Rosedale
	Assessment Roll No.:	19 04 052 420 002 01
	Approximate Size:	N/A
	Approximate Area:	49.63 m ²
	Other Information:	N/A

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 checked="" 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:	Mike Layton					Councillor:									
Contact Name:	Same as above					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	Concurs (November 6, 2019)					Comments:									
Consultation with Divisions and/or Agencies															
Division:	City Planning					Division:	Financial Planning								
Contact Name:	Barry Brooks, Senior Planner					Contact Name:	Filisha Jenkins								
Comments:	Planning confirms that transfer should take place as soon as possible to correct the error (November 4, 2019).					Comments:	Concurs (November 6, 2019)								
Legal Division Contact															
Contact Name:	Mark Zwegers (Real Estate), Amanda S. Hill (City Planning)														

DAF Tracking No.: 2019-324	Date	Signature
Concurred with by: Manager, Real Estate Services		
<input type="checkbox"/> Recommended by: Manager, Real Estate Services Daran Somas	Nov. 14, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos	Nov. 14, 2019	Signed by Nick Simos

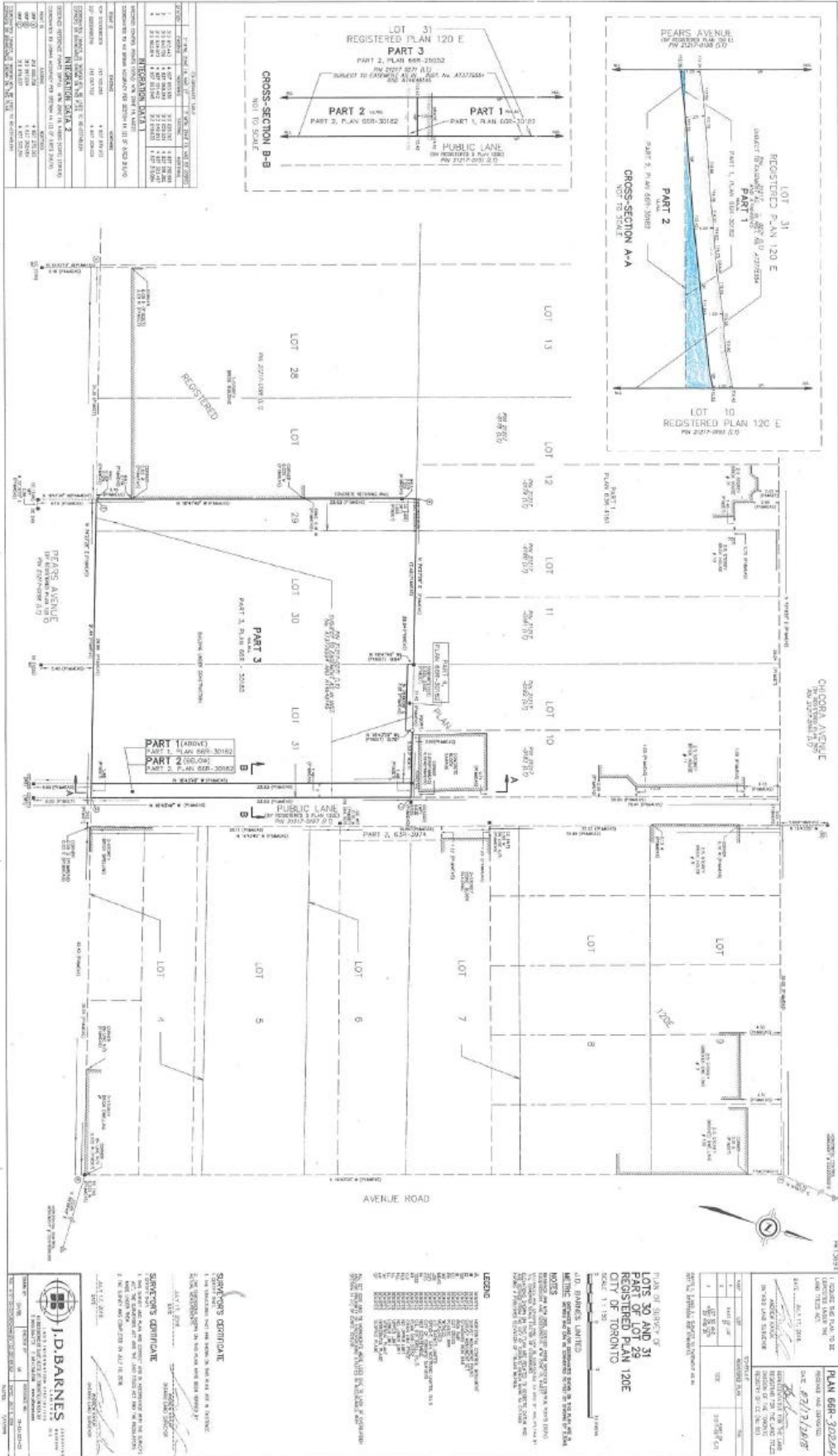
General Conditions ("GC")

- (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" 124-128 Pears Avenue – Site Map, Aerial View



Appendix "B" (cont'd) Plan 66R-30204



TYPE	DESCRIPTION	DATE	BY	FOR
1	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
2	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
3	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
4	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
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13	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
14	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
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28	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
29	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
30	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO
31	AS SHOWN	11/11/2014	J.D. BARNES	FOR THE CITY OF TORONTO

PLAN OF SURVEY OF LOTS 30 AND 31 PARTS 1, 2 AND 3 REGISTERED PLAN 120E CITY OF TORONTO

J.D. BARNES LIMITED
 1111 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1S 1T5
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 WWW.JDBARNES.COM

REGISTERED PLAN 120E

PLAN 66R-30204

DATE: 11/11/2014

BY: J.D. BARNES

FOR: THE CITY OF TORONTO

SCALE: 1" = 100'

LEGEND

NOTES:

1. THE SURVEY IS BASED ON THE DATA PROVIDED BY THE CLIENT.
2. THE SURVEY IS BASED ON THE DATA PROVIDED BY THE CLIENT.
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