

DELEGATED APPROVAL FORM
CITY MANAGER
DEPUTY CITY MANAGER, CORPORATE SERVICES

TRACKING NO.: 2019-251
Confidential Attachment

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:	November 13, 2019	Phone No.:	(416) 392-8160

Purpose	To approve a settlement (the "Settlement") between the City and Metropolitan Toronto Condominium Corporation 673 (the "Owner") including execution of a Full and Final Release and Direction from the Owner, in full and final settlement of any and all claims under the <i>Expropriations Act</i> , including but not limited to market value, injurious affection and disturbance damages that have been incurred as a result of the expropriation and acquisition of portions of the property to facilitate the construction of the Toronto-York Spadina Subway Extension ("TYSSE").												
Property	Portions of the property municipally known as 1170 Sheppard Avenue West (the "Property"), Toronto, being a stratified subsurface fee simple interest and a support easement above, a permanent subsurface interest and a temporary construction easement, designated as Parts 1 to 13 on Expropriation Plan No. AT2537652 registered on October 28, 2010 as shown in Appendix "A"; and a permanent easement, designated as Parts 1 to 6 on Expropriation Plan No. AT3535840 registered on March 11, 2014 as shown in Appendix "B" and on the Location Map in Appendix "C".												
Actions	<div><div>1.</div><div>Authority be granted to enter into the Settlement with the Owner, substantially on the terms and conditions outlined below and in the Confidential Attachment, including the payment of interest, legal, appraisal and other costs, in accordance with the <i>Expropriations Act</i>.</div></div> <div><div>2.</div><div>The Confidential Attachment should remain confidential until there has been a final determination of all property transactions and claims for compensation related to the Project and only released publicly thereafter in consultation with the City Solicitor.</div></div> <div><div>3.</div><div>The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses and applicable HST, if any.</div></div>												
Financial Impact	Funding for the settlement, as set out in the Confidential Attachment, is available in the 2019 Council Approved Capital Budget and 2018-2028 Capital Plan for the Toronto Transit Commission (the "TTC"), within the Toronto-York Spadina Subway Extension Capital Project. The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.												
Comments	<div><div>On August 25, 26 and 27, 2010, City Council adopted Item GM33.15, which authorized the expropriation of portions of the Property as set out in Appendix "A". Expropriation Plan AT2537652 was registered on October 28, 2010.</div><div>On January 17, 2011, through DAF 2011-021, authority was granted to prepare, serve and issue payment for the Offer of Compensation pursuant to Section 25 of the <i>Expropriations Act</i>.</div><div>On December 16, 17 and 18, 2013, City Council adopted Item GM26.16, which authorized the expropriation of a portion of the Property as set out in Appendix "B". Expropriation Plan AT3535840 was registered on March 11, 2014.</div><div>On June 2, 2014, through DAF 2014-147, authority was granted to prepare, serve and issue payment for the Offer of Compensation pursuant to Section 25 of the <i>Expropriations Act</i>.</div><div>Continued on page 4</div></div>												
Property Details	<table><tr><td>Ward:</td><td>6 – York Centre</td></tr><tr><td>Assessment Roll No.:</td><td>1908-05-2-180-00100</td></tr><tr><td>Approximate Size:</td><td></td></tr><tr><td>Approximate Area:</td><td></td></tr><tr><td>Other Information:</td><td></td></tr></table>			Ward:	6 – York Centre	Assessment Roll No.:	1908-05-2-180-00100	Approximate Size:		Approximate Area:		Other Information:	
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A.	Deputy City Manager, Corporate Services has approval authority for:	City Manager has approval authority for:	
1. Acquisitions:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.	
2. Expropriations:	<input checked="" type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$5 Million.	<input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$10 Million.	
3. Issuance of RFPs/REOIs:	<input type="checkbox"/> Issuance of RFPs/REOIs.	Delegated to a less senior position.	
4. Permanent Highway Closures:	<input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.	Delegated to a less senior position.	
5. Transfer of Operational Management to Divisions and Agencies:	<input type="checkbox"/> Transfer of Operational Management to Divisions and Agencies.	Delegated to a less senior position.	
6. Limiting Distance Agreements:	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.	
7. Disposals (including Leases of 21 years or more):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.	
8. Exchange of land in Green Space System & Parks & Open Space Areas of Official Plan:	<input type="checkbox"/> Exchange of land in Green Space System and Parks and Open Space Areas of Official Plan.	Delegated to a less senior position.	
9. Leases/Licences (City as Landlord/Licensor):	<input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.	
	<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.	Delegated to a less senior position.	
	<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.	Delegated to a less senior position.	
10. Leases/Licences (City as Tenant/Licensee):	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$10 Million.	
11. Easements (City as Grantor):	<input type="checkbox"/> (a) Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.	
	<input type="checkbox"/> (b) When closing roads, easements to pre-existing utilities for nominal consideration.	Delegated to a less senior position.	
12. Easements (City as Grantee):	<input type="checkbox"/> Where total compensation does not exceed \$5 Million.	<input type="checkbox"/> Where total compensation does not exceed \$10 Million.	
13. Revisions to Council Decisions in Real Estate Matters:	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).	<input type="checkbox"/> Amendment must not be materially inconsistent with original decision (and subject to General Condition (u)).	
14. Miscellaneous:	<input type="checkbox"/> (a) Approvals, Consents, Notices and Assignments under all Leases/Licences	Delegated to a less senior position.	
	<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/Cautions		
	<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. 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.			

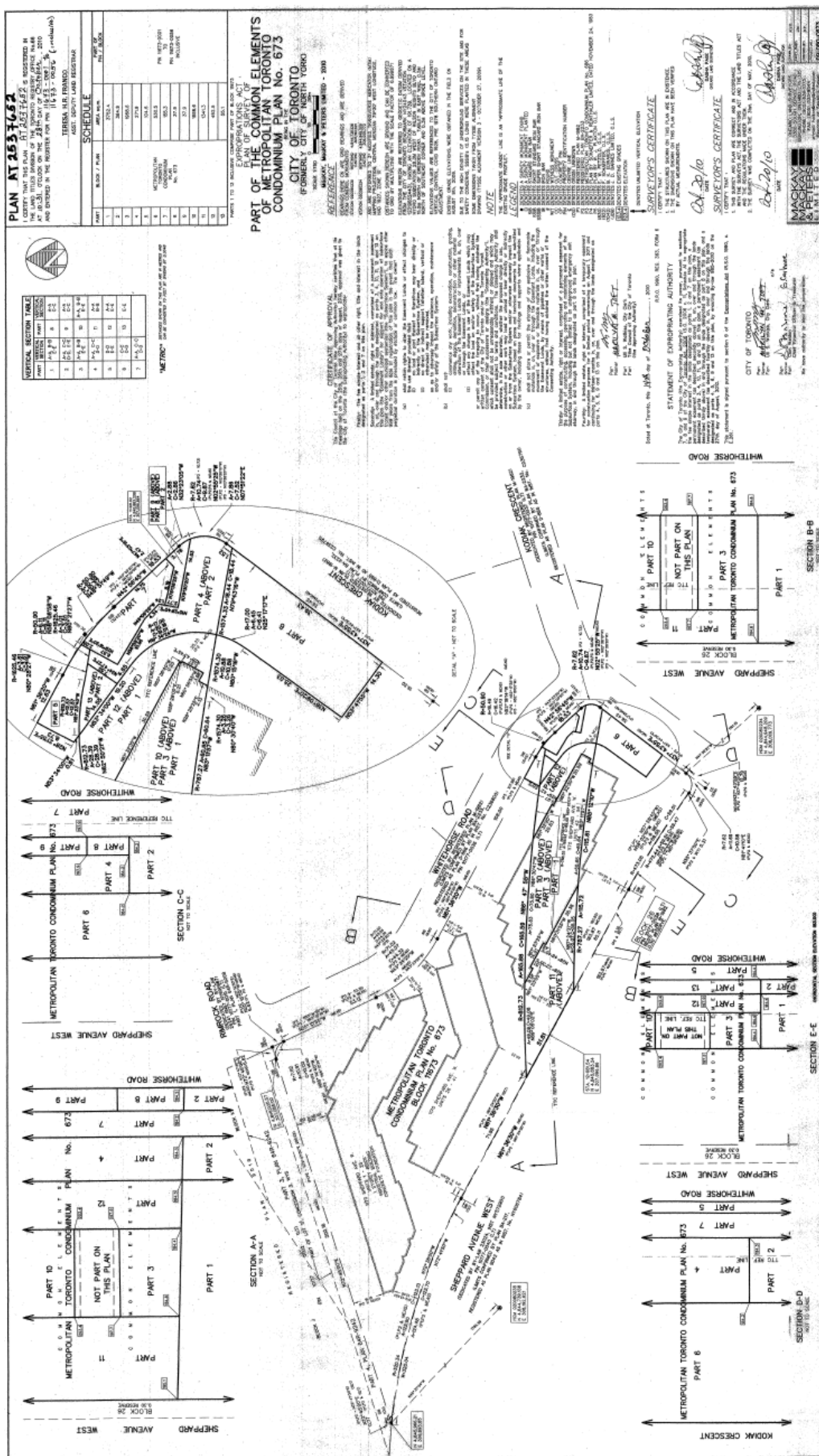
Consultation with Councillor(s)									
Councillor:	James Pasternak					Councillor:			
Contact Name:	James Pasternak					Contact Name:			
Contacted by:	Phone	X	E-Mail		Memo		Other		
Comments:	Notified October 28, 2019					Comments:			
Consultation with Divisions and/or Agencies									
Division:						Division:	Financial Planning		
Contact Name:						Contact Name:	Filisha Jenkins		
Comments:						Comments:	Incorporated into DAF (Oct 31, 2019)		
Legal Division Contact									
Contact Name:	Constance Lanteigne (Oct 30, 2019)								

DAF Tracking No.: 2019-251	Date	Signature
Recommended by: Manager, Real Estate Services	Nov. 13, 2019	Signed by Daran Somas
Recommended by: Director, Real Estate Services	Nov. 14, 2019	Signed by Nick Simos
<input type="checkbox"/> Recommended by: Deputy City Manager, Corporate Services <input checked="" type="checkbox"/> Approved by: Josie Scioli	Nov. 18, 2019	Signed by Josie Scioli
<input type="checkbox"/> Approved by: City Manager Chris Murray		X

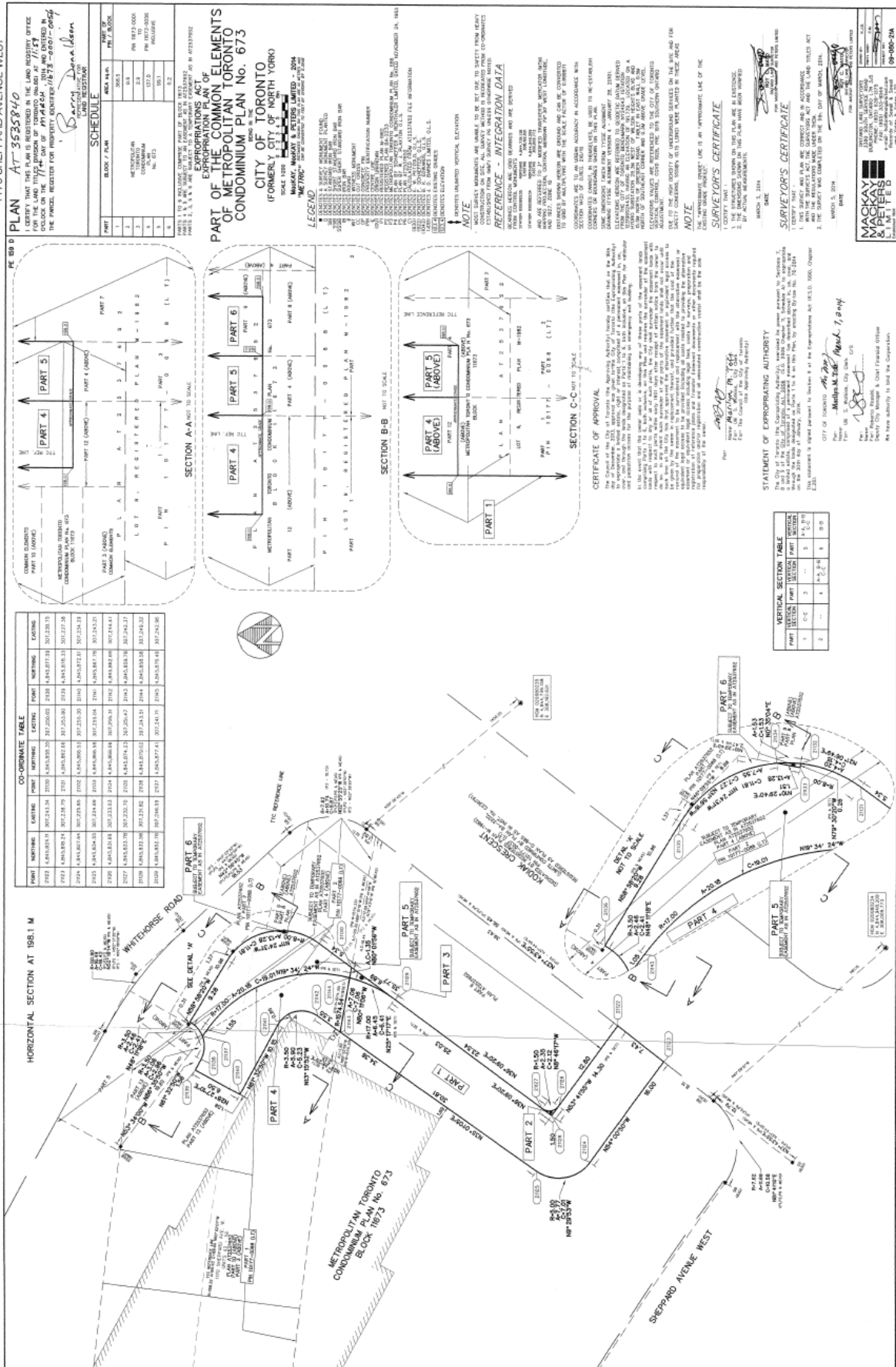
General Conditions ("GC")

- (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 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").

Terms	<p>The temporary construction easement was extended by several Temporary Easement Agreements, authorized by DAF 2012-109, DAF 2131-035, DAF 2013-177 and DAF 2014-213.</p> <p>A Settlement of any and all claims for compensation under the <i>Expropriations Act</i> resulting from the expropriation has now been reached with the Owner.</p> <p>TTC staff have reviewed the terms and conditions of the Settlement and concur with proceeding.</p> <p>City staff consider the terms and conditions of the Settlement to be fair and reasonable and are recommending approval of the Settlement.</p> <p>As set out in Confidential Attachment</p>
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Appendix "B" – Expropriation Plan No. AT3535840



Appendix "C" – Location Map

