

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

TRACKING NO.: 2019-331

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:	December 2, 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 390 Dufferin Residences LP, by its general partner, 390 Dufferin GP Inc. (the "Owner") for the release of an existing easement in favour of the City registered as CT413698 (the "1980 Easement") on title to the Owner's Property (defined hereafter). The 1980 Easement is no longer required given that the City has entered into a licence agreement (the "Licence") with the Owner to access, repair and maintain a new/replacement watermain constructed by the Owner elsewhere on the Property. The Owner has removed the former watermain installed in the 1980 Easement lands to proceed with the proposed development involving the Property.
Property	A portion of the lands municipally known as 390-444 Dufferin Street, Toronto, Ontario, being part of PIN 21304-0195 (LT), on the lands legally described in Appendix "A", displayed on the maps attached hereto as Appendix "B" and shown as Part 1 on the sketch (PS-2018-081) attached hereto as Appendix "C" (the "Property").
Actions	1. Authority is granted to enter into the Agreement with the Owner, substantially on the terms and conditions outlined in Appendix "A", 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.
Financial Impact	The release of the 1980 Easement will generate revenue to the City in the amount of \$284,000 (or \$320,920 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 mixed-use development on the Property. To facilitate the proposed development, the Owner entered into a municipal infrastructure agreement with the City dated June 4, 2018 (the "MIA") which sets out the obligations and liabilities of the Owner concerning the construction and maintenance of certain municipal infrastructure. As per the terms of the MIA, the Owner has constructed a new watermain on a different portion of the Property to replace the previously existing municipal watermain located on the 1980 Easement lands. Once the new watermain was made operational, the previously existing watermain was decommissioned, enabling the proposed development to be built over the 1980 Easement lands. In the future, the City will take ownership of the new watermain upon the satisfaction of certain terms and conditions set out in the MIA. Through the planning process, the Owner is required to convey to the City a permanent land interest over portions of the Property containing the new watermain. In the interim, the Owner has entered into a licence agreement with the City dated September 13, 2018 and authorized under DAF No. 2018-313 which grants the City rights for the uninterrupted access to the new watermain for future maintenance and repairs as required until such time as the City acquires the aforementioned permanent land interests through the planning process. Furthermore, to protect the City's interests, a restrictive covenant has been registered against the Property (Instrument No. AT4956550) which prevents the Owner from completing a transfer or charge involving the Property without the prior written consent of the City. The Owner has provided the City with a certified cheque in the amount equal to the current market value of the 1980 Easement interest as compensation for it to be released.
Terms	Please see Appendix "A".

Property Details	Ward:	9 – Davenport
	Assessment Roll No.:	19 04 024 010 036 01
	Approximate Size:	40.1 m X 3.1 m
	Approximate Area:	122.4 m ²
	Other Information:	

A.	Manager, Real Estate Services has approval authority for:	Director, Real Estate Services has approval authority for:
<p>1. Acquisitions:</p> <p>2. Expropriations:</p> <p>3. Issuance of RFPs/REOs:</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 & Parks & 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 \$50,000.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> (a) Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$50,000.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$50,000.</p> <p>Delegated to a more senior position.</p> <p>Delegated to a more senior position.</p>	<p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Statutory offers, agreements and settlements where total compensation does not cumulatively exceed \$1 Million.</p> <p><input type="checkbox"/> Issuance of RFPs/REOs.</p> <p><input type="checkbox"/> Initiate process & authorize GM, Transportation Services to give notice of proposed by-law.</p> <p>Delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 Million.</p> <p><input type="checkbox"/> Where total compensation does not exceed \$1 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 \$1 Million.</p> <p><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.</p> <p>Leases pursuant to the Community Space Tenancy Policy delegated to a more senior position.</p> <p><input type="checkbox"/> Where total compensation (including options/renewals) does not exceed \$1 Million.</p> <p><input type="checkbox"/> (a) Where total compensation does not exceed \$1 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 \$1 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 checked="" 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 type="checkbox"/> (f) Objections/Waivers/Caution</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>

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:	Ana Bailão					Councillor:									
Contact Name:	Michael Giles – Chief of Staff					Contact Name:									
Contacted by:	Phone	X	E-Mail		Memo		Other	Contacted by:	Phone		E-mail		Memo		Other
Comments:	No objections (Nov/28/2019)					Comments:									
Consultation with Divisions and/or Agencies															
Division:	Toronto Water					Division:	Financial Planning								
Contact Name:	Candice Au					Contact Name:	Filisha Jenkins								
Comments:	In agreement with easement release (Dec/2/2019)					Comments:	Revisions included (Nov/25/2019)								
Legal Division Contact															
Contact Name:	Emily Ng (Nov/25/2019)														

DAF Tracking No.: 2019-331	Date	Signature
<input checked="" type="checkbox"/> Recommended by: Daran Somas Acting Manager, Real Estate Services	Dec. 9, 2019	Signed by Daran Somas
<input type="checkbox"/> Approved by:		
<input checked="" type="checkbox"/> Approved by: Nick Simos Acting Director, Real Estate Services	Dec. 10, 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" – Major Terms

Legal description of the Property

PIN 21304-0195 (LT)

CITY OF TORONTO; LOT 7, PLAN 294-YORK SAVE & EXCEPT PART 2, EXPRO. PLAN AT949025; UNNAMED ROAD, PLAN 294-YORK (AS KNOWN AS ALMA AVENUE) CLOSED BY INSTRUMENT WG27120 & 69967J, SOUTH OF LOT 8 & NORTH OF LOT 7; PART OF LOT 8, PLAN 294-YORK AS IN CT327839 (EXCEPT 3RDLY); S/T CT327839; S/T CT413698; S/T TEMPORARY EASEMENT OVER PARTS 3 & 4, EXPRO. PLAN AT949025 AS SET OUT BY EXPRO. PLAN AT949025

Releasor

City of Toronto

Owner

390 Dufferin Residences LP, by its general partner, 390 Dufferin GP Inc.

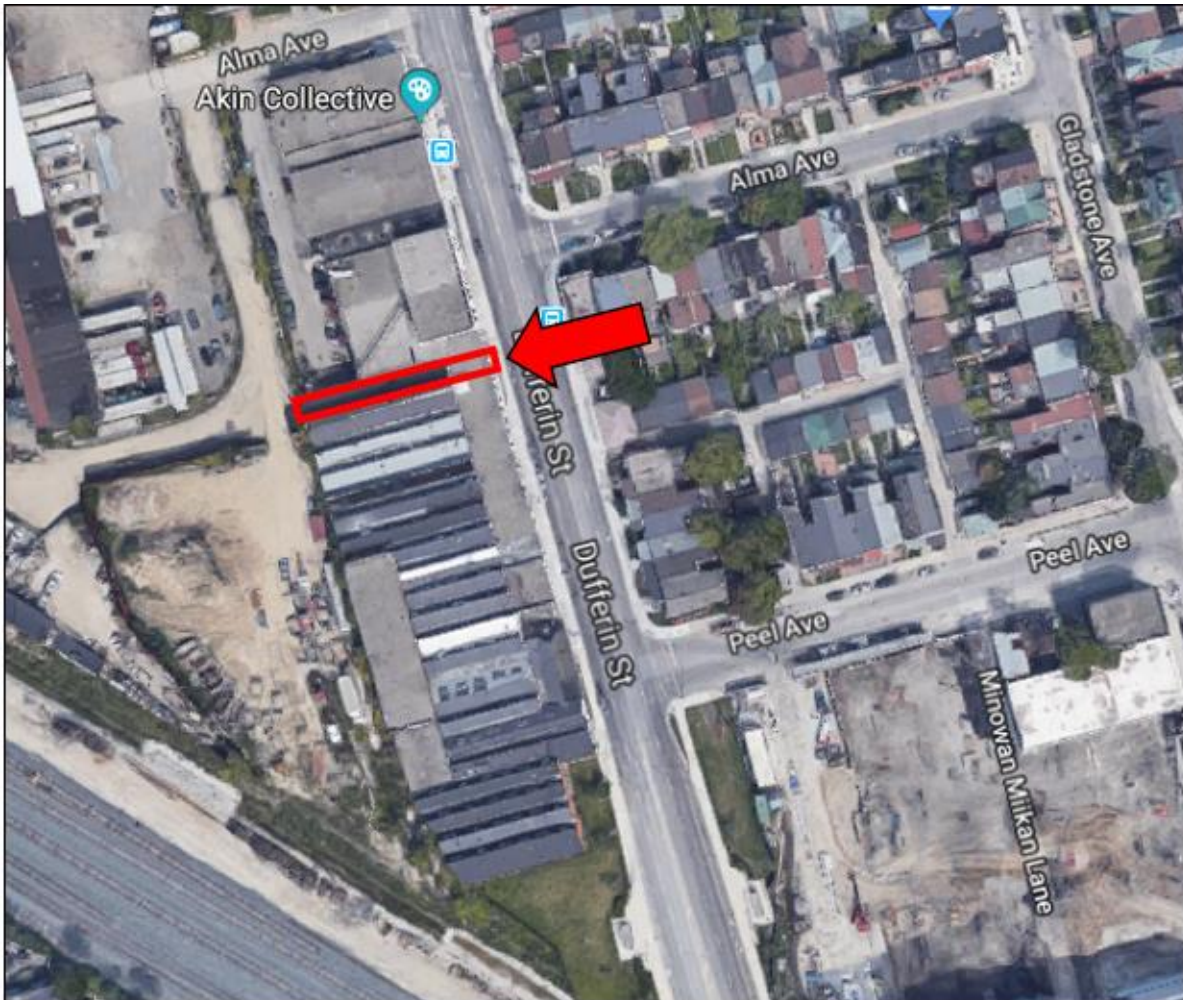
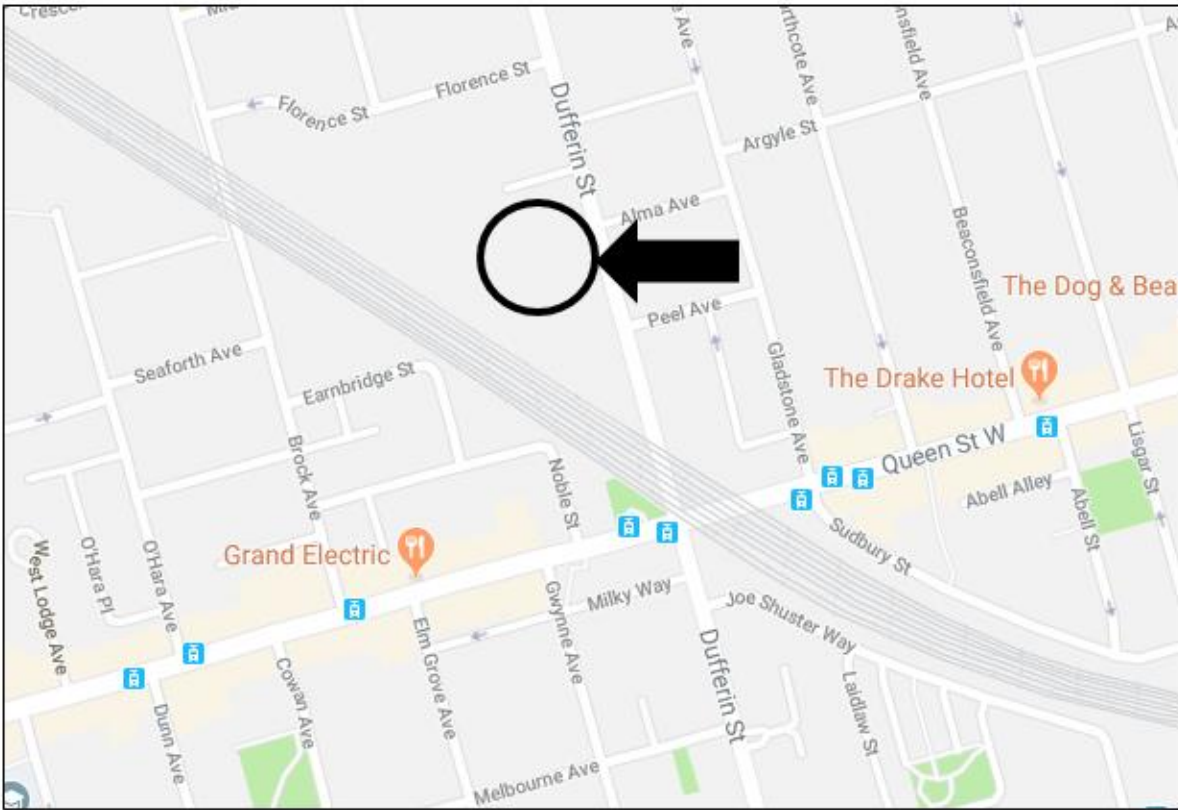
Instrument number describing the 1980 Easement

CT413698

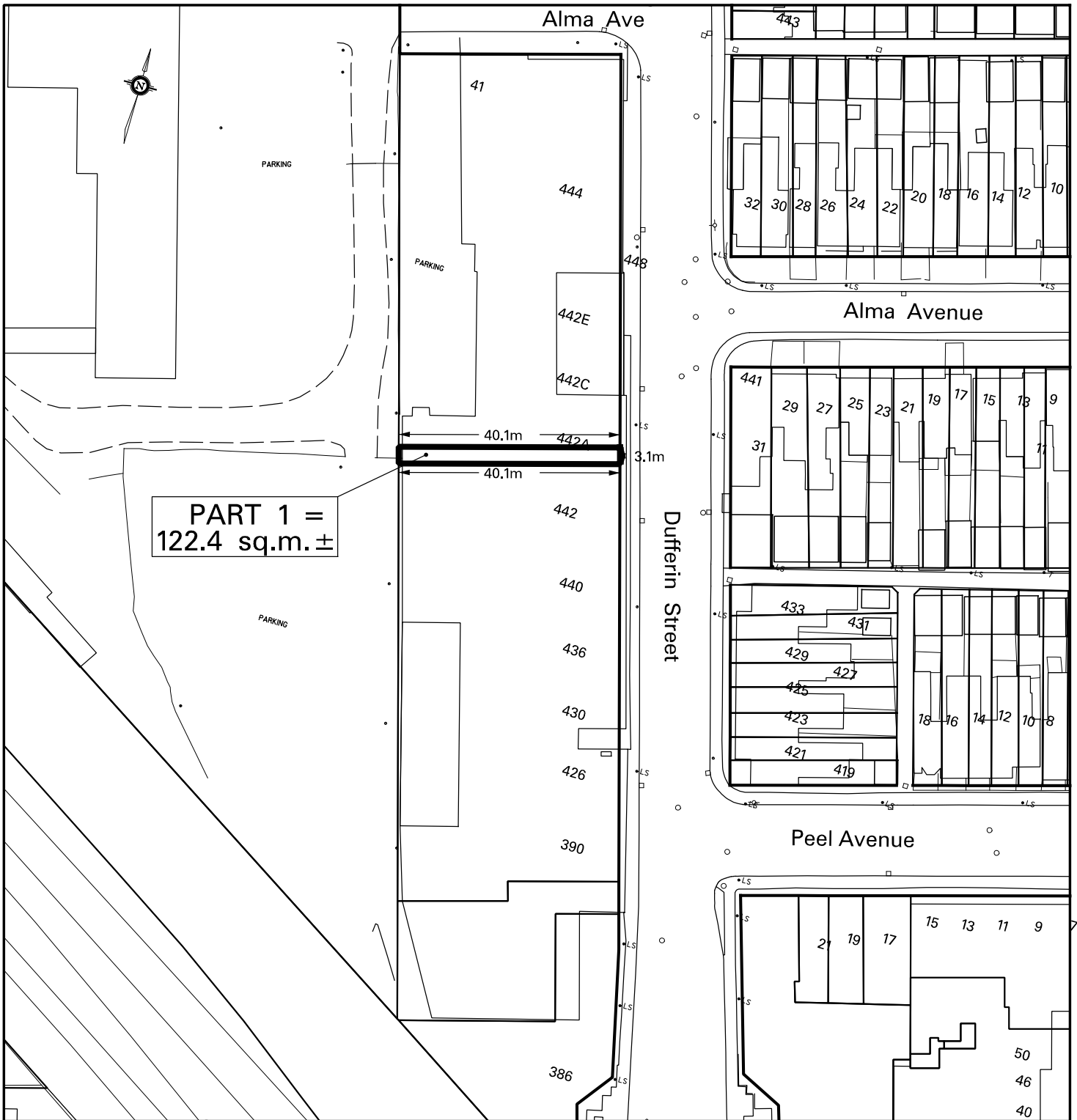
Consideration for release of the 1980 Easement

\$284,000.00 plus applicable taxes

Appendix "B" – Location Map



Appendix "C" – Property Sketch (No. PS-2018-081) of 1980 Easement Lands



PART 1 =
122.4 sq.m. ±

TORONTO
ENGINEERING & CONSTRUCTION SERVICES
ENGINEERING SUPPORT SERVICES
LAND & PROPERTY SURVEYS

NOTE:
THIS SKETCH HAS BEEN
COMPILED FROM OFFICE
RECORDS. MEASUREMENTS
ARE APPROXIMATE

CHECK BY JOHN HOUSE
PREPARED BY: DWAYNE PITT

PROPERTY INFORMATION SHEET
SKETCH SHOWING A PORTION OF
NO. 390 – 440 DUFFERIN STREET

WARD 18 – DAVENPORT
DATE: AUGUST 02, 2018

SKETCH No. PS-2018-081