

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

TRACKING NO.: 2019-149

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:	May 23, 2019	Phone No.:	416 397 0806

Purpose	To obtain authority to grant a permanent easement interest in two portions of City-owned land located at 0 Leslie Street (previously known as 7 Leslie Street) to Enbridge Gas Distribution (" Enbridge ") to accommodate a newly constructed gas pipeline and meter pad.
Property	The permanent easement interest legally described as part of PIN 21385-0197(LT) being firstly: Part of Block I, Plan 520E designated as Part 1 on Reference Plan 66R-27826 City of Toronto [approximately 67 square metres]; and secondly: part of Block I and RO, Plan 520E, designated as Part 1 on Plan 66R-26656, City of Toronto [approximately 182.9 square metres] (collectively the "Property").
Actions	<ol style="list-style-type: none"> The City grant the permanent easement to Enbridge, substantially on the terms and conditions outlined herein, and on such amended and/or other terms as may be acceptable to the Director, Real Estate Services, and in a form satisfactory to the City Solicitor. A portion of the proceeds of closing be directed to fund the outstanding expenses related to completion of the sale transaction. The City Solicitor be authorized to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable. The appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.
Financial Impact	<p>The City will receive revenue in the amount of \$34,600.00 (exclusive of HST and applicable taxes and fees), less closing costs and usual adjustments. Proceeds will be contributed to the Land Acquisition Reserve Fund (XR1012) upon closing of the transaction.</p> <p>The Chief Financial Officer & Treasurer has reviewed this DAF and agrees with the financial impact information.</p>
Comments	<p>City Council, at its meeting of June 8 and 9, 2010, adopted, as amended, the recommendations contained in Public Works and Infrastructure Committee Report item # PW33.9, thereby authorizing, among other matters, the use of the City property adjacent to the Ashbridge's Bay Sewage Treatment Plant site for the TTC Light Rail Vehicle Maintenance and Storage Facility ("MSF"). The TTC has completed construction of the MSF and Enbridge provides service to the facility.</p> <p>Enbridge has requested a permanent easement from the City over the Property to accommodate the installation of its gas pipeline and meter pad on the Property.</p> <p>In accordance with the City's Real Estate Disposal By-law, No. 814-2007, the Property was declared surplus on June 18, 2017 (DAF No. 2017-123) with the intended manner of disposal by way of an easement to Enbridge to accommodate a newly constructed gas pipeline and meter pad.</p> <p>All steps necessary to comply with the City's real estate disposal process as set out in Chapter 213 of the City of Toronto Municipal Code have been complied with.</p> <p>The terms and conditions of the easement agreement is considered fair, reasonable and reflective of market value. It is acceptance, substantially on the terms and conditions outlined below.</p>
Terms	<p>Easements Purchase Price: \$34,600.00</p> <p>Commencement of permanent easement: Upon the registration of the easement agreement in the Land Titles Division of the Toronto Registry Office.</p> <p>City's rights: The City shall have the right to use and enjoy the surface of the easement lands</p> <p>The City shall not, without the prior written consent of Enbridge, place or erect on the easement lands any building, structure or fence and shall not excavate, alter the grading, drill, install thereon any pit, well, foundation and/or pavement which will obstruct or prevent the exercise and enjoyment by Enbridge of its rights.</p> <p>Insurance: \$5,000,000 per occurrence of Commercial General Liability Insurance to be maintained by Enbridge.</p>

Property Details	Ward:	14 - Toronto - Danforth
	Assessment Roll No.:	Part of 1904-08-1-050-00300
	Approximate Size:	Irregular
	Approximate Area:	67 m2 ± (721.18 ft2 ±)
	Other Information:	

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/Licensors):	<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 checked="" 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 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:

- 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.

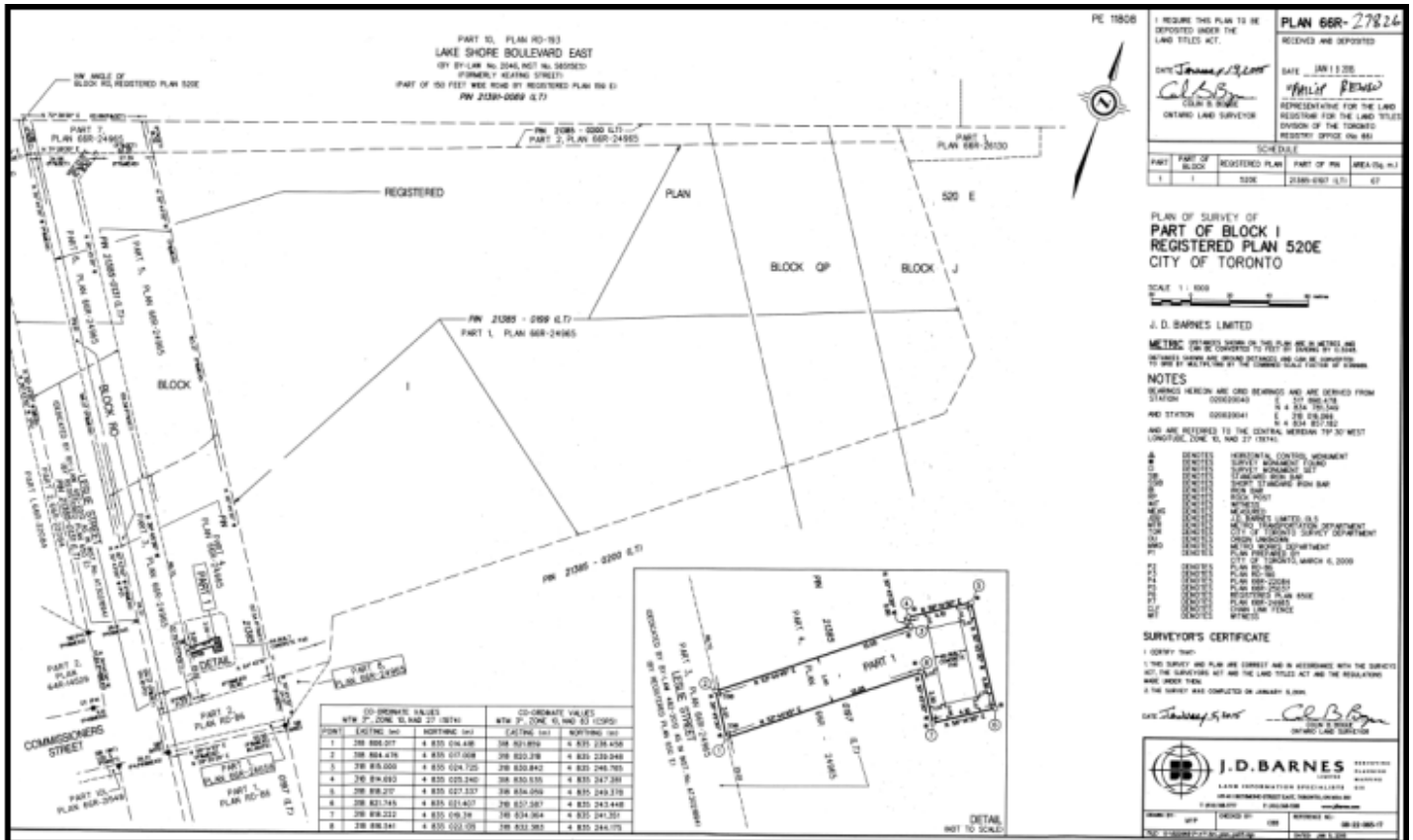
Consultation with Councillor(s)									
Councillor:		Paula Fletcher				Councillor:			
Contact Name:		Susan Baker - May 16, 2019				Contact Name:			
Contacted by:		Phone	X	E-Mail		Memo		Other	
Comments:						Comments:			
Consultation with Divisions and/or Agencies									
Division:						Division:		Financial Planning	
Contact Name:						Contact Name:		Lauren Birch - May 16, 2019	
Comments:						Comments:			
Legal Division Contact									
Contact Name:		Michele Desimone - May 14, 2019							

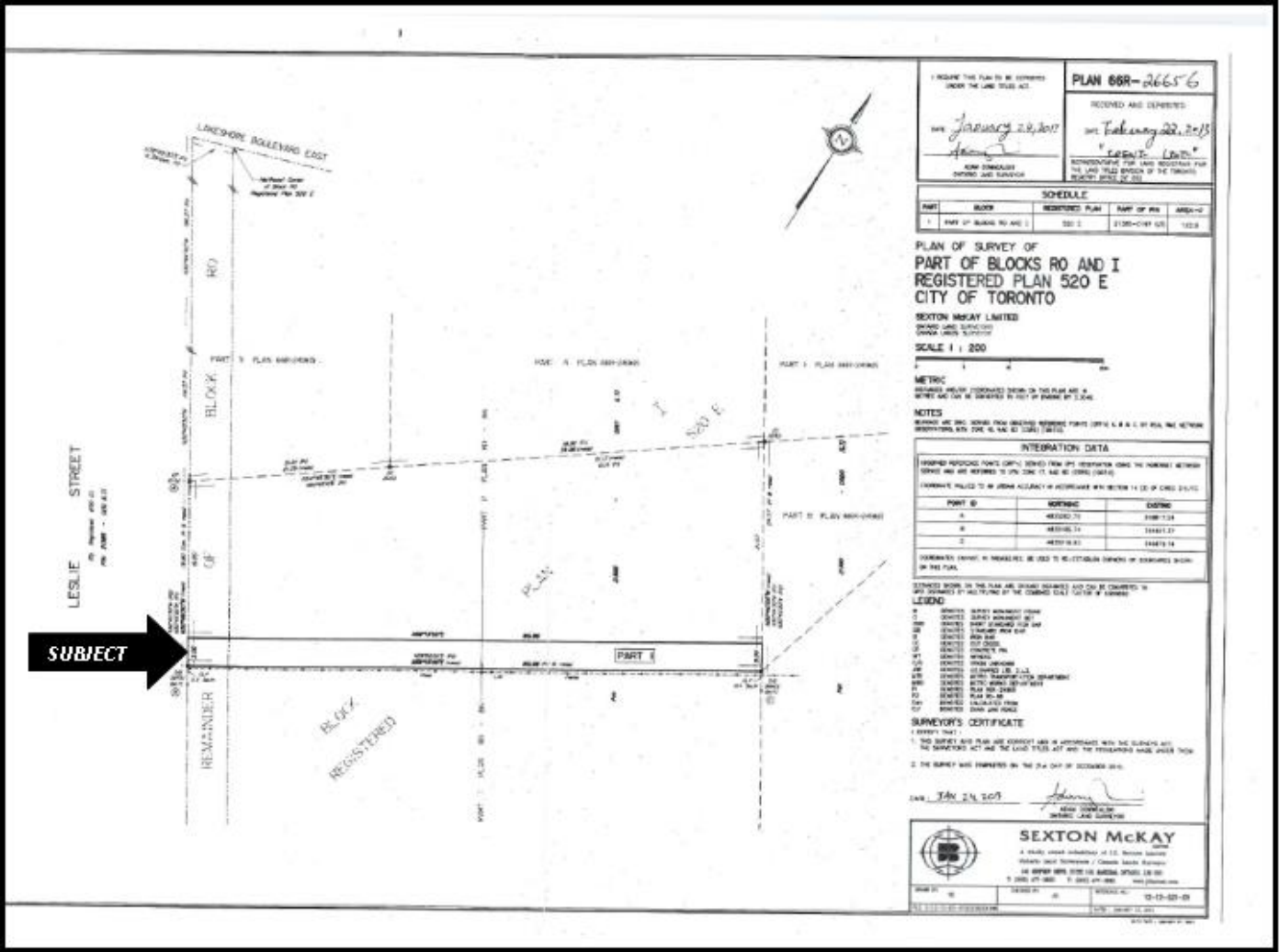
DAF Tracking No.: 2019-149	Date	Signature
Concurred with by: Manager, Real Estate Services Alex Schuler	May 27, 2019	Signed by Alex Schuler
<input type="checkbox"/> Recommended by: Acting Manager, Real Estate Services Daran Somas	May 24, 2019	Signed by Daran Somas
<input checked="" type="checkbox"/> Approved by:		
<input type="checkbox"/> Approved by: Acting Director, Real Estate Services Nick Simos		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").

SCHEDULE "A" - LOCATION MAP & REFERENCE PLANS





I HEREBY FILE THIS PLAN IN ACCORDANCE WITH THE LAND TITLE ACT.

PLAN 520-26656

RECORDED AND DEPOSITED

DATE January 28, 2017 BY John McKay

DATE February 22, 2013 BY John McKay

REGISTERED PROFESSIONAL SURVEYOR

SCHEDULE

PART	BOOK	REGISTERED PLAN	PART OF REG	AREA-SQ
1	PART OF BLOCK RO AND I	520 E	1700-1747 SQ.	122.8

PLAN OF SURVEY OF PART OF BLOCKS RO AND I REGISTERED PLAN 520 E CITY OF TORONTO

SEXTON MCKAY LIMITED
 CIVIL ENGINEERS & SURVEYORS
 1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1T5

SCALE 1 : 200

METRIC
 METRIC UNITS ARE TO BE USED IN THIS PLAN AND IN ALL MEASUREMENTS UNLESS OTHERWISE SPECIFIED BY THE SURVEYOR.

NOTES
 1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS AND THE SURVEYOR'S OATH.

INTEGRATION DATA

FORWARDED INDICATED POINTS (ONLY) WERE USED FOR INTEGRATION UNDER THE NATIONAL METRIC STANDARD AND ARE REFERRED TO BY ZONE TO BE AS SHOWN (LOCAL).

COORDINATE VALUES TO 8 DIGIT ACCURACY IN METERS ARE GIVEN WITHIN 14 (2 OF CHED 21012)

POINT ID	NORTHING	EASTING
A	485202.70	1308112.8
B	485202.71	1308112.7
C	485210.21	1308113.4

COORDINATE VALUES IN METERS ARE USED TO RECONSTRUCT DIMENSIONS OF FEATURES SHOWN ON THIS PLAN.

STREETS SHOWN ON THIS PLAN ARE SHOWN AS LINES AND CAN BE CONSIDERED TO BE LOCATED BY THE CENTER OF THE CORNER (S) LOCUS OF ADDRESS.

- LEGEND**
- 1. SURVEYED PROPERTY BOUNDARY LINE
 - 2. SURVEYED PROPERTY BOUNDARY LINE
 - 3. SURVEYED PROPERTY BOUNDARY LINE
 - 4. SURVEYED PROPERTY BOUNDARY LINE
 - 5. SURVEYED PROPERTY BOUNDARY LINE
 - 6. SURVEYED PROPERTY BOUNDARY LINE
 - 7. SURVEYED PROPERTY BOUNDARY LINE
 - 8. SURVEYED PROPERTY BOUNDARY LINE
 - 9. SURVEYED PROPERTY BOUNDARY LINE
 - 10. SURVEYED PROPERTY BOUNDARY LINE
 - 11. SURVEYED PROPERTY BOUNDARY LINE
 - 12. SURVEYED PROPERTY BOUNDARY LINE
 - 13. SURVEYED PROPERTY BOUNDARY LINE
 - 14. SURVEYED PROPERTY BOUNDARY LINE
 - 15. SURVEYED PROPERTY BOUNDARY LINE
 - 16. SURVEYED PROPERTY BOUNDARY LINE
 - 17. SURVEYED PROPERTY BOUNDARY LINE
 - 18. SURVEYED PROPERTY BOUNDARY LINE
 - 19. SURVEYED PROPERTY BOUNDARY LINE
 - 20. SURVEYED PROPERTY BOUNDARY LINE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS AND THE SURVEYOR'S OATH.

2. THE SURVEY WAS COMPLETED ON THE DAY OF RECORDING.

DATE JAN 24, 2017

John McKay
 JOHN MCKAY
 REGISTERED PROFESSIONAL SURVEYOR

SEXTON MCKAY
 CIVIL ENGINEERS & SURVEYORS

A FULLY LICENSED COMPANY IN ONTARIO

1000 SHEPPARD AVENUE EAST, SUITE 1000, SCARBOROUGH, ONTARIO M1S 1T5

TEL: (416) 291-8888 FAX: (416) 291-8889

WWW.SEXTONMCKAY.COM

PLAN 520-26656

DATE: 2017-01-28

SCALE: 1:200

DATE: 2017-01-28